

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th February, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

The Member for Sigor (Mr. Rotino): Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

CONSTRUCTION OF DAMS IN ARID AND SEMI-ARID AREAS

THAT, in view of the changing patterns of rainfall in the country, and being aware of the famine which affects Kenyans from time to time, this House urges the Government to construct, at least, ten dams and ten boreholes in each of the constituencies in the arid and semi-arid areas.

REVIVAL OF THE ADULT EDUCATION PROGRAMMES

THAT, in view of the fact that the Ministry of Education, Science and Technology has not implemented adult education programmes vigorously due to shortage of funds, and given the fact that an estimated 104,599 voters were rejected during the 27th December, 2002 general elections mainly due to illiteracy, this House urges the Government to provide sufficient funds with effect from the 2003/2004 Financial Year, to facilitate the Ministry to reinstate the programmes throughout the country.

REVIEW OF DOCTORS' AND NURSES' SALARIES

THAT, while appreciating the critical role played by nurses and doctors in the provision of medical services to wananchi, aware of the difficulty and poor working conditions prevailing in all public health institutions, and noting with concern that salaries for those health workers have not been reviewed for more than ten years, this House urges the Government to appoint a Salary Review Commission to review the salaries, allowances and other benefits for nurses and doctors, and the findings and report thereon be tabled before this House within three months after the appointment of that commission.

QUESTIONS BY PRIVATE NOTICE

MEASURES TO PROTECT INTERESTS OF KENYAN FISHERMEN

The Member for Budalangi (Mr. Wanjala) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that Kenyan fishermen are denied access to Lake Victoria by both Tanzanian and Ugandan security officers?
- (b) Is he further aware that several Kenyan islands, namely Wayasi, Homa, Sigulu Lolwe, Siro and Remba have been taken over by Ugandan security forces?
- (c) What urgent measures is he taking to protect the interests of Kenyan fishermen in the lake?
- (d) What further measures is he taking to reclaim the said islands?

Mr. Deputy Speaker: Is Mr. Wanjala not here? We will leave this Question until the end. Let us

move on to the next Question.

ILLEGAL ALLOCATION OF HOLDING GROUNDS

Mr. Sambu: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

- (a) Is the Minister aware that most of the nation's holding grounds have been privatised?
- (b) Is he further aware that the land on which the Kenya Meat Commission (KMC) factory in Athi River stands, measuring over 2,500 acres, has also been allocated to private individuals?
- (c) As a step towards reviving the beef industry and the livestock sector in general, could the Government revoke the allocation of all the holding grounds, including the KMC land in Mombasa and Athi River Town?

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.
- (b) I am aware that there were three erroneous allocations of parcels of land, Block 8/24 and five, Mavoko Municipality, which were made on the KMC factory land at Athi River. The allocations were cancelled when it was realised that they were affecting private land. The title deed to the factory land is intact. However, the KMC factory land at Athi River, LR.No.10281, measures 160 acres and not 2,500 acres.
- (c) The allocations of holding grounds were made subsequent to surrender of the land by the KMC and some of the allottees have title deeds. However, the Government is in the process of reviewing all allocations of land affecting public utility land.

Mr. Sambu: Mr. Deputy Speaker, Sir, I do not understand how the Assistant Minister checked his records and said that the KMC land in Athi River, LR.No.10281, measures 160 acres. I know for a fact, having been the Chairman of the Departmental Committee on Agriculture, Land and Natural Resources, that the factory land measures 2,500 acres. Could he go back and check his records because it is not 160 acres? The land measures 2,500 acres. Nonetheless, if we want to revive the KMC factory and pay the Mitsubishi loan, we have to repossess the 2,500 acres. Could the Assistant Minister give a commitment that they will repossess the whole 2,500 acres and not only 160 acres?

Mr. Ojode: Mr. Deputy Speaker, Sir, I think the hon. Member who asked this Question is confusing the factory land which measures 160 acres. But the entire KMC land measures 2,500 acres.

The Member for Malava (Mr. Shitanda): Mr. Deputy Speaker, Sir, the Assistant Minister has told us that, that land was allocated to private individuals. Could he be fair and tell us who those private individuals are?

Mr. Ojode: Mr. Deputy Speaker, Sir, you are aware that we made a comprehensive report which was given to the Public Investments Committee (PIC) on 23rd September, 2002. It has all the names of the allottees. Just to give you an overview, there is LR.No.337/192 which was meant for stockholding at Athi River. The registered owner is the KMC and the term of lease is 99 years with effect from 1st February, 1967. The other one is LR.No.10029 which was for sheep and goat multiplication farm in Kitengela. That one measures about 8,912 acres. It was allocated to the KMC for 99 years also.

Mr. Deputy Speaker: Mr. Assistant Minister, the question was: Who are the private people who were allocated the land? So far, you have only mentioned the KMC! Could you answer the question?

Mr. Ojode: Mr. Deputy Speaker, Sir, I will just give the brief because the whole report is in the PIC Report. I will give you the report if you wait and listen to the Assistant Minister!

The Member for Sigor (Mr. Rotino): On a point of order, Mr. Deputy Speaker, Sir. He has been asked a very specific question! He should either say he is not able to answer, or he gives us a time limit when he---

Mr. Deputy Speaker: Order, Mr. Rotino! I have just asked the Assistant Minister to answer the question! Are you trying to assist me? Mr. Assistant Minister, could you answer the question if you have the answer?

Mr. Ojode: Mr. Deputy Speaker, Sir, I would ask your indulgence for them to listen to what the Assistant Minister is answering! The KMC owns the following parcels of land today. I will later come to your question, but first, you should know what is happening!

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Just answer the question! If the answer is lengthy, I will allow you to table it!

Mr. Ojode: Mr. Deputy Speaker, Sir, I will lay the list on the Table if you want me to do so. The land was subdivided into two portions, namely LR No.10029/1 and LR No.10029/2. The first parcel of land, namely LR No.10029/1 measuring 6,000 acres was allocated to M/s Embakasi Group Ranch. This is a group of squatters. The

second parcel of land, namely, LR No.10029/2 measuring 2,912 acres was reserved for the Ministry of Agriculture and Livestock Development for sheep and goat multiplication project.

However, the Ministry surrendered the land and relinquished its interest in it. We registered this development on 7th May, 1996. A portion of that parcel of land measuring 2,500 acres was also reallocated to the Kenya Meat Commission (KMC), but in the year 2000, the Ministry of Agriculture and Livestock Development reclaimed it. Another portion, namely, LR No.22139 measuring 250 acres was allocated to M/s Maasai Impex Company Ltd. This is a private company. The balance of 500 acres was replanned and allocated for various users. The KMC surrendered LR No.10021 measuring 1,124 acres and the entire parcel of land was allocated to the Export Processing Zones Authority (EPZA). This is a long list of allottees.

Mr. Deputy Speaker: Mr. Assistant Minister, could you lay the list of the allottees on the Table? You were asked a specific question: Who are the allottees? You have the list and you should lay it on the Table.

Mr. Ojode: Mr. Deputy Speaker, Sir, I beg to lay the list on the Table.

(Mr. Ojode laid the document on the Table)

Mr. Sasura: Mr. Deputy Speaker, Sir, the Assistant Minister has told the House that at one time or another, these parcels of land under the KMC were reclaimed by the Ministry of Agriculture and Livestock Development and then it surrendered the land. The Assistant Minister has not told us to whom the Ministry surrendered the land. He has mentioned that some parcels of land were allocated to the EPZA and others. Is he telling the House that there are no individual allottees except for the companies, or are the individual allottees hiding behind the names of the companies?

Mr. Deputy Speaker: Order, Mr. Sasura! The list of the allottees has been laid on the Table. You have an opportunity to scrutinise it and such questions could arise if you do not get the answer you are asking for from it. That question should not arise now.

Mr. Sungu: Mr. Deputy Speaker, Sir, in view of the importance of livestock development to the economy - actually the Government stated its intention of reviving livestock production - could the Assistant Minister undertake to revert this land to the KMC?

Mr. Ojode: Mr. Deputy Speaker, Sir, I think I have answered that question. I have said that we are reviewing all public utility land cases, and if need be, we will repossess the same land and give it to the original owners.

Mr. Haji: Mr. Deputy Speaker, Sir, could the Assistant Minister be kind enough to tell us exactly how many acres of land are now left under the ownership of KMC?

Mr. Ojode: Mr. Deputy Speaker, Sir, before any repossessions were effected, KMC owned 2,500 acres of land. After reviewing public utility land cases and repossessing whatever was irregularly allocated---

Mr. Deputy Speaker: Mr. Assistant Minister, the question is: How much land is remaining now under the ownership of KMC?

Mr. Ojode: Mr. Deputy Speaker, Sir, as at now, KMC owns 1,680 acres.

Mr. Rotino: Mr. Deputy Speaker, Sir, the Questioner stated that most of the holding grounds in the country have been allocated to private developers. Could the Assistant Minister tell us how many holding grounds were there in this country and how many are still intact? If the holding grounds have been allocated, to whom have they been allocated? I know that there were many holding grounds in this country. I am a pastoralist and I used to sell animals to the KMC.

Could the Assistant Minister tell us how many holding grounds were there in the country? How many have been grabbed and who have grabbed them? Could he consider repossessing the holding grounds for the sake of the pastoralists?

Mr. Deputy Speaker: Order, Mr. Rotino! Your first question is valid, but the second one is not.

Mr. Ojode: Mr. Deputy Speaker, Sir, Mr. Rotino is the one who should be telling me who grabbed the holding grounds because he was in the Government then. In any case---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The question is very clear: Who is now the owner of the grabbed land? If you do not know, say so. Surely, your response is not fair to Mr. Rotino because he was not even an hon. Member of Parliament when this took place. I do not know what you are saying.

Mr. Ojode: Mr. Deputy Speaker, Sir, that was with a light touch. I was just talking about the former KANU regime. But all the names of the allottees are in the list. After going through the list, Mr. Rotino will be in a position to know who was allocated which parcel of land.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered my

question. I asked him to tell the House how many holding grounds were there in this country before grabbing started. If the holding grounds were allocated to private developers, who are these private developers?

Mr. Deputy Speaker: Mr. Rotino, I do not think you really expect the Assistant Minister to answer that question. I would like you to first of all have an opportunity to scrutinise the list that has been laid on the Table before you ask that question. It is a very voluminous list.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to continue misleading this House? I believe this Question has not been answered satisfactorily.

Mr. Deputy Speaker: Mr. Ethuro, I do not get your point of order. What is your point of order?

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to continue misleading this House? He has not stated whether the allocations will be revoked. In any case, we are aware that the National Rainbow Coalition (NARC) Government can issue an executive order to repossess land immediately. Why is it not doing that to repossess KMC land?

Mr. Deputy Speaker: Mr. Ethuro, that is not a point of order.

Mr. Sambu: Mr. Deputy Speaker, Sir, this Question has not been satisfactorily answered. If a portion of this land was allocated to the EPZ investors, why did they not pay for it? The KMC owes a lot of money to the National Bank of Kenya (NBK), which went to the bank from the National Social Security Fund (NSSF). Why did the EPZs investors or any other allottees not buy the land at the then market value? This would have enabled KMC to offset its liabilities, and particularly service the big loans it owes to the NBK and the M/s Mitsubishi Corporation of the United Kingdom.

Mr. Ojode: Mr. Deputy Speaker, Sir, I am not so sure whether the EPZ scheme investors paid any money to the Ministry of Agriculture and Livestock Development. This land belongs to the Ministry of Agriculture and Livestock Development and it is the Ministry which gave it out.

Mr. Ogur: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has been asked to state how many holding grounds are there in the country. He did not state this fact. I am beginning to fear that the Nyatike/Macalder/Nyanza holding ground is included in the list.

Mr. Deputy Speaker: Order! I made a ruling on that issue earlier. You should scrutinise the list and see whether Nyatike holding ground is included in it.

PAYMENT OF LEVIES IN BOARDING PRIMARY SCHOOLS

Mr. Sasura: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Could the Minister explain the Government's programme on free education with respect to boarding schools in the country?

(b) Could he table levies payable by parents in order to clarify the current confusion in our schools?

(c) What criteria was used to distribute about Kshs519 million amongst the public primary schools in the country, to enable each school to receive Kshs28,000?

The Assistant Minister for Education, Science and Technology (Mr. Gumo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government declared the implementation of free primary school education with effect from January, this year. In the case of boarding primary schools which have been receiving grants, the Government will enhance the grants to be disbursed to the schools in order to meet the needs of the larger numbers of children expected to enrol.

(b) As a result of implementation of free primary school education, no levies of any kind will be charged in all the public primary schools. The grants to be issued by the Government will replace the levies formally paid by the parents. Appropriate guidelines have been issued to all the public schools in the country.

(c) The Government has already released to each public primary school Kshs28,871 as an initial grant to support free primary education, while waiting for the approval of Supplementary Estimates. Additional funds will be provided to the schools before the end of this financial year, and in subsequent financial year, which will be based on actual enrolment in schools. In the case of semi-arid areas, slum areas, pockets of poverty in high and medium potential areas, information provided by the Central Bureau of Statistics will be utilised as additional criteria to be used in targeting support to the needy.

Thank you.

Mr. Sasura: Mr. Deputy Speaker, Sir, because I do not have a copy of the written answer, I will rely on the Assistant Minister's verbal answer. He has said very clearly that boarding schools which are very common in

ASAL areas depend on grants. This is not true unless the Assistant Minister is talking about bursaries which are granted in secondary schools. The boarding primary schools have not been receiving grants. Our fear is that if the Government will give every school the same amount of money without considering the area, the number of primary schools in a district and the population of children in a given school, it will not be fair to the ASAL areas.

Could the Assistant Minister now clearly tell us about the grants he is talking about?

Mr. Gumo: Mr. Deputy Speaker, Sir, the grant of Kshs28,000 was an emergency measure because it was not included in the Budget. But we are now working out the amount of money that we will send to the public primary schools when we get more money from the Treasury.

