

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th October, 2003

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker (Mr. Poghiso)
in the Chair]*

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.857

HEALTH FACILITIES FOR OLENGURUONE SUB-DISTRICT HOSPITAL

Mr. Cheboi asked the Minister for Health:-

- (a) whether she is aware that Olenguruone Sub-District Hospital's theatre has not been equipped with requisite machines to enable it function;
- (b) whether she is further aware that the hospital does not have a mortuary; and,
- (c) what plans she has put in place to regularize this situation.

The Assistant Minister for Health (Mr. Konchella): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Olenguruone Sub-District Hospital's theatre is not fully equipped, having only been recently completed.

(b) I am also aware that the facility does not have a mortuary.

(c) The Ministry will provide funds for the construction of a mortuary as well as Kshs3.2 million for the purchase of three of the theatre equipment during this financial year.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I appreciate the fact that the

Assistant Minister sympathises with us, but he should realize that it is an extremely difficult situation to lack theatre equipment and at the same time lack a mortuary. We have a problem with that hospital as it serves quite a big area. Many doctors have come there only to run away because they say that they do not have facilities to utilize their talents. So, how soon is this money going to be sent to the hospital?

Mr. Konchella: Mr. Temporary Deputy Speaker, Sir, the money is already available, and it is just a matter of tendering through the print media so that the equipment can be procured.

Mr. Cheboi: Mr. Temporary Deputy Speaker, Sir, I am satisfied and grateful to the Assistant Minister.

Question No.859

MODERN TELEPHONE SERVICES
FOR TAUSA DIVISION

Mr. Mganga asked the Minister for Transport and Communications:-

(a) whether he is aware that the telephone exchange in Tausa Division headquarters is old, obsolete and breaks down regularly, rendering telephones in the area out of service;

(b) what urgent measures he is taking to instal a modern telephone exchange for the area; and,

(c) whether he could also consider Lower Sagalla and Bugita, which currently do not have any telephone service.

The Temporary Deputy Speaker (Mr. Poghiso): Is the Minister for Transport and Communication here? We will leave this Question until the end then.

Next Question by Mr. M. Kariuki!

Question No.113

OWNERSHIP STATUS OF MILLING
CORPORATION OF KENYA

Mr. M. Kariuki asked the Minister for Trade and Industry:-

(a) what the ownership status of the Milling Corporation of Kenya is; and,

(b) in view of the suspension from duty of all workers in December, 2002, what plans the Government has for the ex-employees.

The Temporary Deputy Speaker (Mr. Poghiso): Is the Minister for Trade and Industry here? We will leave out the Question until the end then.

Next Question by Mr. Sambu!

Question No.073

REVIVAL OF RIVATEX FACTORY

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Sambu not here? We will leave the Question until the end then.

Question No.809

INCREASE OF COUNCILLORS' SALARIES

The Temporary Deputy Speaker (Mr. Poghiso): Dr. Wekesa also not here? We will leave his Question until the end.

Let us proceed to the next Question by Mr. A.C. Mohammed.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, Dr. Wekesa had sent me to ask the Question on his behalf.

The Temporary Deputy Speaker (Mr. Poghiso): We have already moved on to the next Question. You can wait for the second round.

Next Question by Mr. A.C. Mohammed!

Question No.808

CONSTRUCTION OF KIZINGITINI SEA WALL

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. A.C. Mohammed here? We will leave his Question until the end.

Next Question, Mr. Munya!

*Question No.688*REVOCAATION OF FORESTRY DEPARTMENT/
MUCHIMUKURU FACTORY AGREEMENT

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Munya also not here? We will leave his Question until the end.

Next Question, Mr. Ethuro!

*Question No.720*REHABILITATION OF
KALOKOL POLYTECHNIC

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ethuro also not here? What is happening this morning? We will leave his Question until the end.

Last Question, Dr. Kibunguchy!

Question No.844

SETTLEMENT OF SQUATTERS IN LUGARI

Dr. Kibunguchy asked the Minister for Lands and Settlement:-

- (a) how many squatters there are in Lugari Constituency; and,
- (b) what plans he has to settle these people.

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

(a) I am not aware of the number of squatters in Lugari Constituency as no census has ever been carried out in the area or in any other constituency.