Dr. Godana: Mr. Deputy Speaker, Sir, this is a very important Question and I think the Assistant Minister does not understand what the hon. Member had really asked for. There are no grants to all boarding primary schools. In a number of districts, there are DEB schools. In Marsabit District, there are two DEB assisted boarding primary schools. The net result is that out of over 50 public primary schools in the district, over 40 are boarding primary schools and parents pay Kshs600 to Kshs1,000 per pupil per term and that is about 70 to 80 per cent of the population. Could the Assistant Minister tell us that the Government did not just write off fees paid for day scholars in public schools but it is now, indeed, ready to write off fees paid for boarders in schools in historically disadvantaged areas where the burden of paying boarding fees is much heavier than the burden of paying day scholar fees?

Mr. Gumo: Mr. Deputy Speaker, Sir, what the Government has done first is to make sure that basic education is free. Grants have been given out even before to boarding primary schools. But parents will have to pay fees for high cost primary schools. Basic education will be free.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister really grasping the issue? In the nomadic areas, children do not go to boarding schools by choice, but it is because their parents move---

Mr. Deputy Speaker: But, Mr. Sambu, you are asking a question now!

Mr. Sambu: Mr. Deputy Speaker, Sir, is the Assistant Minister aware---

Mr. Deputy Speaker: Order, Mr. Sambu! Let us understand one another. You have stood on a point of order. Let me hear your point of order! If you want to ask a supplementary question, that is another issue.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to misled the House that in nomadic areas, parents have to pay fees because their children are boarders? They are not boarders by choice.

Mr. Gumo: Mr. Deputy Speaker, Sir, free primary schools education does not cover boarding schools. In boarding primary schools, there is a grant which they used to get before and was supplemented by the parents. So, this will continue.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Hon. Members, I think there is a problem here! Just because a primary school is boarding, it does not mean that it does not offer basic education. There is need to bring a better answer here, Mr. Assistant Minister. Therefore, would you like to get more time to do more research on this?

Mr. Gumo: Mr. Deputy Speaker, Sir, I know that the Government is paying for boarding facilities like the dormitories. But parents will have to pay the other fees.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. I think the best person to have answered this Question was the Minister for Education, Science and Technology.

Mr. Deputy Speaker: Order, Mr. Rotino! You stood on a point of order! You interrupted the Assistant Minister and now you are asking a question!

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to keep on misleading this House about boarding primary schools and non-boarding primary schools?

Mr. Gumo: Mr. Deputy Speaker, Sir, if you followed the President's Speech, he said that the boarding issue will be addressed separately, but for now, free primary school education is meant to be basic education.

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

Mr. Deputy Speaker: Order! Mr. Assistant Minister, I think there is need for us to define basic education, because the fact that a school is boarding does not mean that it does not offer basic education. Therefore, I order now that the Question be deferred until tomorrow afternoon so that the Minister can guide us.

(Applause)

(Question deferred)

Mr. Deputy Speaker: Mr. Wanjala for the second time!

MEASURES TO PROTECT INTERESTS
OF KENYAN FISHERMEN

Mr. Wanjala: Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that Kenyan fishermen are denied access to Lake Victoria by both Tanzanian and Ugandan security officers?

(b) Is he further aware that several Kenyan islands, namely Wayasi, Homa, Sigulu Lolwe, Siro and Remba have been taken over by Ugandan security forces?

(c) What urgent measures is he taking to protect the interests of Kenyan fishermen in the lake?

(d) What further measures is he taking to reclaim the said islands?

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

(a) No, I am not aware that Kenyan fishermen have been denied access to Lake Victoria by Tanzanian and Ugandan forces.

(b) I am also not aware of any Kenyan islands having been taken over by Ugandan security forces. Furthermore, except for Remba, all the other islands mentioned are in Uganda's territorial waters.

(c) There are frequent patrols on Kenyan waters which protect fishermen from foreign harassment. They are also advised not to illegally cross into foreign territorial waters.

(d) From my response to part "b" above, part "d" of the Question does not arise.

Mr. Wanjala: Mr. Deputy Speaker, Sir, you remember very well that this is not the first time this Question is appearing in this House. The Kenyan fishermen in Lake Victoria have been completely denied access to its waters. That means Kenyan fishermen own no waters in Lake Victoria. The mentioned islands are in Kenyan waters, but the Kenya Government has abdicated its responsibility and left these islands to be taken over by Uganda.

Mr. Deputy Speaker: Order, Mr. Wanjala! I want to ask hon. Members to familiarise themselves with the Standing Orders as relates to Questions particularly Standing Orders Nos.35 to 39 because Mr. Wanjala is not asking a question but he is just giving us a lecture on Lake Victoria. Could you ask your question now?

Mr. Wanjala: Mr. Deputy Speaker, Sir, I was building the question because the Member answering is a new Member and he might not have familiarised himself with---

Mr. Deputy Speaker: Order! Ask your Question!

Mr. Wanjala: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether there is a boundary that is shown physically in Lake Victoria so that the fishermen will not be able to cross the areas he is talking about? Secondly, what is the length of this boundary in kilometres?

Mr. Tarus: Mr. Deputy Speaker, Sir, each country has its territorial waters and as I said, there are frequent police patrols which guide and advise our fishermen. It is not possible to demarcate a particular boundary in the waters.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Did you listen to that Assistant Minister? Is he in order to tell us that Kenya does not know its boundaries? Could he answer part "b" of this Question and identify the Kenyan and Ugandan islands separately?

Mr. Deputy Speaker: I think the Assistant Minister said that except for Remba island which is in Kenya, the others are in Uganda. So, you are asking him to repeat the same answer.

Dr. Ali: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us, as he has been asked by hon. Wanjala, the kilometres that belong to Kenya and for how long one has to travel before entering Ugandan waters?

Mr. Tarus: Mr. Deputy Speaker, Sir, Wayasi, Homa, Sigulu Lolwe and Siro are in Ugandan waters, hence they are in the Republic of Uganda. Remba, which is the only Kenyan island mentioned by the hon. Member, has a Kenya police patrol base which---

Mr. Muturi: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to avoid answering the question by Dr. Ali regarding the exact distance?

Mr. Deputy Speaker: Order! Mr. Muturi, I think it is unfair because the Assistant Minister was in the process of answering the question. How did you determine that he was avoiding it and yet he has not finished? Mr.

Assistant Minister, could you finish on the islands and then come to the kilometres?

Mr. Tarus: Mr. Deputy Speaker, Sir, Remba, which is the only Kenyan island mentioned by the hon. Member, has a Kenyan police patrol base with which we are in constant communication. Indeed, the relations between them and neighbouring Uganda security officers are cordial. As for the kilometres, I will provide further information later.

Mr. Deputy Speaker: For the guidance of new Ministers, if you do not have information you can always ask for more time to go and bring the information. So, the Assistant Minister will be providing the information later. So, I reluctantly defer this Question to Tuesday next week.

(Question deferred)

Next Order!

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF SO No.33

The Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

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

The Assistant Minister for Roads and Public Works (Eng. Toro) seconded.

(Question proposed)

Mr. Obwocha: Mr. Deputy Speaker, Sir, this is a Procedural Motion. We all know that Wednesday morning is a Private Members' day. We balloted for the Motions yesterday in the House Business Committee. So, since the Motions are not ready, I beg to support this Motion.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, while I support the Motion that we exempt today's Business on the Order Paper, being, a Wednesday morning, we must revert this day back for the Private Members Motions after we have finished discussing the Presidential Speech.

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 18th February, 2003.

*(The Vice-President and Minister for
National Reconstruction on 19.2.2003)*

(Resumption of Debate interrupted on 25.2.2003)

Mr. Wamwere: Jambo la nidhamu, Bw. Naibu Spika. Sijui kama huu ndio wakati mwafaka wa kuuliza jambo la nidhamu. Lakini ukinihusu, nilikuwa nataka kusema kwamba jana nilitazama habari katika kituo cha Kenya Television Network (KTN)---

Mr. Deputy Speaker: Order! Order, Mr. Wamwere! Tumeingia katika taratibu nyingine. Kama ungekuwa na jambo la nidhamu, ungeliwasilisha hapo awali. Kwa hivyo, jambo ambalo unataka kuuliza sasa,

ingawa ni la nidhamu, ninakusihi uwasiliane na mhe. Spika ili uweze kuruhusiwa kuliwasilisha aduhuri ya leo. Kwa hivyo, ninamwuliza Bw. Waithaka aendelee.

Mr. Wamwere: Asante, Bw. Naibu Spika.

The Member for Kinangop (Mr. Waithaka): Mr. Deputy Speaker, Sir, yesterday when I was contributing on the Speech, I talked about His Excellency the President's intention to harmonise our land laws. As he has rightly said on page 19, "the Government is going to energetically deal with the past mismanagement of this vital resource, land"; the only way the Government can deal with this mismanagement is to repossess all those privately owned properties in urban areas which have not been developed for a period of two years as per the law. The law is very clear that if you are allocated a piece of land in public---

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Members! We want to hear Mr. Waithaka. So, please, consult quietly. Those who would like to withdraw from the Chambers should do so quietly.

Continue, Mr. Waithaka!

The Member for Kinangop (Mr. Waithaka): If you are allocated a piece of land and you do not develop it for a period of two years, that land is supposed to be repossessed by the Government. That is the law as it is to date, and the Government should implement it.

The other issue in the Presidential Address which talks about Government policy is that we should have very clear policy. To a certain extent, I agree with my colleagues on the other side when they say that there are certain statements which are made by Government Ministers which are a bit misleading. In this respect, I will refer to a circular written by the Permanent Secretary for the Ministry of Local Government on instructions of the Minister for Local Government, instructing all the clerks to councils and municipalities to pay councillors their salaries with effect from 12th February, 2003. That circular has no legal basis at all because under Legal Notice No.111 of 2003, it is very clear that councillors were elected on 27th December, 2002, and their effective date of payment is from 28th December, 2002. A ministerial circular directing the clerks to pay councillors from 12th February, 2003 is illegal. So, I am calling upon the Minister for Local Government not to be overexcited with his job but to follow the law. Councillors are supposed to be paid their allowances with effect from 28th December, 2002, and not from 12th February, 2003, when he purports to have constituted the councils under the provision of Section 58 (1) of the Local Government Act.

Section 58(1) of the Local Government Act, Cap.265, states that when there is a general election, the councils should also call for simultaneous elections to elect the councillors. The councillors were elected and gazetted vide that Gazette Notice which is dated 8th January, 2003. So, I am calling upon the Minister for Local Government to withdraw that circular and instruct the town clerks and clerks to the municipal councils to pay councillors their allowances from the date they were elected and not from the date he purports to have constituted the councils. That circular is illegal and should be treated that way.

On the issue of corruption, Mr. Deputy Speaker, Sir, we cannot effectively deal with corruption without looking at the causes of this vice. If you look at the salaries paid to the civil servants, because usually, corruption is perpetrated in public offices, they are not adequate. The salaries given to public servants, especially the police are inadequate compared to the cost of living. For example, if you look at what a DC earns and the kind of schools they take their children to, you will find that even a DC cannot take two or three kids to a private school using that salary. You will find that they have three to five children in those schools. This means that they have to look for other sources of income to supplement what they earn. But we commend the Government for providing free primary education and we hope this will be extended to our secondary schools.

On the issue of the co-operative movement, Mr. Deputy Speaker, Sir, this vital Ministry of Co-operative Development has been delinked from the Ministry of Agriculture. If you visit certain constituencies, especially my constituency in Kinangop, you will find that all co-operative movements have collapsed. They are very heavily indebted and they cannot perform. As was rightly said by Mr. Kagwe, we should look at specific co-operative societies and see whether they can actually perform or not, because many cannot perform---

With those few remarks, I beg to support.

The Member for Dujis (Mr. H.M. Mohamed): Asante sana, Bw. Naibu Spika kwa kunipa nafasi. Jina langu ni Hussein Maalim Mohamed, Mbunge wa Dujis kutoka Wilaya ya Garissa.

Ningependa kuchukua nafasi hii kuwapongeza waheshimiwa Wabunge wote waliochaguliwa kwa Bunge hili, hasa waheshimiwa Wabunge wa KANU kwa sababu walikuwa na kibarua kigumu kuchaguliwa. Ninajua kuwa katika upande ule mwingine, waheshimiwa Wabunge waliingia Bunge kwa urahisi kwa sababu ya upepo wa

NARC, au three piece. Ukiona mhe. Mbunge ambaye alichaguliwa kwa tikiti ya KANU katika uchaguzi mkuu uliopita, na hasa mhe. Mbunge wa zamani, lazima mjue ni mtu anayeheshimiwa na wananchi.

Bw. Naibu Spika, ningependa kuchukua nafasi hii kujiunga na waheshimiwa Wabunge wenzangu kuzungumza juu ya Hotuba ya Rais. Hotuba ya Rais ilikuwa ya maana kwa sababu ilitaja mambo mengi muhimu ya kuongoza nchi yetu kwa njia sawasawa. Hotuba ya Rais haikuzingatia mambo yasiyo ya maana. Alizungumza mambo muhimu tofauti na vile Mawaziri wengine wanavyozungumza nje ya Bunge hili. Hotuba ya Rais ilikuwa ya maana na ya kuongoza nchi yetu. Alizungumza juu ya mambo mengi, lakini ningependa kuzingatia jambo moja au mawili kwa sababu siwezi kuzungumza juu ya Hotuba yote.

Bw. Naibu Spika, kwanza ningependa kuzungumza juu ya Hotuba ya Rais kuhusu maendeleo ya upande wa kaskazini mwa Kenya na pande zingine za nchi ambazo zimesahaulika. Hotuba hiyo iligusa mioyo ya watu wa mkoa wa North Eastern na Eastern. Pia ilihusu wilaya ambayo ilikuwa inaitwa NFD. Hotuba hiyo iligusa mioyo ya watu. Rais alizungumza juu ya kutengeneza barabara, kupeana maji na kuendeleza elimu. Hayo ni maendeleo muhimu sana kwa wananchi wanaotoka sehemu hiyo. Kwa hakika, wananchi kutoka sehemu hiyo hawakupigia kura chama cha NARC. Walipigia kura chama cha KANU. Lakini inaonekana kwamba Rais ni mtu ambaye hafikirii mambo ya vyama. Inaonekana ni kiongozi ambaye anapenda watu wake. Na ni kwa sababu hiyo nilipata simu kutoka kwa watu wengi wanaotoka sehemu hiyo na waliniambia kwamba nikipata nafasi nimpongeze Rais kwa niaba yao. Kwa hivyo, nimesimama hapa kumpongeza kwa Hotuba yake iliyokuwa ya maana sana. Ninafikiri tukifika mwaka wa 2007, tutakaribisha Rais kwa chama chetu.

Bw. Naibu Spika, sisi watu wa mkoa wa North Eastern tuko tayari kushirikiana na Serikali. Hasa mimi niko tayari kushirikiana kufanya kazi na Serikali kwa ajili ya faida ya watu ambao ninawakilisha. Maneno matupu hayafai. Mimi ninawawakilisha watu, na sisi kama viongozi inafaa tuweke mbele mahitaji ya watu wetu. Ninafikiri jambo muhimu ni kushirikiana. Tushirikiane vile tulikuwa na "co-operation" katika Bunge lililopita. Tuko tayari kufanya "co-operation". Kama mhe. Ojode angekuwa hapa angenieleza vizuri vile hilo neno linavotajwa.

Bw. Naibu Spika, Rais alizungumza juu ya barabara. Kule mkoa wa North Eastern hatuna hata inchi moja ya lami. Mimi sitaki kusema kwamba Serikali ya zamani haikufanya kazi kwa sababu hata mimi nilikuwa Serikalini. Nikisema kwamba haikufanya kazi, hiyo itakuwa makosa. Juzi, mhe. Dkt. Godana alisema kwamba tutangojea mpaka mwezi wa Julai ikiwa pesa zitatengewa miradi katika mkoa wa North Eastern ili tuamini yale yaliyosemwa na Rais. Lakini mimi ninaona kwamba haya sio maneno ambayo yalizungumziwa katika barabara. Hii ilikuwa policy statement ambayo ni ya maana sana. Tumefurahi kwamba Rais ametambua kwamba kuna shida katika sehemu hiyo na ni lazima zitatuliwe.

Bw. Naibu Spika, inafaa Waziri wa Barabara, Ujenzi na Nyumba asome vizuri Hotuba ya Rais na afanye mipango ya kuweka lami kwa barabara kutoka Garissa hadi Manderu, na Isiolo mpaka Moyale. Serikali ikiweka lami kwa njia hizo mbili, "tutazungumza", kwa sababu tuko tayari kuzungumza. Hatupeani condition, lakini tunaona kwamba Waziri akitufanyia hilo jambo, mambo mengine yatakuwa rahisi. Hakutakuwa na haja ya kutoa famine relief kwa watu wa mkoa wa North Eastern. Tukijengewa barabara kutoka Garissa hadi Manderu tutafanya biashara na nchi ya Somalia na Ethiopia. Na tukiwekewa lami kutoka Isiolo hadi Moyale, tutafanya biashara na nchi za Ethiopia, Eritrea na zingine nyingi. Sisi ni watu tunaajua kufanya biashara na tutaweza kujilisha wenyewe. Kwa hivyo, ninamuuliza Waziri, mhe. Raila - ingawa simuoni hapa - aanze safari ya kukaguwa hali ya barabara katika mkoa wa North Eastern. Kwa wakati huu tungependa hizo barabara mbili ziwewe lami. Lakini hizo zingine zifanyiwe grading peke yake ili niweze kufika Mbalambala nikitoka Garissa. Sehemu yangu ya uwakilishi Bungeni haiko mbali zaidi kama zingine zote za mkoa wa North Eastern. Kutoka Korakora mpaka Tengere ni zaidi ya kilomita 300. Hakuna hata moja ya hizo barabara ambayo imefanyiwa grading kwa zaidi ya miaka kumi. Hakuna culverts au drifts. Hiyo sehemu imebaki vile Mungu alivyoiunda. Kwa hivyo, tungeomba Serikali ya NARC ibadilishe hali hiyo ili sehemu hiyo ya dunia ibadilike kidogo kutoka vile Mungu alivyoitengeneza.

Bw. Naibu Spika, Rais alizungumzia juu ya maji. Ninajua kwamba mhe. Rais ni mtu ambaye anajua mambo ya uchumi.

Kwa hayo machache, ninaunga Hoja.

Nominated Member (Ms. Ndung'u): Thank you Mr. Deputy Speaker, Sir. First, I would like to extend my congratulations to the President for his Speech. It is always wonderful to hear his eloquence and the manner in which he commits the programmes which the NARC Government intends to go about its business.

Mr. Deputy Speaker, Sir, I would like to add my voice to that of my colleagues on the issue of corruption. I think, indeed, the issue of zero tolerance must be applied. In Kenya, corruption has become so systemic that a national report states that up to 90 per cent of Kenyans would take a bribe with no problem at all. We have a top-down problem with the issue of corruption. I believe that once the Anti-Corruption and Economic Crimes Bill

is passed and implemented into law, we will be able to facilitate investigation, by flushing out and the prosecution of the guilty parties. This will help to reduce corruption.

Mr. Deputy Speaker, Sir, I am particularly pleased that the President acknowledged some of the problems that women are undergoing in this great country. We particularly welcome the Gender Commission. I believe that it will help in the mainstreaming of gender issues in the national development plan. However, I would like to urge the NARC Government to first adopt a National Gender Policy to facilitate such measures. I do believe that it is incumbent first upon this House to ensure that the promotion and protection of women's rights is actually implemented in Kenya. Congratulations first go to the political parties that have ensured that there is true affirmative action by nominating more women Members of Parliament and more women in local government. For a long time the phrase "affirmative action" has been demonised and has been deemed to be not necessary. Looking round in this House and in terms of the diversity and richness of contributions, I think we shall now be supporting affirmative action measures.

Affirmative action measures do not only have to apply to women alone. They must apply to persons with disabilities or those who are in minority groups like people from the pastoralist communities. Indeed, in the constitutional draft which will be discussed at the National Constitutional Conference, there are proposals to entrench affirmative action for disadvantaged groups. I would urge all my colleagues in the House, since we will all be part of the conference, to, please, support the issue of affirmative action in order to ensure the equality of opportunities and the equal status of all in Kenya.

The rule of law is a fundamental foundation when it comes to equal status of citizens in the law. If we all obeyed the law, then all would be protected. For example, there are many laws that protect women, but unfortunately, these are laws that are broken with the highest impunity and disregarded by most. No one is above the law, but it is clear that some people believe that they are. The law is very simple. For example, if the law states that to have sexual relations with girls under a certain age is an offence, then any person doing so must be prosecuted to the full extent of the law. If the law says that having sexual relations with a woman without her consent is rated as an offence, then any person doing so must face the full force of the law. We must have zero tolerance towards all crimes. We cannot start saying that we are very concerned about economic crimes when we cannot be concerned about sexual crimes. They are both equally serious.

In the Eighth Parliament, a certain Member of Parliament, indeed I believe he was a Minister in the KANU Government commonly known as "Baba Dennis" was subject to a private prosecution in which he was charged with the sexual assault of a minor. The Attorney-General at the time refused and declined to prosecute that case. An NGO was then forced to file a private prosecution. I do believe that the Attorney-General is still empowered to investigate that particular case. It is my prayer that the Minister of Justice and Constitutional Affairs does direct the Attorney-General to do so. In fact, the evidence before the police and the Attorney-General will prove that there is evidence that more than one girl was involved. I do believe that the NARC Government will not entertain any more "Baba Dennis'."

Mr. Deputy Speaker, Sir, as the President said we need to address crime from the top. Just as we are addressing corruption from the top, we must address gender-related crimes from the top. The reason why I am saying this is that there is a disturbing report circulating around the House amongst Members and in the media, that only last week a certain hon. Member from the Opposition attempted to sexually assault a member of staff in Continental House. I would like to ask you to confirm if this report is true. If this is so, what measures will be taken, not only in accordance with the sanctions under the Standing Orders, but to make sure that if it is true, this Member of Parliament must face the full extent of the law?

Further to that, I urge Parliament to adopt a sexual harassment policy not only to protect staff, but also the women who come to seek public assistance. This will ensure that public assistance given by Members is not given on the basis of sexual favours. I also urge that far-reaching punitive measures be taken against any person who will sexually harass another. We must make sure that this is a House of repute and not disrepute. The Public Officer Ethics Bill is an opportunity for this House to outlaw such kind of behaviour. I think we need to be sensitive about these kinds of gender issues, even as we go to other sorts of gender-related Bills such as the Domestic Violence (Family Protection) Act.

Finally, having been outside the House, I have watched previous proceedings of all the Parliaments. I wish to assure Members that gender issues, when debated, are watched very carefully. There is no woman voter who would want her Member of Parliament to oppose a Bill that would protect her from sexual harassment or violence. I think we have seen that those who have done so faced the wrath of the woman voter. I trust that all of us here will be working for the women and men who put us here. I trust that when we will be looking at these Bills and laws, we will be thinking about the battered wife, the defiled daughter and the landless mother. Let us do the work for the people who put us here.

With those remarks, I beg to support.

The Member for South Mugirango (Mr. Omingo): Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to His Excellency the President's Speech during the occasion of the official opening of the Ninth Parliament. The President gave an inspiring Speech that touched on all spheres of economic recovery, governance and rule of law. Before I continue with my Speech, I want to suggest that Members of Parliament be accorded training so that they can contribute to debate in the right manner. There are some Members of Parliament who do not know the Standing Orders and they proceed to take debate outside this House. I am talking in this case about a Minister in the NARC Government who anticipated debate and talked about the Members' salaries as recommended by the Tribunal. Had these Ministers been given orientation, I am sure they would have been able to learn the House rules a bit faster and stopped embarrassing the Government.

Some Members of this House have developed a tendency to get excited and make pronouncements that are not necessarily meant to build consensus, but to create disharmony in this House and the Republic. I have a case in point where a Minister in the NARC Government stood up in a public place and told people that they would provide development to Kenyans, including Kisiis who never voted for them. That is a really primitive statement from a senior Minister of the Government. We need to build consensus. It is not acceptable for a Minister to talk about development and subjectively say that they shall provide development to all Kenyans including Kisiis who never voted for the Government. It is primitive and unacceptable. We want this Government to develop a new consensus and chart a way forward for all Kenyans. This Government should be different from the former regime, whereby you would only be given development depending on how loud you shout about the President. Hon. Kibaki is different in that respect.

The President gave a speech that touched a lot on corruption and I want to dwell a bit on this. When I look across the divide, there are corrupt Members of Parliament sitting on that side and on this side of the House. In order to fight corruption, it must start from this House.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Did you hear the hon. Member for South Mugirango say that there are corrupt Members of Parliament on that side? Could he substantiate those remarks?

The Member for South Mugirango (Mr. Omingo): I meant both sides of the divide. So, I think it is up to us to control it.

The Member for Kitutu Chache (Mr. Angwenyi): Mr. Deputy Speaker, Sir, this hon. Member is alleging that there are corrupt Members in this august House.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, we cannot talk about what does not exist! I am talking about a case where you find executive officers or Accounting Officers transferring funds from Kenyatta National Hospital to Euro Bank that is collapsing! Who is abetting corruption? We must talk about it. It is obvious, as day is distinct from night! I am sympathising with His Excellency the President for having some people around him who might not be able to serve him effectively. I am looking forward to that day when the Government side will be more serious than it is today, by pruning out gentlemen who have their hands soiled.

Mr. Deputy Speaker, Sir, the gestation period for some of them transforming from KANU to NARC was so short that even the bacteria in their bodies are not dead. In fact, they will infect the NARC Government. I am sympathizing with the President. I am looking forward to a day when every one of us will wash his hands in order to share on the dining table with His Excellency, hon. Kibaki, a corrupt-free environment. It is interesting to note---

Mr. Deputy Speaker: Mr. Omingo, you were challenged on calling hon. Members of Parliament corrupt on either side of the House, and you only mentioned about the executive officers. Are they here?

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, this is an all-inclusive account. They are executive officers or Accounting Officers, some of whom cannot come here to defend themselves. I would not belabour on that point by mentioning the names, because that again would be unparliamentary.

Mr. Deputy Speaker, Sir, I am talking about the case of Euro Bank---

The Member for Shinyalu (Mr. Khamasi): On a point of order, Mr. Deputy Speaker, Sir. Is the Chair satisfied that hon. Omingo has satisfied this House with substantiation that there are corrupt hon. Members on this side? He is washing it under the carpet!

Mr. Deputy Speaker: He has not, and I am not satisfied. So, Mr. Omingo, you should substantiate or you withdraw!

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, what do we have to say, when the Goldenberg scam that is ten years down the line, has not been determined today and the

Attorney-General is sitting on the other side of the House?

Mr. Deputy Speaker: Mr. Omingo, you have talked about Euro Bank, and now you are touching on Goldenberg. By the way, there is already a tribunal in place on Goldenberg, so you do not need to touch on that.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, I commend the President for having established that Commission on Goldenberg. But it is long overdue. Again, it is that pain that is in my heart that some of us are sitting on the dining table of His Excellency, President Mwai Kibaki, when we are tainted. That is all I am saying! Kenyatta National Hospital---

(Mr. Kiunjuri stood up in his place)

What is the problem, hon. Kiunjuri? I am on my maiden speech!

The Assistant Minister for Energy (Mr. Kiunjuri): On a point of order, Mr. Deputy Speaker, Sir. Mr. Omingo must be very specific because he even knows that we are sitting and dining with His Excellency the President. Could he now substantiate and mention the names or withdraw?

Mr. Deputy Speaker: Mr. Omingo, you need to substantiate that allegation because you have persisted on it.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, I cannot substantiate the obvious.