(b) The Ministry has no immediate plans to settle squatters in Lugari Constituency as, currently, there is no land earmarked for this purpose.

Dr. Kibunguchy: Thank you, Mr. Temporary Deputy Speaker, Sir. I am not satisfied with that answer. Lugari is a settlement scheme, and it is one area in which we had a lot of influx of people who were affected by land clashes in 1991/1992, and especially in 1997. If you go to Lugari now, you will find very many people living along the railway line and besides other people's shops. Therefore, we have a major problem of squatters in Lugari Constituency. I am totally not satisfied with the Assistant Minister's answer.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you have heard the hon. Member talk about people who were displaced as a result of ethnic clashes. I have said in this House that my Ministry does not resettle people who have been displaced as a result of clashes. It only settles people who do

not have land. In any case, Lugari is a settlement scheme. The Ministry has so far settled the people who were landless. My Ministry cannot resettle people whom it has already settled.

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister say that the Ministry has already settled the people who were landless, and yet in his initial speech he said that he had no records of people who were settled in Lugari Constituency or in any other constituency. Could he tell us how many people in Lugari Constituency were settled?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, what I said - and I am going to repeat - is that the people who were landless have already been settled.

Mr. Khamasi: How many?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I do not have the number, but I undertake to bring it to the House. I am saying that I cannot resettle people who were displaced as a result of clashes.

The Temporary Deputy Speaker (Mr. Poghiso): You have made your point.

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, in view of the magnitude of the squatter problem in this country, and the fact that the Assistant Minister has said that there has been no census whatsoever of squatters either in Lugari Constituency or elsewhere, could he assure this House that a census will be undertaken, so that the Government can be accountable in this problem?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, if there are people who have not been settled as a result of non-availability of land, then the Government will undertake to settle them once we identify land for that purpose. If the hon. Questioner is talking about people who were displaced as a result of clashes, I am sorry about it because that issue falls under the Office of the President.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that the reason why these people have not been resettled is because of lack of land? We know that the real problem is insecurity.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. Ojode, you do not really have to answer that. That is really an argument. It is not a point of order. I have warned hon. Members before that if it is Question Time, and you try to approach a matter from the point of order procedure, you really will not get very far. This is the time when you seek answers through asking questions and not necessarily by raising points of order.

Dr. Khamisi: On a point of order, Mr. Temporary Deputy Speaker, Sir. My question was based on the fact that no census of squatters in this country has been undertaken. Could the Assistant Minister order that a census be undertaken, so that the Government can be aware of how many squatters exist in this country?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, in areas where we need to know the number of squatters and the number of people we are supposed to settle, we can order for a census to be carried out. But, in this particular case, there is no need for a census to be carried out because we do not have squatters in the area.

Dr. Kibunguchy: Mr. Temporary Deputy Speaker, Sir, I do not know why the Assistant Minister keeps on repeating that there are no squatters in Lugari Constituency. I come from Lugari Constituency and know that there are squatters there. I would like to ask the Chair to order the Assistant Minister to give me a proper answer to my Question. I am not satisfied with his answer and would like to have a proper answer to my Question.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, you have heard the hon. Member talk of people who were displaced as a result of clashes and not the landless. The people who were displaced as a result of clashes---

Dr. Oburu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House? He has said that the people who were affected by clashes are not landless. The Ministry of Lands and Settlement takes care of the landless people and those who were displaced by clashes are also landless people. Is it in order for the Assistant Minister to mislead the House that the issue of the people who were displaced by clashes falls under another Ministry and

not his Ministry?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I want to make it clear to the hon. Member that there are two different groups of people here. There are people who want to be settled because they are landless. That group falls under my docket. There are people who have been displaced as a result of some kind of insecurity or ethnic clashes, and that group falls under the Office of the President because their case is a security matter. This particular Question is based on ethnic clashes and the issue falls under the Office of the President. Mr. Tarus and Dr. Murungaru are the people who are supposed to answer the Question.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since the Assistant Minister has conceded that this is a matter he cannot handle, would I be in order to request that the Question be directed to the Office of the President, so that we can get the right answer?

The Temporary Deputy Speaker (Mr. Poghisio): Order! A Question can be asked in future if you are still interested in the matter. But you can also approach the Minister. You know where to find him.