Mr. Deputy Speaker: Okay. Then withdraw!

The Member for South Mugirango (Mr. Omingo): I withdraw, but they know themselves, and we are going to put them on the carpet. It is a question of time. They had better resign or we will take action!

Mr. Deputy Speaker: Mr. Omingo, you cannot withdraw an allegation and then call on someone to resign on the same allegation! So, you should withdraw and continue.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, I am giving them a soft landing. I am prepared to come back again in two weeks, with a bombshell. But for now, I withdraw.

Mr. Deputy Speaker: Very well.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, the NARC Government has also incited torture victims and we know it! Do you want me to prove that for you? In Kenyatta National Hospital an Accounting Officer or a Permanent Secretary deposited Kshs411 million in Euro Bank that was about to collapse; when women in Kenyatta National Hospital and Pumwani Maternity Hospital do not have sanitary towels to use after birth! In Gucha District, malaria is killing people like rats, when Kshs411 million is being stashed in a collapsing bank, with the full knowledge of its collapsing. Then Euro Bank must be a very unique bank, because money from NSSF and KNH was deposited in the bank which went under. This is a scam equivalent to Goldenberg, that has come to pass. One other thing that I must mention is that, how will we be able to fight corruption when we are watching it happen now? We are watching it and we are not doing anything.

Mr. Deputy Speaker, Sir, appointment of civil servants is actually something that has drawn a lot of interest. That is why I am saying we must not tell Kenyans that we are serving them because of their votes or because they come from a particular section, or because they know XYZ. But so long as they are Kenyans, let them be provided with services because they all and sundry pay taxes.

Mr. Deputy Speaker, Sir, we also talk about corruption and land grabbing. We have had grabbing in this country; talk about the NYS farm at Yatta, which I am sure the Chair knows belongs to some of us here! They should surrender that farm or we shall expose them with time. When I come back next time with a bombshell, it will be a shame.

Mr. Deputy Speaker, Sir, what actually befell the Chief Justice is going to befall most of us. I am asking some of us, who know that they are tainted, to really resign and clean up the mess before the law catches up with them. I believe the President is sincere about fighting corruption. If I were Amos Wako today, I would resign because I have no job because the Minister for Justice and Constitutional Affairs is actually the one who is taking charge of his position. He failed to bring to book corrupt guys in Goldenberg, and ten years down the line, you hear excuses about Goldenberg; that one director in the name of Kanyotu was a "sleeping director" and the other one was a "walking director". If a house catches fire and two of you are sleeping there, it will consume both of you! Why prosecute Pattni and leave one sleeping party? That is corruption! You must wash your hands!

Mr. Deputy Speaker: Mr. Omingo, since the tribunal is in place, stop touching on it.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, I am making a rider on, and I am going---

Mr. Deputy Speaker: No, no, now you should steer clear of that.

The Member for South Mugirango (Mr. Omingo): Mr. Deputy Speaker, Sir, I will. I am saying, wash your hands to be able to share on the table of a corrupt-free system, put in place by His Excellency President Mwai Kibaki. Otherwise, the law will catch up with you.

With those few remarks, I beg to support.

The Member for Sirisia (Mr. Wetangula): Mr. Deputy Speaker, Sir, my names are Moses Wetangula and I represent Sirisia Constituency. Thank you for giving me this opportunity to contribute to this very important Motion.

From the outset, I support His Excellency the President's Speech. I want to congratulate my colleagues on both sides of the House for their election. I also want to congratulate the people of Sirisia Constituency for electing me to represent them in this House.

Mr. Deputy Speaker, Sir, this country has gone through many years of mismanagement, misrule and many other things. It is now time for all Kenyans of goodwill to come together and start the reconstruction of our country. In the process of doing so, it is not going to be the duty of hon. Members on this side alone, but all hon. Members have an equal duty to help us fight the ills in this country, and put the country back on the road to success.

Mr. Deputy Speaker, Sir, this country has enormous potential. We have a lot of human and physical resources, but they were mismanaged, plundered and stolen. I hope from now onwards, the resources of this country will be harnessed for the benefit of every Kenyan.

Mr. Deputy Speaker, Sir, the President talked about many things. The first thing I would like to comment on is corruption. Everybody who wants this country to move forward must stand up and fight corruption. But corruption, like many other crimes all over, cannot be fought without looking at the root causes, because if you just fight the crime, all you do is to send the criminals underground and they will become more deadly. We need to find the root causes of corruption. I am thinking of the police force and junior civil servants.

As long as the police officers are poorly paid and they live the way they do; and as long as the junior civil servants earn "starvation" wages, they will still continue expecting the people they serve to give them financial rewards. Whether you call it corruption or whatever, we will have to find a way of getting the Kenyan policeman paid adequately, given proper housing and live like any other Kenyan who works and earns well. Otherwise, the police officer at the roadblock will continue taking money from the matatu man. The police officer at the police station will continue selling rights to Kenyans which they are entitled to.

Mr. Deputy Speaker, Sir, of late, the Judiciary has been in the spotlight. One of the reasons why the Judiciary has had this bad record is because of the irregular manner in which judges have been appointed in this country. Judges have not been appointed on the basis of their knowledge of the law, but on the basis of the ethnicity, who they know and who they associate with. When you have a scandal like the young man who was appointed a judge after graduating in 1992, when we have senior, qualified and experienced lawyers who are ready to serve, then we have a problem. These young people with a lot of temptations and personal problems cannot keep away from being corrupt. They are all mixed up in so many things. I want to suggest that in future, this country should pass a constitutional proviso that nobody should be appointed a judge until and unless he or she is above the age of 55. This way, we will have mature people who will serve in the Judiciary for just 15 years and retire at 70 years. There is no point appointing a 36 years old person to serve as a judge when he is involved in many temptations.

Mr. Deputy Speaker, Sir, we have the issue of agriculture. This country depends on agriculture. Our Government has promised to create 500,000 jobs per annum. If we have to do that, a serious focus has to be paid to agriculture. To this end, I am speaking about Nzoia Sugar Company and the sugar industry in general. The Government must come up boldly and write off the heavy burdensome loans that have brought down the sugar factories so that those sugar factories can borrow money from commercial banks and be able to help farmers.

Hand in hand with that is the cost of agricultural inputs in this country; they are very expensive. A farmer cannot afford to buy fertiliser at Kshs1,200 per bag and yet, at the end of the day, the maize he produces from that cannot go for more than Kshs600 per bag. We need to do two things: We need to create a farmers' bank with affordable interest rates and the Government should also subsidize the farmer. All over the world, including America that is preaching about WTO rules, the farmers are subsidized or cushioned so that they can produce enough food and crops for home consumption and for export.

Mr. Deputy Speaker, Sir, I want to commend hon. Raila for his efforts to rid the Ministry he heads of corruption, especially in the roads construction sector. If we do not improve infrastructure in this country, then our efforts to jump-start the economy will not work. There is so much talk on what to do with the roads. I would also want to urge the Minister for Transport and Communications to revamp the railway lines in this country so that they can ease pressure on the roads. Most of the heavy goods that

are transported by road to inland towns and to Uganda can be transported by rail and this will save the roads from destruction.

Mr. Deputy Speaker, Sir, I want to commend the Government for committing itself to provide free primary education. However, this free primary education has not been properly and clearly defined to Kenyans to know. For example, primary education means, and includes, nursery education. Is nursery school education being provided for free? If it is not, then a way has to be found so that pre-unit and nursery schools can also enjoy the free education programme. Otherwise, we will have a situation where parents who cannot afford to pay nursery school fees will keep their children home and take them straight to Standard One and, therefore, those children will miss the necessary background before they get to the primary school education.

Mr. Deputy Speaker, Sir, the former Government introduced an awkward system in education called the "80 per cent rule" or quota system, where 80 per cent of the students in secondary schools designated as district schools are admitted from that district. That has been one of the many ways of breeding and perpetuating mediocrity and tribalism. I want to urge the Government to open up all schools for intake to children from anywhere in the country. This is the only way that we will build a united nation. This is the only way a child from the Luo community will know that we have children from the Somali community. This is the only way the children will be properly integrated from early childhood development. The Ministry of Education, Science and Technology should look into that.

Mr. Deputy Speaker, Sir, the economy will not grow if the cost of energy in this country continues to remain what it is. Kenya has one of the most expensive electricity in this region. While in South Africa, electricity costs about Kshs2 per kilowatt, in Kenya, it costs Kshs13. So, it is not possible to compete with South Africa in the market of manufactured goods. As I finish, I want also to caution the Government in their dealings with the World Bank and the IMF. They must know there is no country anywhere in the world that has survived with the prescriptions from these institutions.

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

The Member for Kaiti (Mr. Ndambuki): Mr. Deputy Speaker, Sir, I will start by congratulating hon. Members on both sides for being elected in the Ninth Parliament.

I would like to touch a bit on the President's Speech. The Speech was very comprehensive. It touched almost all the areas which concern Kenyans. On the issue of corruption, this country has suffered for many years because of corrupt practices. For the last 60 days, if there was anybody who wanted to continue with this vice, he should by now have understood that this will not be tolerated and all Kenyans would like to see this vice eradicated from our society. We have talked about it and I think it is high time we changed and implemented what we are saying. If somebody is caught, let him be dealt with according to the law. It should not be considered to be witch-hunting. We all know that most hon. Members on the Government side were at one time in the previous Government, and they were involved in one thing or the other. We should, therefore, forget about all these things and forge ahead together, so that we can jump-start our economy, which, for the last ten years, has been on a declining trend. It is the duty of this House, that of players in the private sector and every Kenyan, to ensure that our economy starts to grow. So, we should co-operate as far as this issue is concerned.

The dismal performance of the economy has affected Kenyans of all walks of life, and we need to start thinking of ways of reviving it. In this light, I would like to congratulate Stanbic Bank for lowering its base lending rate to 10 per cent, and hope that other commercial banks will follow suit. Kenyans are very industrious people. If they can access affordable funds, we can really reverse the trend of our economy. Many people will go back into business, start small businesses and employ other people. That is something we need to think about seriously.

Mr. Deputy Speaker, Sir, all of us expect the resumption of aid from the World Bank, the International Monetary Fund (IMF) and other donors. However, we should realise that what we expect from these institutions will not meet our needs. Our demands and expectations are very high. Therefore, we need to look into ways and means of enhancing tax collection, so that we can meet some of our own needs. Reliance on the Bretton Woods institutions will not help. These institutions will continue promising us financial aid but keep on shifting the goal posts. Subsequently, we will end up reducing the growth in this country to almost zero. We have pride which we need to safeguard. Therefore, the Minister for Finance should come up with policies of strengthening tax collection, so that we can strengthen our economy.

There are some people who come into this country to do jobs which can be done by Kenyans. If you go to some shops, you will find some attendants who cannot communicate with you. As a Government, we need to introduce strict rules at the Immigration Department to ensure that any foreigner who comes to work in this country is genuinely required. We should be sure that there is no Kenyan who can do the job such a person is coming to do in this country. We should not allow foreigners to come and do even the simplest jobs when our

people in the rural areas continue to remain jobless. So, the Government should look into this aspect and stop foreigners from taking up jobs which can be done by local people.

Mr. Deputy Speaker, Sir, our economy is based on agriculture. Therefore, we should give incentives to our farmers, so that they can continue producing. Currently, farmers do not work hard because middlemen take the lion's share of farmers' sales proceeds. We should correct this situation, so that farmers can enjoy the fruits of their sweat. I hope that the Minister for Agriculture and Livestock Development will initiate the desired changes. Farmers in Ukambani, for instance, have a bumper maize harvest. However, if you go to some markets, you will find that maize is being sold at Kshs5 per kilogramme. Really, that is fleecing the farmer.

Mr. Deputy Speaker, Sir, therefore, the Government, through the National Cereals and Produce Board (NCPB), had better purchase the excess maize rather than let traders "take away" the produce from farmers. At the price of Kshs5 per kilogramme, a bag of maize goes for Kshs450. How many bags would a parent sell to raise enough money to pay school fees for his children? He will have to sell his entire harvest. We should, therefore, look into this aspect. I know that at any given time, the Government keeps 3 million bags of maize as strategic national food reserve. Therefore, I urge the Government to buy the excess maize from Ukambani rather than let millers buy it at a throwaway price, only for farmers to go without food in the next few months. The same applies to beans, which are currently being sold at Kshs15 per kilogramme. In the next few months, a bag of beans will be sold at about Kshs4,000. We, therefore, need to do something to give farmers incentives to grow more cereals next season. If we ignore their plight, they will just forget about producing the cereals, and the area will experience a famine.

Mr. Deputy Speaker, Sir, if there is an area in this country where people trek for many kilometres in search of water, that area is Ukambani. We have so many rivers, which traverse the four districts of Ukambani, whose water can be harnessed for agricultural use. The amount of money that the Government uses on relief food supplies in that area is enormous. That money can be used to harness water from rivers so as to enable our people to engage in irrigation farming and reduce poverty. It is, therefore, my wish and prayer that 80 per cent of the next national budget allocation to that area will go towards provision of water in order to help our people engage in irrigation farming.

Mr. Deputy Speaker, Sir, Ukambani area has so many roads. However, the area has only a few kilometres of tarmacked roads. In fact, some roads have not been fully tarmacked, and Eng. Toro is aware of that fact. For instance, the road from Nunguni to Kikoko has a two-and-half kilometre stretch in-between which is not tarmacked. For the last several years, we have been pushing for this portion to be tarmacked but nothing has been done. The contractor was paid, but he has left the country.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): I am not aware of the road you are talking about!

The Member for Kaiti (Mr. Ndambuki): Mr. Deputy Speaker, Sir, Eng. Toro was working with the Ministry of Roads, Public Works and Housing when tarmacking of that road was on-going, and he knows about the road. Now that he is an Assistant Minister in the same Ministry, I am asking him to ensure that the remaining two-and-half kilometres of that road are tarmacked.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Ndambuki to claim that I am aware of the road project he has referred to when, indeed, I was not even with the Ministry during the time in reference? I would like to remind the hon. Member that I was the shadow Minister in charge of roads in the last Parliament. However, I am prepared to help him whenever I can.