Mr. Muchiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Given the gravity of this matter regarding the landless and the squatter situation in this country, I want to plead that you allow more intervention in the Question.

The Temporary Deputy Speaker (Mr. Poghisio): Order! That is one of the kind of points of order that take us back. We have actually been told that each Question should take no more than five minutes. Every Question is important, and that is why it is on the Order Paper. If you would like to ask many Questions about land issues, you can put in as many as you like. But we must finish with the Questions which are on the Order Paper today. Every one of them is important to the person who has asked it.

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

The Temporary Deputy Speaker (Mr. Poghisio): Are you not taking our time, Mr. G. G. Kariuki?

Mr. G.G. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is legitimate because of the fact that we understand what is happening. The Assistant Minister has said that the Question does not fall under his docket. That could be true. But is it in order for him to bring the argument to the House when we have the so-called doctrine of collective responsibility?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I have only said that the issue of the people who have so far been displaced either through ethnic clashes or insecurity does not fall under my docket. But I have answered the Question. I have said very clearly that at the moment, I do not have people in Lugari Constituency who need to be settled. The hon. Member has a problem of the people he wants to be resettled. That means the people were once settled somewhere.

(Laughter)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Dr. Kibunguchy, if you would like to have the Question directed to the Office of the President, then you have to put it differently. If you simply ask a plain Question like this one, it cannot be directed to the Office of the President. The Question asks how many squatters are there in Lugari Constituency. The statement about clashes came later as supplementary information. So, put what you want in a Question and it will be directed to the right Ministry.

Since the Questioners and the Ministers have come late this morning, I will give hon. Members a second chance to ask their Questions. Of course, this is a very serious matter! Usually, I would have dropped all these Questions. It should be noted that when the hon. Member is not here to ask his or her Question, that Question will be dropped.

For the second time, Mr. Mganga's Question.

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, although I have not received a written reply, I will go ahead and ask my Question for the second time.

Question No.859

MODERN TELEPHONE SERVICES
FOR TAUSA DIVISION

Mr. Mganga asked the Minister for Transport and Communications:-

- (a) if he is aware that the telephone exchange in Tausa Division headquarters is old, obsolete and regularly breaks down, rendering telephones in the area out of service;
- (b) what urgent measures he is taking to instal a modern telephone exchange for the area; and,
- (c) if he could also consider Lower Sagalla and Buguta which currently do not have any telephone service.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, I apologise for coming late.

However, I beg to reply.

(a) Voi Digital Exchange serves Tausa Division via an analog line that is concentrated and almost full. The Voi Digital Exchange is completely full, but is currently under expansion from 768 lines to 1,536 lines. This exercise is expected to be completed by the end of next month. Once this expansion has been completed, the modernisation of Tausa Division headquarters will also follow.

(b) Telkom (K) Limited, in its 2000 to 2005 plan, intends to undertake the following projects in the district:-

(i) Replace all the line connectors with superior digital line concentrators in Taita-Taveta District.

(ii) Replace the existing pulse mode cable transmission medium line concentrators with appropriate and superior wireless fibre optic technology.

(c) Lower Sagalla, Buguta, Gazi and Marungu which are currently not enjoying any telephone services will be served by a multi-access system as stated in the development plan by Telkom (K) Limited.

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, part "a" of the Question is addressing a situation at Tausa divisional headquarters. For a number of years we have been promised that a modern digital machine will be installed in Voi so that the smaller satellite one in Tausa can be improved. However, this has not happened. As a result, at times, it is very difficult or almost impossible access the DO's office in Tausa Division. It is the same situation with the other sub-locations of Gazi, Marungu, Buguta and Lower Sagalla. Could the Assistant Minister categorically tell this House when the new exchange will actually be in place and operational? When will the telephone services be extended to Buguta, Lower Sagalla, Gazi and Marungu sub-locations?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I have assured my friend and colleague that the new digital exchange for Voi will be ready by the end of next month. As soon as that expansion is completed, the services in the other centres mentioned will be undertaken.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister consider ensuring that we have telephone booths in all market centres in the district?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I cannot guarantee that, but we will try.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, bearing in mind that communication is vital in any kind of development, what is the policy guideline with regard to this issue? I have asked a

similar Question. Sigor Constituency has an old telephone exchange that keeps on breaking down all the time. We are suffering and insecurity is a problem in my constituency.