Mr. Deputy Speaker: Eng. Toro, you have substituted a point of information for a point of order.

Mr. Ndambuki, ignore Eng. Toro and continue.

The Member for Kaiti (Mr. Ndambuki): Thank you very much, Mr. Deputy Speaker, Sir. What I have said is the truth. I kindly urge the Assistant Minister to ensure that the two-and-half kilometres of that road are done. It is a shame for the Ministry and the country as a whole to have a tarmac road with a stretch of only two-and-half kilometres which is not done. In fact, the two-and-half kilometres of the road in question had been macadamised. What was remaining was only putting the tar on its surface. However, the contractors left it at that stage and left the country. Nobody bothered to see that the job was completed, and the road surface has been eroded. So, I urge the Minister to ensure that, that stretch of the said road is done.

Mr. Deputy Speaker: Just as a matter of record, Eng. Toro was not working in the Ministry of Roads and Public Works.

The Member for Kaiti (Mr. Ndambuki): Mr. Deputy Speaker, Sir, he was working in the Ministry.

Mr. Deputy Speaker: At that time?

The Member for Kaiti (Mr. Ndambuki): Even in the last Parliament, he was a shadow Minister for Roads and Public Works!

Mr. Deputy Speaker: Very well! I understand he was a shadow Minister! Proceed, Eng. Toro!

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Thank you, Mr. Deputy Speaker, Sir. My names are Eng. Joshua Toro, Member of Parliament for Kandara and an Assistant Minister for Roads, Public Works and Housing. I would like to take this opportunity to congratulate the Speaker and the Deputy Speaker for having been elected to oversee business in the Ninth Parliament. I would also like to thank the people of Kandara for re-electing me to serve them for a second term. That is something that has not happened for about 20 years! All previous Members of Parliament for Kandara were removed after five years. So, I would like to thank the people of Kandara for returning me to Parliament.

Mr. Deputy Speaker, Sir, the President's Speech was an eye-opener to the Ninth Parliament. As the President beseeched this Parliament to do, if we heed his word, we will achieve a lot. Basically, he touched on anything that required to be touched on. What we should actually take seriously is corruption. That is because without fighting corruption, we are not going to achieve any economic growth. Kenya's economy deteriorated over the last 15 years because of corruption. If we jointly, both sides of the House, fight corruption, I think we are going to achieve the 7 per cent growth annually. The culture of zero-tolerance to corruption should be the keyword for all the Ministries and parastatals.

Mr. Deputy Speaker, Sir, if I talk about my Ministry, it has been one Ministry that had been misused over the years. It was a Ministry which anybody who wanted to loot Government resources used it as a channel. Roads would be conceived to be done and money paid without anything being done! Both engineers and construction companies are to blame. We cannot lay blame on only contractors or engineers. Both bear the blame. If I may point out something, when we assumed office this year, we asked for returns of the District Roads Committees (DRCs) money that was sent to the constituencies in November. It was shocking to learn that, by early January, every constituency had spent Kshs2 million and yet, if you ask Members of Parliament here, each will agree that he never saw anything that was done during the month of December. We were all busy campaigning and I am sure they never saw any graders working anywhere.

Mr. Deputy Speaker, Sir, we have taken the liberty to compile those returns for Members of Parliament and I think I will be releasing them to you to see whether what is claimed to have been done in your constituency in December is true. We are going to fight corruption from the constituencies level. The DRC money is not much, but if it is used properly, it can make a difference. The Kshs2 million has been spent and the Kenya Roads Board has released the other Kshs2 million to the constituencies. We do not want the Kshs2 million to be used just like the other lot that was released in November. I would like to call upon Members of Parliament to take an active role in deciding where you want money to be used in the constituencies, and whether the money is being used properly. That information will be given to the Speaker, so that Members of Parliament could see what the money has done. You will be shocked!

If I give an example of such corruption, you find that there has been no grading in a constituency and yet, the engineers are claiming to have spent about Kshs250,000 on oil and fuel. Fuelling what? The other portion, almost half, was going to bush clearing. Bush clearing is not something that you can go and see for yourself. Two months down the line, they will say: "Oh! The bushes have grown again"! They have been given a directive that the next Kshs2 million that is going to the constituencies should not be used for bush clearing.

Mr. Deputy Speaker, Sir, on the issue of the Constitution, I would like to ask the Members of KANU to stop taking the NARC Government to task. They know very well that when we were doing the campaigns, KANU said they were not going to have a Constitution. They refused to sign the commitment which was given by the Ufungamano Initiative to undertake to bring about the Constitution. Today, they are shouting that they want the NARC Government to have the Constitution. So, they should not be the ones to call upon us to have a Constitution. They should actually feel ashamed! Similarly, they said that free basic education was not possible.

Now that the NARC Government has put machinery in place for free basic education, they are saying they want to put the Government on its toes to implement free education. They should look for other things to say, but not the things they were opposed to.

Mr. Deputy Speaker, Sir, it is a shame, and hon. Njoki Ndung'u has put it very well; that Members of Parliament do not want to play the leading role in behavioral sciences. It is shocking when we hear that ladies going to Continental House should be escorted because there is now what I can call "the bull of Continental House" in operation! The new Members of Parliament should look backward to the last Parliament, when we had the case of "Baba Dennis" in this House. It did not go on very well. It is eroding our reputation as Members of

Parliament.

Mr. Deputy Speaker, Sir, on the issue of the Kenyatta International Conference Centre (KICC), KANU should be ashamed that, instead of fighting for the public to have their property, it is actually stealing from the public! The KICC is public property which the KANU Government stole from the public. Now, it wants to insist that it their property, whereas the NARC Government wants to have the property returned back to the public. If the NARC Government wanted the KICC for the NARC party, that would be a different issue. But we do not want the KICC to be a party property. It is public property. So, They should be able to distinguish the difference and allow the people to have what is rightfully theirs.

Mr. Deputy Speaker, Sir, Mr. Mohamed has talked about the issue of the Isiolo-Moyale Road. I would like to assure the House that the issue of concessioning of roads in Kenya is in progress. At the moment, the concessioning of the Mombasa-Nairobi-Busia-Malaba Road is in progress and Phase I is complete. Now, we are in Phase II of design stage, whereby we will have private operators to come and operate the Northern Corridor Road. The next road to be considered for concessioning is Isiolo/Moyale Road. So, Mr. Mohamed should rest assured that we want to open up North Eastern Province. There is a lot of business from Ethiopia and I am sure Ethiopians would like to use the Port of Mombasa. That will be our priority in the Ministry.

Mr. Deputy Speaker, Sir, I would like to touch on the rumours circulating among the KANU hon. Members of Parliament. There are rumours that they want to fight against the constitutional review process that would provide for the establishment of the Anti-Corruption Authority.

Mr. Deputy Speaker: Eng. Toro, are you discussing rumours in this House?

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, this is not a rumour. Lobbying is going on to have the Constitution of Kenya (Amendment) Bill rejected so that the Anti-Corruption and Economic Crimes Bill will not be put in place. KANU hon. Members are talking about fighting corruption. If they are serious about fighting corruption, they should be in the forefront of passing the Constitution of Kenya (Amendment) Bill.

With those few remarks, I beg to support.

The Member for Baringo East (Mr. Kamama): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the Presidential Address.

My names are Mr. Kamama Asman, the Member of Parliament for Baringo East, and I wish to make my maiden speech.

First and foremost, I wish to support the Presidential Address, made on 18th February, 2003. I wish to point out that the President talked very comprehensively about issues, and touched on a broad spectrum of policy issues in Kenya. This, I think, will help turn around the economy of this country.

The Presidential Address was something close to the "New Bill". In 1935, President Roosevelt of the United States of America came up with the New Bill because Americans were experiencing an economic depression. The Presidential Address touched on various issues, and if all of them are implemented, this country will prosper again. I wish to point out the cardinal issues that were pointed out by the President and later on, I will talk about the hunger and the horrendous situation in Baringo East Constituency. Most of you read about the famine in Baringo East Constituency, on Monday and also yesterday, in our daily newspapers. I even have some newspaper cuttings that, if given a chance, I could table before this House.

Before that, I wish to point out the cardinal policy matters that were raised by the President. These issues are the recovery of the economy of this country, zero-tolerance to corruption, the creation of 500,000 jobs annually and the provision of free and compulsory primary education to Kenyans. This will be, perhaps, the only legacy that this Government will leave to Kenyans. Other issues are the provision of affordable health care services, including the fight against the HIV/AIDS scourge, the review of the current Constitution, good governance, rehabilitation of our infrastructure, reviewing farmers' incentives and the modernisation of agricultural methods. The Government should also revamp our tourism sector and develop North Eastern Province and other marginal districts. This is an issue which is very close to the hearts of most pastoralists.

I remember the Leader of Government Business mentioning that nothing else can be right if the economy is wrong. Let me go to certain specific economic benchmarks that justify that the economy of this country has been doing badly. I want to point out that our current Gross Domestic Product (GDP) growth rate is well below 2 per cent. Our population growth rate is about 2.8 per cent. The GDP growth rate is supposed to be higher than the population growth rate. When the trend is inverted as we are seeing in this country, it means that Kenyans are wallowing in the miasma of poverty. The economy of this country must be revamped as a matter of urgency. Most Kenyans live on one US Dollar per day. Fifty six per cent of Kenyans are living below the poverty line. In the last one decade, our per capita income has been declining to the current rate of about negative 1.2 per cent. Our external debt per capita, the debts we owe international donors, including the Bretton Woods institutions, is about

Kshs12,000 per Kenyan. Even my son, who is about two years old owes the international donors Kshs12,000. We must reduce this external debt per capita. Our current budgetary deficit is about Kshs55 billion. We must do something to reduce this deficit. A recent research that was carried out by Global Attitudes Study shows that Kenyans are the most optimistic people on earth. Kenyans have been patient enough, especially during the KANU regime. Right now, we have given the National Rainbow Coalition the latitude to develop this country. Kenyans should be patient to see what the NARC Government will do.

Mr. Deputy Speaker, Sir, corruption is deep-rooted in this country. The Urban Bribery Index Report that was prepared by Transparency International - I am happy the Permanent Secretary in charge of Governance and Ethics is the Chairman of the Kenyan Chapter - indicated that corruption is highest in the Police Force, Ministry of Roads, Public Works and Housing, Immigration Department, the health sector, the Ministry of Lands and Settlement and even in the Provincial Administration. Something must be done to root out this corruption.

Because of time, I will not talk about many other issues. I want to talk about the policy on the provision of free and compulsory primary education. I want to talk about the applicability of this policy in North Eastern Province and the pastoral areas such as Turkana and Baringo Districts. When we talk about free and compulsory primary education without the component of boarding and feeding programmes in schools, we are just talking about semantics. These are gimmicks. We want the NARC Government to set up a taskforce that will look into the logistics of how this programme can work in those areas. Some of us were really excited when the President talked about the provision of free and compulsory primary education. But if the Ministry will not set up a committee to look into the applicability of this programme in the pastoral areas, then it will not assist the poor nomadic pastoralists. This should be done as a matter of urgency.

Let me now talk about Baringo East Constituency. People think that Baringo District is a haven of development. Baringo East Constituency is one of the most under-developed areas in this country.

An hon. Member: Tell KANU that!

The Member for Baringo East (Mr. Kamama): Mr. Deputy Speaker, Sir, I am not a KANU hon. Member. I am a FORD-(P) hon. Member. I am one of the hon. Members who are *unbwogable*; in Kalenjin we say we are *"unmunchable"*.

The report that was carried by the *Daily Nation* on Monday and Tuesday, this week, depicted a very horrendous situation in Baringo East. The newspaper carried pictures of old men with twisted tummies. People are hungry in Baringo East Constituency. They need famine relief food and not semantics. The NARC Government should not operate the way KANU operated. It should not wait for people to die for it to take famine relief food to the area. These are signs that people will die in the next one or two weeks. We want famine relief food as a matter of urgency. We do not want to have a situation where famine relief food is taken to the District Commissioners (DC) without transport and other logistics being provided. I want to appeal to international donors such as the World Food Programme (WFP), Oxford Committee for Famine Relief (OXFAM) and other Non-Governmental Organisations (NGOs) to come to the aid of the people of Baringo East Constituency. People are feeding on wild fruits called *loma* and *sorich*. These are the habits of precambrian times. So, something should be done to alleviate this problem. I would like the NARC Government to take action as a matter of urgency.

Mr. Deputy Speaker, Sir, the so-called Suguta Valley starts from Baringo East. In that context, I would like the NARC Government to look into the welfare of those people who live there. We want schools to be built in Suguta Valley and not security personnel who go there and harass the people who live there.

Mr. Deputy Speaker, Sir, because of the time factor, I support the Motion.

The Member for Gwasi (Mr. Syongo): Thank you, Mr. Deputy Speaker, Sir. My names are Adolf Madili Syongo, MP for Gwasi Constituency in Suba District. As a young student of economics and business administration, the hon. President Mwai Kibaki inspired us immensely as the Minister for Finance in his exposition of economic policy and particularly his grasp of the pertinent issues that relate to our economy. As I sat on the third row listening to the President deliver his wonderful Speech, I was inspired even more, and I want to record my commendation of that wonderful Speech.

The President touched on virtually every sector of this economy except a few. But I would like, through the Chair, to draw the attention of this august House to a sector which has consistently, over time, been marginalised. That is the fisheries sector. Let me give this honourable House the profile of that sector. As at 2001, the total fish caught from Lake Victoria and exported to Europe and the rest of the world was 18 million metric tonnes. This export was worth Kshs4 billion. That sector employees 30,000 fishermen who wake up every single morning with 8,000 vessels worth a total investment of Kshs3.2 billion, including the value of their nets. The total retail value - and these figures can always be confirmed from the Ministry of Planning and National Development - which sustains one million Kenyans every single day of fish and fish products is Kshs25 billion. Presently, fisheries as a foreign exchange earner is number seven. Coffee is number six in terms of foreign

exchange earnings. If there is any sector which has earned this country so much money, but has been given very little returns, then it is the fisheries sector. I was, therefore, in pain when the President did not touch on the fisheries sector in his Speech. I expected the man I admired very much professionally to include this important sector in his Speech. But I do not regret it because the President could not touch on everything in his Speech. But I would like to appeal, through the Chair, that the fisheries sector must take its rightful place in this economy.