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, when the hon. Member asked about Sigor Constituency, we did answer his Question. If he wants to put a specific Question, we shall also answer it.

Mr. Ndambuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. In my constituency, we have a line which was installed three years ago. However, we have many applicants who cannot get telephone services because they do not have dropping wires.

Mr. Temporary Deputy Speaker, Sir, what will the Assistant Minister do to make sure that the applicants in the areas of Kilala, Kaumoni, Mukuyuni, Kyambalasi get telephone services? They have already applied and paid for these services.

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I do not have an answer to this supplementary question asked by my colleague. However, if he wants any specific information, I will answer him once he puts a Question

The Temporary Deputy Speaker (Mr. Poghisio): Next Question by Mr. M. Kariuki!

Question No.113

OWNERSHIP STATUS OF MILLING
CORPORATION OF KENYA

Mr. M. Kariuki asked the Minister for Trade and Industry:-

- (a) what the ownership status of Milling Corporation of Kenya is; and,
- (b) in view of the suspension from duty of all workers in December, 2002, what plans the Government has for the ex-employees.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, I am sorry for being late. I expected us to start with Questions by Private Notice. However, I beg to reply.

(a) Milling Corporation of Kenya Limited (MCKL) was jointly owned by Industrial and Commercial Development Corporation (ICDC) and National Cereals and Produce Board (NCPB) as equal partners with 50 per cent shareholding. It was advertised for sale as a going concern by the Executive Secretariat and Technical Unit of the Parastatal Reform Programme (PRP). The company was sold to M/S Premier Flour Mills Limited (PFML) at a price of Kshs150 million on 28th August, 1995.

(b) The shifting of ownership of the corporation to a new investor also shifted responsibility of the employees to the new owner. In the circumstances, the workers should liaise with the relevant authorities to address their grievances.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker Sir, this particular company is in my constituency. I am aware that in 1995, its value was Kshs550 million. It is a public investment. The Assistant Minister tells the House that it was sold for Kshs150 million only, thereby putting a loss of Kshs400 million on the taxpayer. I would like the Assistant Minister to tell this House whether PFML was the highest bidder? If so, why was the highest bidder denied the right to buy MCKL?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, there were several bidders for the concern. The highest bidder was Kitale Industries Limited (KIL), with a bid of Kshs195 million. The second was PFML with Kshs150 million and the third was Mombasa Maize Millers Limited (MMML) with Kshs132,500,000. The other companies had lower bids.

The successful bidder, PFML offered Kshs150 million since the highest bidder KIL who had quoted a figure of Kshs195 million was not interested in taking over the liabilities due to their shares

amounting to Kshs84 million, thus contravening the advertised going concern mode of sale.

Mr. Waithaka: Mr. Temporary Deputy Speaker, Sir, after the bid, Premier was given 60 days within which to pay the balance; after they had paid the 10 per cent. We have information that Kshs135 million was paid by Premier two years after the sale. Is the Assistant Minister aware that the balance was paid two years after the sale, in contravention of the contract agreement? The sale was, therefore, null and void and should be rescinded.

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, the purchasers paid the 10 per cent down payment amounting to Kshs15 million in February, 1994, but they did not pay the balance within the stipulated 60 days. The Kshs15 million was equally divided between ICDC and the National Cereals and Produce Board. The sale agreement was signed on 13th April, 1995 and the final balance of Kshs118 million was paid in 1995, as the hon. Member has said. This transaction took place in 1995 and I do not think it is possible to declare it null and void at this stage.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, if indeed what the Assistant Minister is saying is true, that the second highest bidder who paid Kshs150 million agreed to take over all the liabilities of Kshs84 million, why are we talking about workers who were not paid? Were they not part of the liabilities? I believe they should have been. Why were the workers not paid and yet he said that the company took over all the liabilities of Kshs84 million?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, I agree that the buyer should have taken up the liabilities, and that is why I said that the workers should address their grievances to the owner of the concern at the moment.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, it is really amazing when the Assistant Minister says that it is not possible to rescind the decision when the conditions of sale were not observed. Having said that, I would like the Assistant Minister to tell this House who the directors of Premier Flour Mills are, because we are informed that they are politically- connected individuals. Some of them are in this House today.

Mr. Cheboi: On a point of order, Mr. Temporary Deputy Speaker, Sir. If the hon. Member is aware of the directors, why should he go ahead and ask that question?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Actually, if an hon. Member uses the time of the House to purport to ask a question when he already has an answer, that is out of order. So, if the hon. Member wants to know who the directors are, he should just ask the question. He should not purport to answer the question.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I said that I have unconfirmed information. It is the duty of the Assistant Minister to confirm to this House---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. M. Kariuki, you should give the Assistant Minister a chance to answer your question. Seek answers and do not try to be the one answering the questions.

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, I do not have the names of the directors at the moment, but I am still trying to find out who they are and I will bring them to the House in future.

Hon. Members: When?

Mr. Miriti: Tuesday, next week, Sir.

Question No.073

REVIVAL OF RIVATEX FACTORY

Mr. Sambu asked the Minister for Trade and Industry what steps he is taking to ensure that the Rivatex Factory in Eldoret is revived and made operational in view of

the AGOA initiative.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

To ensure that Rivatex Factory in Eldoret is revived and made operational, my Ministry has plans to sell off the factory which is 90 per cent owned by ICDC and 10 per cent owned by IDB and DBK, which has been under receivership from May 1998, to either a local or foreign investor. In this regard, an advertisement for the sale of Rivatex was done in May and June, 2002, but all the bids fell below the asset value.

In the year 2002, the matter was revisited and the following responses were received from four interested foreign investors:-

(i) A delegation from Thailand visited Rivatex in 2002 and expressed their willingness to invest in the industry. A response from these investors is still awaited.

(ii) Rupa Textile Mills, the current owners of Heritage Woollen Mills, formerly known as Raymonds, have developed an interest to invest in Rivatex, but are yet to make a serious move.

(iii) An American company, Progressive Company made a preliminary visit to Rivatex in August 2001, and expressed interest in reviving the firm. A team from this company is currently in Kenya for further studies and discussions on the revival of Rivatex.

(iv) A group of investors from India is expected to visit the factory in the course of this month with a view to negotiating for its revival.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, what is the asset value? What is the Government, ICDC, IDB and DBK asking for? We would like to know the specific figure.

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, the sale of the company assets attracted uncompetitive bids when floated in May---

Mr. Sambu: On a point of order Mr. Temporary Deputy Speaker, Sir. Is it the asset value or Rivatex as a going concern? The factory has not been demolished. It has got land and buildings. It is Rivatex as a going concern. Is it in order to talk of the asset value?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, the value of Rivatex is Kshs885 million.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, given that Rupa Textile Mills are also the owners of Ken Knit, and given that we would like to discourage monopoly in the town of Eldoret, could the Assistant Minister assure us that they will not allow it to buy Rivatex in order to avoid monopoly?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, if the spirit or the target is to sell it to the highest bidder, then I cannot make that undertaking.

Mr. J.M. Mutiso: Mr. Temporary Deputy Speaker, Sir, under the AGOA initiative, there is a bilateral arrangement between the Kenya Government and the American Government to promote cotton growing in this country. You have heard the Assistant Minister say that the Government is contemplating selling the company to foreign investors from either America or India. Could he tell the House how it is possible for the Government to create 500,000 jobs when it is disposing off its assets?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, we have very many foreign investors in Kenya today, and they have employed Kenyans. If investors come into the country and employ Kenyans, we believe we shall meet the 500,000 jobs target of employment.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, would the Government consider giving a guarantee to local investors as well so that they are able to borrow the Kshs895 million from IFC or IMF or whichever lender so that Kenyans for once are able to run their own investments?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, the interested companies should be in a position to apply to the relevant financial institutions.

Mr. Sambu: On a point of order Mr. Temporary Deputy Speaker, Sir. I am asking for assurance, that there will be a Government guarantee because there are local companies which have

already applied and they are now seeking a Government guarantee. Will they be given the guarantee?

The Temporary Deputy Speaker (Mr. Poghisio): That is another Question.

Mr. Sambu: He did not answer my first question in the first place!

The Temporary Deputy Speaker (Mr. Poghisio): That is not a point of order!

Mr. Sambu: It is point of order, Mr. Temporary Deputy Speaker!

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Sambu, you are getting into an argument. Do you have a question?

Mr. Sambu: What if he does not answer my question?