The figures I have given this House only relate to fish caught from Lake Victoria. The enormous potential which stands unexploited from the marine--- For the information of this House, the Maritime Law allows us 200 kilometres from the coastline inwards as the territorial waters of this country. In the case of Kenya, these waters are left to international poachers, who come, patrol and export their fish which has been captured in our waters without any concern by the Government of this country. Tanzania has no navy, but it has a surveillance and monitoring vessel which ensures that the Tanzanians take and get full benefits from their waters.

We have a navy, and why can it not be used to protect our fishermen? Why can we not have proper credit schemes to encourage our people to invest in fishing vessels so that we can take full advantage of our territorial waters of marine products?

Mr. Deputy Speaker, Sir, let me give you a profile of the problems the fisheries sector, especially the fishing communities go through. I am glad that the President touched on the pastoralists. As I have already said, I would have been gratified, and my colleagues representing the fishing communities at the Coast and around Lake Victoria would also have been gratified if the President had also touched on the fishing communities. These people do not have roads. I would like to point out that 75 per cent of the total fish from Lake Victoria come from Suba District, where I come from. I would like to inform this House that there is not a single inch of tarmac road in that district. During the rainy season, which starts in another two weeks, up to the end of May or middle of June, the entire Suba District and most of the fishing areas around Lake Victoria, including where "hon. Sauti" comes from will be inaccessible.

The Member for Budalangi (Mr. Wanjala): Unasikia, Bw. Naibu Spika?

Mr. Deputy Speaker: Order, Mr. Wanjala! That is misconduct! If you persist, you will meet the wrath of the Chair! For now, you are excused.

Continue, Mr. Syongo!

The Member for Gwasi (Mr. Syongo): Thank you, Mr. Deputy Speaker, Sir. Health facilities are non-existent because you cannot access health centres because of poor roads. There is poor quality of education because these are hardship areas and yet, there is no provision for hardship allowance for teachers. We cannot retain the good teachers. Unlike the KWS, I would like to raise concern in this House that the Fisheries Department, which should have been at the forefront in helping us, has no fixed abode. Every single time that the Government of this country is formed, this Department is shifted from one Ministry to another. This is a roaming department. Even the efforts of this august House, on 10th June, 1999, which stated that the Fisheries Development Authority should be established, went unheeded. Therefore, we have no institutional framework for developing this sector.

Mr. Deputy Speaker, Sir, even worse is the lack of security along the borders. Only recently, we received information that Tanzanian and Ugandan security personnel patrolling their waters were beating up Kenyan fishermen, arresting them and subjecting them to Kangaroo courts in Tanzania. I was delighted this morning to learn that President Museveni agreed that there should be free movement of persons across the borders; when he was addressing our two Ministers in that country. But we must follow this with concrete action in order to protect and promote the people around this area and their economic activities which is a major contribution to the economic welfare of this country.

My second point is on the role of our development partners. His Excellency the President pointed out that we need to strengthen our relationship and promote our partnership with our development partners. In particular, I believe that the World Bank, International Monetary Fund (IMF) and European Union (EU) are at the forefront in helping us to develop this country. But I have listened to Mr. Ndambuki blame these institutions for the conditionalities which are often considered as restraining. I would like to point out that the conditions which are given by these institutions to our Government are not on a take-it-or-leave-it basis. They are always open to alternatives, like suggestions from our Government, but this has never been the case because we have developed and continued to adopt a passive policy and consume anything that is given to us. So, the blame rests squarely on us. I would like to request our Government and especially public officials in the various Ministries to develop skills and be more assertive. They should develop and propose alternatives and particularly develop negotiation skills. This is one of our weakest areas and it is known that Kenyans are very weak in negotiations. I would like to urge the Directorate of Personnel Management (DPM) through the Kenya Institute of Administration (KIA) and other training institutions to equip our public servants, including Cabinet Ministers, with negotiation skills.

Mr. Deputy Speaker, Sir, apart from lack of negotiation skills, the other horrible weakness we have is lack of implementation skills. At present huge sums of money are returned to donor agencies because we cannot utilise them. In fact, we are the poorest in the region. At present, Kenya is rated, in terms of implementation criteria, at 20 to 40 per cent which means that as much as 80 to 60 per cent of donor funds are returned unutilised. This is a situation that we must address.

Mr. Deputy Speaker, Sir, the President talked about strengthening our institutions in terms of their integrity and effectiveness, but he seemed to have given the impression that he only talked about non-performing parastatals in terms of financial performance such as profits. I want to raise the issue of non-performance of mandates and in this respect the worst institution which we must encourage the Government to start reviewing is the Central Bank of Kenya. The Central Bank of Kenya presided over the printing of excess funds in 1990 and over some of the anomalies in the Goldenberg affair. The Central Bank of Kenya---

Mr. Deputy Speaker: Order! Your time is up! Mr. Gumo!

The Assistant Minister for Education, Science and Technology (Mr. Gumo): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. The Presidential Speech touched on almost everything that affects the mwananchi and that showed that the President has all the experience. He knows the problems of wananchi and he also knows what he wants to do for this country. I am sure that we, as the NARC Government, if we really stick to what the President said when he was opening this Parliament, we can do a lot within the next five years. However, if we keep on meandering by leaving the right way and trying to do things which are completely different, then five years will find us not having done anything for wananchi.

One thing that our society lacks in this country is discipline. We must find a way of instilling discipline in our people because the problems we have are caused by our society not being disciplined. Even for the corruption we talk about, if somebody is not disciplined, he will continue being corrupt whether we talk about it here or not. If you look at our Nairobi City today, it is so dirty that even if one cleaned it today, he will still get the same dust tomorrow in the same place. It is just due to lack of discipline. You will notice that even restaurants and hotels are the biggest generators of garbage. You will find that some people are employed to collect this garbage from these restaurants and instead of taking this garbage to Dandora, you will find a pick-up moving around the road and somebody on top of it disposing of that garbage on the streets. That means we do not care.

Mr. Deputy Speaker, Sir, so, even if we have City Council workers who sweep these roads everyday, and also there is somebody who is disposing of garbage everyday on the roads, when will we clean this city? Nobody arrests them or bothers and we keep on blaming the City Council for not doing its work. This is not going to stop. There are a number of kiosks which are mushrooming. The administration is allocating them land to operate on and on the other side the City Council is doing the same and these are the biggest generators of garbage in this city. All the drainage systems are blocked because of garbage.

Mr. Deputy Speaker, Sir, you must have learnt that when the NARC Government came into power, the police officers were very active and it looked as if there was a lot of change. Even *matatus* were disciplined during the first one or two weeks. They started driving carefully. They were parking properly on the bus stages, but today they have gone back to where they were. They are now parking in the middle of the roads. Even the traffic police officers who started working have disappeared. So, let us not blame anybody, but our own society. What I do not know is how we are going to instill discipline in these people.

Mr. Deputy Speaker, Sir, I am sure everyone has been talking about corruption in the Judiciary and the Civil Service. The other day one of the senior resident magistrates showed me his payslip and you cannot believe it. His salary is Kshs19,000. He has no loan. His house allowance is Kshs20,000. He lives in a Government rented house and, therefore, the Kshs20,000 is taken away. When the Kshs19,000 is taxed, he takes home Kshs11,000 and he is expected to imprison somebody who has stolen Kshs50 million. Now look; here is a man with a masters degree in law. Imagine him taking home Kshs11,000 and he has children in secondary school. He is supposed to pay nearly Kshs50,000 a year for one child. How are you going to control corruption when you are paying these people very poorly?

Mr. Deputy Speaker, Sir, a judge of the High Court earns Kshs500,000. A judge of the Court of Appeal earns over Kshs700,000. The Chief Justice earns almost Kshs1.2 million and a magistrate earns Kshs11,000. Imagine and you keep on saying that: "The Judiciary is corrupt!". The man boards a *matatu* from his home to court and in the process shares a seat with a criminal he is supposed to jail the same day. First of all, he is so scared that the man might even hang him in the *matatu* before he gets to court. So, we must look into some of these things.

Mr. Deputy Speaker, Sir, a Senior Deputy Secretary earns Kshs25,000. A Permanent Secretary earns about Kshs300,000 and his deputy earns Kshs25,000. So, how do you control corruption?

Bishop Ondiek: On a point of information, Mr. Deputy Speaker, Sir. A Permanent Secretary earns

Kshs500,000 and is provided with a vehicle and paid a house allowance.

The Assistant Minister for Education, Science and Technology (Mr. Gumo): Thank you very much, hon. Bishop Ondiek. So, how do you control corruption and indiscipline in such a society? A uniformed police officer earns Kshs5,000. A constable who works with the intelligence department earns over Kshs50,000. These anomalies must be corrected if we really want to deal with corruption.

Mr. Deputy Speaker, Sir, we even have a bigger problem in the labour sector. We used to have labour inspectors who used to inspect wages in companies. They used to move in uniform and I am sure they are supposed to be in uniform even today. Today, you find someone is being paid maybe Kshs3,000, as you heard the other day, when workers of the Export Processing Zones (EPZs) companies were demonstrating. This also applies to even housemaids and watchmen. They are paid Kshs3,000 to Kshs3,500 per month. After somebody has worked for ten years the man heading the company tells him to go home and yet he does not pay him anything. When this poor man goes to the labour office to complain, he finds that the employer has already been there. So, the only person this poor man can go to is his Member of Parliament and, in most cases, they are in Nairobi. Now, when the Member of Parliament tries to assist, he finds that there is no way this man can even get his dues after 14 or 15 years of service and his salary is Kshs3,000. What action is the Ministry of Labour and Human Resource Development taking? The Minister concerned should address himself to this issue so that we have a society that is protected from exploitation. I think that is why a majority of these people were bitter and they voted out the previous Government. The law is there, but the officers who have been given the responsibility of implementing it are not doing it. If everybody was doing his job, I am sure we would streamline this country and everybody would be happy. So, I hope that whoever has been given responsibility will do it according to the law and make sure that everybody is happy. It is only that nobody is taking serious action. Most of the watchmen or maids who are around here sit at the doors the whole night protecting millionaires in their houses and they are paid Kshs3,000. In fact, one of these days, I had told them to go on strike. You cannot expect somebody who is taking care of your life, your wife and children to be an unhappy person. If he is unhappy, he might betray you one day. That is why some of them are betrayed every now and then.

I can see my time is running out and with those few remarks, I beg to support.

The Member for Nambale (Mr. Okemo): Thank you very much, Mr. Deputy Speaker, Sir. I would like to add my voice to the voices of other hon. Members who have spoken, and to pay tribute to a very good Speech made by His Excellency, President Kibaki. I wish to emphasize that it laid the road map. It was a skeleton framework of the policies and programmes of the Government. But what is really going to make the difference is putting flesh onto this framework and that rests solely on the hands of all Kenyans. I disagree completely with everybody that has spoken saying the NARC Government is going to do this. The NARC Government on its own will not be able to do all the things that are contained in the President's Speech and in the manifesto. All Kenyans, and when I talk about all Kenyans, I am talking about, first of all, the three arms of Government; that is, the Executive, the Judiciary and the Legislature, and all the Kenyan citizenry because some of the problems go beyond just a government--- I have heard hon. Members talk about corruption and one of the hon. Members did rightly say that corruption is partly a manifestation of the poverty that exists in our society. If you do not pay somebody well, he is going to be tempted to steal or to get money using his office. If you pay him well, the temptation gets reduced. But at a higher level, of course, corruption is there because people want to get rich too fast. I do not believe that passing legislation or laws that curb corruption is the full solution to the problem. I think it is a long-term effort which involves education so that the public get to know and understand the ills of corruption so that in their way of life, they see corruption as an evil thing. So, corruption should not just be emphasis on passing laws, arresting people and taking them to court. I think that is not going to be the full solution to the problem. I believe that we must start off with a good Constitution. I, therefore, support the idea of having a constitutional review done as soon as possible so that we can pass the Constitution. In that Constitution, I believe we should strengthen all the institutions including the oversight institutions like the police, the Anti-corruption Police Unit (ACPU), the Controller and Auditor-General's Office and the Judiciary so that all these arms of society can work together irrespective of who is the President, irrespective of who is the Minister for what and irrespective of who holds what position in society. If the institutions are well anchored in the Constitution, then there will be sufficient checks and balances to take care of abuse of office.

I also want to speak about the suggested 7 per cent growth in the economy. I think that is really a straight objective. I do not think it will be achieved and I can tell you why. It is because there are so many things that are wrong. There are so many sectors that need to be corrected. At this juncture, I would like to emphasize that it does not help this country if we spend all our efforts calling each other names. I know that probably half of that side was KANU, like hon. Awori and others. So, let us not waste time blaming KANU and the people who were in power. I think the time for that is gone. The time for that was during the campaigns. Let us now get

on with solutions. Let us think about the future. I would like to urge my colleagues in the House that we should be talking about Kenya, and Kenya is much more important than a political party. So, where the Government has good sound policies, we will support them fully because it is for the good of this nation. The Legislature has a specific role to play, the Executive has a specific role to play and the Judiciary has a specific role to play---

Mr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the former Minister for Energy, who failed to deliver any rural electrification in Nambale, to assume here that the new Ministers are also going to fail?

The Member for Nambale (Mr. Okemo): Mr. Deputy Speaker, Sir, I will excuse him because this is his first time in the House, and he also happens to be my friend. So, I think I will spare him but otherwise I would ridicule him. But I will not make any remark to that. We are making a contribution to the Speech by His Excellency the President and I will continue with my contribution.

Rural electrification, if I was to speak about it, is a long and complicated subject as my friend, hon. Kiunjuri, will come to discover. As a good Minister, I would not have started by giving rural electrification to Nambale Constituency because when you are a Minister, you are a Minister of Kenya and not a Minister of a constituency. But anyway, Nambale got some.

However, Mr. Deputy Speaker, Sir, I also do believe that the question of economic growth goes hand in hand with the Budget structure. I can speak with confidence with regard to growth of the economy because I was once the Minister for Finance. The reason we do not generate sufficient growth in this country is because if you look at the structure of the Budget, less than 10 per cent of the Budget goes to investment or capital expenditure, and capital expenditure is what creates growth, whereas 90 per cent goes to consumption; salaries, wages and others. The problem also is that when you talk about reducing the public sector, then there are political considerations, because it means you must render some people unemployed, and that is not politically-attractive. So, you find that as a Government, you will be confronted by some of these anomalies where you wish to spend more money on development and less on recurrent. But to do that, because most of the money goes to salaries and wages, you must shed off bodies. Considering what the NARC Government promised, and what it continues to promise, I think that will be a very difficult thing to do. At some point you have to bite the bullet and do it, if it is going to lead to growth in the future.

Mr. Deputy Speaker, Sir, I would like to speak very briefly on the question of pending bills, because this has been a very popular topic. We have read about it in the newspapers and talked a lot about it in this House. There have been a lot of figures pointed as an avenue for corruption. I think what we have not addressed, and I hope that the Minister for Roads, Public Works and Housing will take note, is that the problems started off from the Ministry of Roads, Public Works and Housing. This is because the contracts that were signed between the contractors and the Ministry, apparently were never vetted by the Attorney-General's office. They were signed and binding, and in those contracts there were clauses which the contractor can invoke in a court of law to justify his claim. If you see all these pending bills, it is either there were no provisions made in the Budget, or because there were variation orders, which are allowed in the contract. When these things become computed, because there is a problem somewhere and the contractor has been sitting on site for one year without payment, and his equipment has also been lying there for that period of time and, you have a clause in the contract that says that if the equipment lies unutilized you will pay a penalty of so much money--- Then later on as a Government you say you cannot pay that because it is corruption. I think we have to be very careful. When I was in the Ministry of Finance and we held consultations with the Ministry of Roads, Public Works and Housing, the first thing we did was to get the contracts vetted by the Office of the Attorney-General, now the Ministry of Justice and Constitutional Affairs before you sign them, and make sure that all the clauses that are in there are acceptable to Government. I think these contracts were just picked from the office of the World Bank which are standard contracts signed everywhere in the country.

I beg to support.

The Member for Laikipia West (Mr. G.G. Kariuki): Thank you Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to the President's Speech.

First and foremost, the Speech by the President is a complete translation of what the NARC Government intends to do for the next five years in power. The Speech contained about 40 paragraphs. It is a very small Speech, very well edited and speaks very clearly of what the vision of the President is. The Speech talked very strongly about corruption. The President, with the support of this House and Kenyans determined to eradicate corruption. What bothers people like me is when I ask myself how this vice started. Is it because we did not have a Government; was it incapable or is it because it was ruled by one person? My belief is that even in the current Government, if we allow one person to rule; personal rule, which has been the game of African rulers who take all the powers and make their countries personal property, we shall not succeed. That is why we are being faced with

this corruption problem.

Mr. Deputy Speaker, Sir, I do not believe that corruption is cultivated by poverty. Whether you give a corrupt person billions of shillings, he will continue looking for more. That is what has been happening in the KANU Government. The way I know the KANU Government, it had no time at all to sit and think about Kenyans. The Cabinet and the KANU top brass were just sitting there to think on how to divide the wealth of Kenyans through stealing and other manipulations. I think Kenyans laugh at us when we sit here and talk about corruption as a discovery of the Parliament of Kenya. Corruption starts in this House. The President's Speech noted that even some of those perceived to have been very corrupt are still in this Chamber. I think this is a very serious matter. It is as serious as what we were told this morning that an hon. Member of Parliament blindly or clearly and openly tried to molest a young worker.

An hon. Member: Rape!

The Member for Laikipia West (Mr. G.G. Kariuki): Whatever it was! I think if we want Kenya to be a country which all our children will admire, we must, first of all, deny ourselves many things like intending to steal all the time. Since the new Government came into power we have been talking about certain tribes taking this and that. When are we going to graduate from tribalism and think as Kenyans? I think it is most unfortunate that Kenyans elect a Parliament like this one, only to listen to the type of debates and speeches that we are making in this House. I think they are terribly sorry for this kind of debates that we carry out in this House.

Mr. Deputy Speaker, Sir, since Independence, the people of Kenya have lived like prisoners in their own country. There was no time that the former President ever sat down and decided to let the people of this country decide their destiny. This used to be done by very few people at the national headquarters of the former ruling party and the Cabinet. The time came when Kenyans knew that they now had the power to remove the Government from power. In fact, as a student of politics and international relations, I believe we have reached a stage where the country now belongs to the people and not the leaders. In the past, people were made to believe that leaders are the country. In actual fact, the country belongs to the Kenyans and this was demonstrated by the voting pattern during the last general election. During the last general election, Kenyans were able to remove from power a person who thought he could never be removed from power. He thought that his ideas would remain permanent. It reached a point where the former President was asking Kenyans: "Who will rule this country without me?" Can any person in his right senses ask Kenyans such a question? I think hon. Members in this House have now been shown by Kenyans that Kenya will still be in place even without the entire Parliament. That is a very important thing for us to acknowledge.

We have to be careful when we are talking about re-organisation of institutions. We are starting from the beginning because there are institutions which are very powerful. Their operations are still secretive and nobody wants to find out what they are doing. There is a department within the police force which is known as the National Security Intelligence Service (NSIS). That department can cause problems in the NARC Government and total disagreements between the Opposition and the Government. That is a department which ought to have been reformed immediately by removing those who are currently in charge. You can change the Commissioner of Police, the Provincial Administration, GSU, CID, but if you leave the NSIS intact, they will create a lot of problems for this country. I know from experience that the NSIS can cause the President and the rest of the country to disagree because they always make their own decisions. This political branch can create a lot of problems. I would like to warn the MPs here that when you are dealing with various situations you have to consider the core of the problem. I hope that my plea will be heard by the right people so that immediate action is taken.

In this country we do not have a national policy on wildlife. Human-elephant conflicts need to be addressed. There are some areas like Laikipia where elephants attack people every now and then. Unfortunately, the Government tends to respect the lives of elephants more than those of human beings. I will not say much about that issue because that was prevalent during the KANU regime. The KANU regime did not care what happened to the people. They cared more about what happened to their pockets. Some Members from a certain area in Rift Valley Province have developed a habit of creating problems even when they do not exist. I want to tell every MP from Rift Valley Province, including myself--

Mr. Deputy Speaker: Order, Mr. Kariuki! Your time is up.

Mr. Awori!

The Minister for Home Affairs (Mr. Awori): Thank you, Mr. Deputy Speaker, Sir, for allowing me to add my voice to those of my colleagues in commenting on the President's Speech. I think everybody is agreed that it was one of the best Speeches made by a President at the beginning of a new Parliament since Independence. I will be a bit repetitive because of the good things that have already been said about the Speech. It was really a re-affirmation, first of all, of the manifesto that we put out as we were going into elections. At the same time, that

manifesto was simply telling *wananchi* what the NARC Government would do in five years it would have, should it come to power. I want to support very strongly what Mr. Okemo just said a few minutes ago that it is not good for us to be talking about what the NARC Government will achieve in the next five years. We should be talking about what Kenya will achieve in the next five years because there can only be one Government at a time and that Government not only represents everybody in the country, but it has to serve the people.

We want co-operation from all sides; both in the Legislature and outside, so that we can improve the quality of life of our people. His Excellency the President emphasised the question of the rule of law. It is important that all of us must observe the rule of law in whatever action we take. This does not just apply to the Government, but to everybody else. In very highly developed countries like Britain, the Opposition is known as the "Loyal Opposition". That means that although it is in the Opposition, it is still loyal to the country. Therefore, at the moment what we need from the Opposition is to simply remind the Government side that it is going astray from what it has promised.

In his Speech during the inauguration and opening of Parliament, the President did pledge to achieve certain objectives. I think right now the Government is already doing that. You cannot judge the Government in 50 or 60 days only. You have seen what is already happening in the Ministry of Education, Science and Technology where we are providing free education. At the moment we are trying to reform certain departments within the Government that had a bad reputation of being corrupt. The Immigration Department is one of those departments that had achieved a bad name. Right now, if you try and visit the Immigration Department at Nyayo House you will note that the big crowds that used to be there and the many contractors that used to go between the applicants and the Ministry are no longer there. That is an achievement, but we still intend to go even further because we know that for many years work permits were given to people who were doing jobs that could very effectively be done by Kenyans. We are making sure that this will not happen again. So, we are moving ahead in our efforts to remove corruption from the Department of Immigration.

The other place where there has been a lot of corruption is in the Non-Governmental Organisations (NGOs). One may not realise that the NGOs bring in about Kshs6 billion. What we need now is not to regulate them, but to monitor them and inject a sense of patriotism and bring in professionalism so that we can harmonise the work of NGOs. This will ensure that the effect of the Kshs6 billion that comes into this country through the NGOs can be felt.

Mr. Deputy Speaker, Sir, we are not going to give work permits to people who are not qualified to do social work, simply because they represent donors who will bring money through some Non-Government Organizations (NGOs), to the tune of Kshs6 billion in total. We know that our security has been threatened many times through the activities of some NGOs, who have come in, in a very questionable manner.

Mr. Deputy Speaker, Sir, in continuing with the reformation that we want to carry out, we do not necessarily have to go blaming the previous regimes. What we want to do is to use the past to see how we can deal with the future. So, when I talk about the "inhuman conditions" that were prevailing in the Prisons Department, I am not here to destroy or blame the previous Government. I am simply saying that we, as the new Government, are pledging to reform and bring back human rights and observe them everywhere. We have started with the Prisons Department, where, only yesterday, we were able to release 29 prisoners who had been condemned to death, but were never hanged. Therefore, they suffered torture everyday, not knowing whether they would be hanged the next day or not.

(Applause)

We not only commuted their death sentences, but because they had served for a sufficient term, we released them. What we want to do now is to bring in a human face in the prisons themselves so that the accommodation of prisoners has some semblance of the accommodation that they will have. Because we want the prison to be a reformatory or a corrective area, it is not necessary that because someone goes into prison, he or she has to be tortured or has to be punished. So, in trying to make life a little comfortable for the prisoners, we want to do the same for the prison warders. At the same time, we have to train the warders so that they do not vent their anger on prisoners.

Mr. Deputy Speaker, Sir, going back to the question of corruption, we need civic education. One hon. Member mentioned earlier that the police were being policed by the *matatus*, only recently, and that they have gone back to their bad habits. We need discipline in this country! It is only when one has discipline that--- For instance, if you are going into a building, and you want to use a lift, you will wait until the people who are in the lift come out before you go in.

Similarly, if you have discipline and you apply for a job as a driver of a *matatu*, you will know that there

are certain laws that you have got to observe in order to be a good driver. In the same way, all other drivers are expected to do the same. So, let us use civic education, right through the country, starting with people who are young, educating them about the etiquettes of life. This way, as they grow up, they will have a sense of belonging and decency. Then we will be able, if we sit either in Parliament or in a local authority--- Or if we sit anywhere and we think of equality all the time, it will help us, for instance, to harmonise the income.

It has been stated by the previous speakers how unequal the incomes of various people in this country are. With those few remarks, I support.

The Member for Fafi (Mr. Sugow): Mr. Deputy Speaker, Sir, my names are (Retired) Major Aden Sugow Ahmed, I am the Member of Parliament for Fafi Constituency, Garissa District.

Mr. Deputy Speaker, Sir, before I embark on the Speech by His Excellency the President, I would like to congratulate NARC for having been elected to form the Government. Kenyans have made history; for one, by changing the Government from one party to another. I congratulate Kenyans for carrying out that exercise peacefully. I do not think that credit should go to us politicians; and, I do not think we left any stone unturned in ensuring that Kenyans do not go into violence as usual. But they have matured now and, for once, they conducted an exemplary election to the rest of Africa and the world at large. For that reason, I congratulate Kenyans.

Mr. Deputy Speaker, Sir, His Excellency the President's Speech covered all issues which were raised by NARC during the campaigns. The Speech has outlined in general terms, what the Government should be. But now, it is in the court of the rest of Kenyans to put those policies into programmes that are implementable.

I would particularly want to point out the issues touching on development in North Eastern Province, and other affiliated districts, as a forgotten area. It is a forgotten area because the colonial Government had declared that area separate from the rest of the country. We were very much behind in terms of development during Independence, and that was the foundation of the secessionist movements done during the late 1960s. But since then, even with the Arusha Declaration, that brought about peace in northern Kenya, there has not been any change there, up to today, 40 years later, that would show that North Eastern Province is part of the Independent Kenya.

Mr. Deputy Speaker, Sir, the provincial hospital in North Eastern Province is more or less the same as a dispensary in Central Province or in Rift Valley Province. There is not much difference. Schools that were built about 30 years ago have collapsed. About 20 years ago, our people settled in the same locations. Today, there are no villages. All dams that were constructed during the colonial times are no longer useful to our people due to siltation. They have never been desilted since Independence. Livestock which is the mainstay of the people of North Eastern Province is in the doldrums. So, really, the people of North Eastern Province have nothing to show for the last 40 years of Independence. Mr. Deputy Speaker, Sir, sometime back there was a serious debate on local debts. A writer from Meru wrote to one of the newspapers suggesting that we actually sell North Eastern Province to pay our debts. However, the other day, when the President read his Speech, I felt that at least the North Eastern Province is being recognised in the minds of the leadership of this country. The attitude of that writer, that we sell this province so that we pay our local debts, is common among many Kenyans. Today, if a civil servant is posted to North Eastern Province, he feels that he is being punished. Do you expect such a person to perform? No! He will not perform. That is where corruption started in this country. You cannot get services without paying for them. There is too much insecurity. All Government allocations to that province go towards the so-called insecurity. However, most of that money is embezzled by the corrupt officials. So, really North Eastern is a forsaken place. It does not need mere policy outlines in a speech, but affirmative action. I support what has been outlined in the President's Speech, but the Government should go beyond that and come up with clear programmes that will improve the lives of the people of North Eastern Province and northern Kenya in general.

Mr. Deputy Speaker, Sir, I would like to commend the Government's policy on compulsory and free education. However, as another hon. Member said here, without boarding schools in North Eastern Province, it will be very difficult to implement this programme. Boarding schools are integral in achieving proper education in that province. I ask the Government to extend that gesture of free education and provide these facilities to our people. Many of our students drop out of schools at secondary level because of poverty. I urge the Government to support the education of gifted children at secondary level through subsidies.

As I mentioned earlier, the livestock industry is in the doldrums. There was a time when this country had an independent Ministry of Livestock. I think it is high time an authority was established or the Ministry for Livestock was revived to oversee the management of livestock in this country. The problem is that livestock issues are not given the serious attention that they require because most hon. Members in this House are agriculturalists.

So, they tend not to address the affairs of livestock farmers. For example, a Motion was passed in this House calling upon the Government to establish a livestock authority, but it has never been implemented. There are so many Motions like that which have never been implemented. I think it is high time such Motions were implemented for the good of all Kenyans.

Mr. Deputy Speaker, Sir, the problem of insecurity in this country is rooted in corruption. If we address corruption, then we will have no problem with regard to security. I served in the military and I know what it takes to sacrifice your life for Kenyans. This House should improve the conditions and terms of service for the police force.

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

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I stand to support this Motion. Millions of Kenyans eagerly waited for the President to deliver his Speech. The reason why Kenyans were eager to hear the voice of the President was because they wanted to be motivated and stimulated to work. It should be noted that this nation has been in a slumber for the last 24 years. In December last year, Kenyans pumped some breadth into it and it woke up. First it yawned in January and now it is fully alert and awake. That is why Kenyans are asking whether this Government will fulfil its promises. The answer is "yes" with regard to the President's Speech. We must live up to the expectations of Kenyans. We were on that side challenging the Government, but now we are in the Government. One thing that we shall not do is to leave any stone unturned just because some people are making noise here and there that there is witch-hunting. I would like to tell them that the Government knows exactly what it is doing. It will not be deterred by anybody from undoing the wrongs done by the previous Government. I am an Assistant Minister for Energy and I know all systems had collapsed because of theft of public funds. It was not even misappropriation of funds. It was outright theft. People did not imagine that one day they would be challenged to tell Kenyans what happened. For example, if you look at the Kenya Pipeline Company, you wonder how much money was siphoned through the award of contracts. People were paying themselves money and they sold imaginary pieces of land that never existed. I really sympathise with this nation. Even to date, the Kenya Power and Lighting Company is allowing to go to waste part of the energy it buys from M/s IberAfrica and M/s Westmont. Consequently, the company has to sell electricity to consumers at very high tariffs.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to complain about corruption in his Ministry instead of taking action against those involved? Why should he complain to the House?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I was saying that we have just discovered what was going on in the Ministry. Meanwhile, we are taking up these issues. When the hon. Member interrupted me, I was about to tell the House what we are doing about these issues. Some people are shedding crocodile tears and lamenting that they are being witch hunted. I can assure this House that the National Rainbow Coalition (NARC) Government will not complain to any other person. We are going to use the office of the Chief Justice and that of the Attorney-General to prosecute the wrongdoers. I can assure the House that we are not going to spare anybody.

Mr. Deputy Speaker, Sir, the management of the Kenya Power and Lighting Company has been a two or three-people show. Some of the perpetrators of these evils within the Ministry are in this House with us, and are now complaining. I remember the days I was a young boy, when we used to go hunting; there are animals with very short memory. They run a short distance and forget that you are chasing them. So, they stop and continue grazing. To those people who have been making public speeches, I would like to say the following: "You are mere warthogs, and we are going to catch up with you. You now open your mouths very loudly, trying to challenge the Government. We are catching up with you."

There is a saying in my community which goes: "A woman who suffers from a wound will never dance closer to other people. She always dances from a distance lest she is stepped on." To those people who are challenging the Government, I would like to say to them: "You are already inflicted with wounds, and you want to dance on the dance floor. We will dance with you." We will not take you to court for incitement. There were so many such cases in the previous regime. They do not result in anything. I have been charged with incitement 17 times. If you are taken to a court of law, you only become popular. We will not do that. Instead of charging you, we will let Kenyans judge you. That is where we are heading.

Mr. Deputy Speaker: Mr. Kiunjuri, it appears as if you are looking at someone on the Opposition side as you speak. Is that so?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, my colleagues on the Opposition side are new. I am not looking at anybody.

Mr. Deputy Speaker, Sir, by the end of last year, I could not have contested the presidency of this country simply because I had not attained the age of 35 years. It is, therefore, time that we reviewed the Constitution to enable every Kenyan to be free to vie for any elective post. My constituents elected me to represent them here for the first time when I was 28 years old. When Kenyans elected some hon. Members, who were less than 30 years old to represent them in here, they knew exactly what they were doing. It does not matter whether one is 70 years old or 20 years old, Kenyans know that, that person is able to represent them in this House. So, a new Constitution must allow me to threaten to, or even contest, the presidency. Had I contested the presidency in the last election, I would have been a full Cabinet Minister by now. You can see that most of those who threatened to contest the presidency are in the Cabinet.

What I am saying is that the Constitution must not disqualify anybody from contesting the presidency. The Constitution should confer on 80-year-olds or 18-year-olds the right to contest the presidency of this country since such persons already have the rights to vote and be voted for.

We must look at the Constitution and harmonise certain rules such as those governing the operations of the Public Investments Committee (PIC), which is currently guided by the House. Very soon, we are going to constitute the PIC and the Public Accounts Committee (PAC), which will investigate public servants who have committed evils and crimes against this nation. Some perpetrators of crimes while in public service might be lucky and be elected chairmen of these Committees. I am not surprised that some of them will be the chairmen of those Committees, and that they will seize the opportunity to clear themselves of any misdeeds while in public service. It is, therefore, time that every law and rule contained in our statute books was brought here and scrutinised, so that we can have the way forward.

Mr. Deputy Speaker, Sir, it is time civil servants woke up. They should realise that time has come for them to change. We are not going to complain any more about them. We should fire most of them. There is no need of transferring officers from one station to another. Transferring a police officer from, say, Laikipia District to Machakos District because he was ineffective at his earlier station, will not solve the problem. If he goes to Machakos District, he will continue with his bad habits. So, the appropriate action to be taken against such an officer would be to fire him. However, at the same time, the Government should motivate them by providing them with facilities such as telephones and transport, and have their salaries reviewed. I believe that the Government will shortly do exactly that.

Previously, we, the people of Laikipia District, used to complain so much about elephants. We are not going to do that any more. Instead, we are going to hold responsible the owners of the ranches from which the wildlife comes to terrorise us. Some people have big ranches such as the OI Pejeta Ranch; that is a private property. The law governing ranches clearly states that if you harbour animals which can be dangerous to your neighbours, and they move out of the ranch and cause harm, you are liable. So, ranch owners should ensure that the animals in their ranches do not harm their neighbours. Ranch owners must ensure that their animals do not stray outside and harm people.

Mr. Deputy Speaker, Sir, several hon. Members have complained that their people have been denied the right to graze their livestock in Laikipia District. What we are telling them is that they must uphold the rule of law. The Constitution is very clear on ownership of property. You must respect the property of other people. You cannot just trespass into Laikipia District and start grazing your livestock there as if that land does not have owners. We bought that land; we have our own ranches. There are so many pastoralists there; I am personally a pastoralist. If you want us to give you some grazing land, just come there and beg for pasture from the owners. You should not take over the land. We are warning those people who are still in that area that they will be flushed out. The days of sacred cows are gone. If you belong to that school of thought, I can assure you that we are going to throw you out. The law is very clear. We cannot allow you to go there with a lawyer and pretend that you are being denied grazing land.

If you cannot hold all your livestock in your farm, you should sell some of them. We are not going to give forced hospitality. So, the people concerned must move out; that is the policy of the Government. If you are a general in the army, you should know that the privates and the corporals will also require their rights. So, we are saying that those people must respect us, so that we can respect them. The only way to respect us is to remove all their livestock from Laikipia District and take them where they belong. They should keep the number of livestock they can contain in their farms.

Mr. Deputy Speaker, Sir, I would like to urge hon. Members on the Opposition, especially those who fought alongside us, and particularly hon. Members from the Forum for the Restoration of Democracy for the People, FORD (P), not to forget that we fought for a cause. This is now the cause they should support. This is their Government; the only difference is that they still sit on the Opposition side. I will encourage them not to defect. This Government will not accept defectors. Let them stay on the Opposition side, and "fight" from there, and they

will be heard.

Mr. Deputy Speaker, Sir, I beg to support.

The Member for Sabatia (Mr. Akaranga): Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to comment on the Presidential Address. My names are Moses Akaranga from Sabatia Constituency. On the outset, I would like to thank God for having extended his healing hand to our President.

Mr. Deputy Speaker, Sir, the Presidential Address to this House was quite concrete and focused. It touched on major issues affecting our economy. I am not going to tabulate each and every issue raised in the Address. However, I must point out the fact that our people are happy that the President has declared primary education free and compulsory. I would like this declaration to also cover nursery schools. Also, it is my prayer that the nursery school teacher be paid by the Government just like the primary school teacher.

In his Address, the President touched on the issue of performance contracts for civil servants. This concept has enabled the private sector to improve on efficiency and profitability. The introduction of the concept of performance contracts for civil servants is long overdue. I have always thought the concept has been in place. This concept should not only apply to civil servants but should also be extended to apply to Members of Parliament as well. I am sure that if the performance contract concept had been introduced to affect us, this Chamber would have been full. As you can see, most of the seats on the Opposition side are empty.

Mr. Deputy Speaker, Sir, I also want to talk about the labour movement in this country. Either, the labour movement in this country is dead or, perhaps, it is non-existent. So many employers are sacking our people. Our people are crying out there. Sometime back, when I used to work in a bank, bankers went on strike just because they had asked the Government to explain to them why the interest on the various loans was being appraised. But let me tell you that all those people were sacked! Now, when we are fighting corruption, we should also investigate the method which banks used to re-employ some people and others were left out. I want to assure you that today, we have got so many ex-bankers who are "tarmacking" because of that particular strike. Some of them have not even been paid their dues. Most of the bankers had children in good schools. The children are not learning now. When the President institutes a Commission to investigate the Goldenberg, I would like him to do the same with regard to that strike by the bankers.

Looking at the way people are going on strikes--- The other day, workers in the Export Processing Zones (EPZs) and other firms went on strike. It is because people are misusing the cheap labour in this country. As many speakers have already said, it is not good for some people to be paid very highly, while others are just left out. Therefore, I would encourage the Government to encourage the labour movement in this country. Let us have strong unions which we used to see in this country. Let us encourage them because without the labour movement, we cannot achieve much of what we are looking for.

Mr. Deputy Speaker, Sir, I would like to touch on financial institutions in this country. Borrowing of funds in this country is restrictive in the sense that the interest rates are very high. The banks started something called base rates. Actually, the concept of base rate is not understood by our people in Kenya. When they reduce their lending rates, they are reducing the base rate. But the problem is not the base rate. The problem is the margin over the base rate. For example, when Stanbic Bank reduced its base rate to 10 per cent, we do not know how much they are going to charge as the margin over the base rate. Perhaps, it could be 7 per cent or 8 per cent and, therefore, the interest rate could still continue to remain high. I think it would be appropriate for banks to become partners in progress in the National Coalition (NARC) Government.

Mr. Deputy Speaker, Sir, many people in this country evade paying taxes. In fact, taxes are paid by very few people in this country. Well-connected people in this country import goods into this country without paying duty. Therefore, I want to urge the Government to investigate people who have evaded taxes in the past. They should be made to pay. We need that money.

With regard to bank lending interest rates, I do not know where the famous Donde Bill went to. It is high time the Donde Bill was brought back to the House to try and streamline bank interest rates. I want to thank the President for establishing a Commission of Inquiry into the Goldenberg scandal. I would also like the President to look into the issue of the banks which have gone under, for example, Trade Bank, Trust Bank Ltd., Reliance Bank and the Euro Bank. These banks have collapsed with depositors' funds. I know a number of people whose businesses have collapsed because their funds went down with the collapsed banks. What hurts me most is the fact that some of the directors of these collapsed banks are running big companies in this country. For example, M/s Mountex Ltd. in Nanyuki is run by a man called Mr. Depak Shah, who was one of the directors of Reliance Bank Ltd. before it collapsed. We should act very fast to ensure that public funds deposited with the Euro Bank, which closed its doors recently, are not lost. Kshs256 million belonging to the National Social Security Fund (NSSF) was deposited with the Euro Bank. We should know who the shareholders of Euro Bank are. We should also know who are the people who borrowed these funds and who are the directors of the bank. Perhaps, some of these

directors are directors of other banks; if they have made Euro Bank to collapse, they will still make other banks collapse.

Therefore, it is my prayer that the Euro Bank is investigated very fast before the depositors' funds are lost. I do not even understand how the Managing Trustee of the NSSF authorised the transfer of Kshs256 million from the Central Bank of Kenya to Euro Bank. Somebody has talked about another Kshs411 million, which was also deposited in that bank. We should be serious and act very fast. Some people have taken these funds and have deposited them in foreign bank accounts. It would be appropriate for the NARC Government to discuss this issue with the foreign banks concerned and repatriate such funds back to this country.

With those few remarks, I beg to support.

ADJOURNMENT

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

The House rose at 12.30 p.m.