Mr. Miriti: Mr. Temporary Deputy Speaker, Sir, we shall look into it.

Question No.809

INCREASE OF COUNCILLORS' SALARIES

Mr. Bifwoli, on behalf of **Dr. Wekesa**, asked the Minister for Local Government:-

(a) what the total remuneration of:-

- (i) mayors of municipalities;
- (ii) chairmen of county councils; and,
- (iii) councillors is; and,

(b) what plans he has of increasing the councillors' salaries and when the increase will be effected.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The total remuneration for mayors of municipalities is Kshs1,022,330. For the chairmen of county councils it is Kshs1,763,600. For the other councillors, it is Kshs15,943,410 per month.

(b) The Government has formed an Inter-Ministerial Committee to review the viability of all the Local Authorities and their ability to pay enhanced allowances.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, you have heard that the Government has appointed an Inter-Ministerial Committee. I am sure that is why new salaries which were released last month and which an Inter-Ministerial Committee approved, have now been revoked. What hope do the councillors have?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, it was not revoked by the Inter-Ministerial Committee.

Mr. Bifwoli: She has not answered! Can I repeat the Question?

The Temporary Deputy Speaker (Mr. Poghisio): Order Mr. Bifwoli! I think that the Assistant Minister wants to answer the Question.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, when we passed the Budget a month ago, the hon. Minister promised and gave us an assurance that he was going to increase the salaries of councillors by 100 per cent. A week later, he received the same Question and told us that there was a Cabinet approval on it. What happened to the Cabinet approval? Does it not hold?

Mr. Sambu: *Kumbe ni uongo!*

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order Mr. Sambu! That was very audible. In fact, you have to apologise to this House!

Mr. Sambu: May I apologise for that, Mr. Temporary Deputy Speaker.

(Loud Consultations)

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, immediately after the increase of the councillors' salaries, some of the councillors started complaining about the increment and demanded to be paid through the Central Government. Their local authorities could not afford to pay them. That is why it was revoked.

However, as I said, we have formed an Inter-Ministerial Committee which consists of members from the Office of the President, Ministry of Finance, Ministry of Local Government, Ministry of Water Resources Management, and Development, Ministry of Planning and National Development and the Attorney-General's Office.

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, maybe this Question came too early. In between, there was an agreement here to have the salaries of councillors improved. Is that agreement still there or was it removed so that we start the process again? Were we just "manipulated" to pass that Bill, which I hear was true?

The Temporary Deputy Speaker (Mr. Poghisio): Please ask your question!

Mr. Ogur: Mr. Temporary Deputy Speaker, Sir, we passed it because of the promise that was made. Where is that Cabinet Paper which was to be approved when the President came back? He is now back. Has it been approved?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, it is at the early stages of being approved. We have given the Committees 30 days after which they shall give us their findings.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, thank you. We actually passed the budget for the Ministry of Local Government with the understanding that the councillors were going to be paid higher salaries. Even upon the Minister's announcement. What is the difficulty? Is it that you do not have money? Where is the money that was approved for the payment of councillors because they are suffering?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, as I said, some local authorities could not afford to make the payments and some councillors wanted to be paid through the Central Government. That is what we are looking at. We are waiting for those 30 days and then we shall know if they will be paid through the Central Government.

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is obvious that the hon. Assistant Minister is not convincing the House with her answers. This is a matter that, if you permit me, I would suggest that the Question be deferred and the Minister himself, Mr. Maitha, appears in this House to answer it.

(Applause)

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, when answering Questions, I do not think there is any difference between a Minister and an Assistant Minister. We are all Ministers as far as this House is concerned and I am capable of answering all the questions. I have answered them correctly.

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! If there are 100 hon. Members wanting to stand up on points of order, it becomes a disorder.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should admit that this is a case of sour grapes. The Minister told us here in this House that he was taking the matter to the Cabinet. He actually announced the new salaries for councillors, but they refused them. We had advised him that the councils should be allowed to pay the councillors. Could the Assistant Minister now allow the councils to pay their councillors proper salaries from their funds?

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Every time an hon.

Member stands on a point order it turns out to be a question. So, why do you not just ask the question?

(Loud consultations)

Hon. Members, I have said that the route you are using to ask questions, that is through points of order, is not getting you anywhere. If you have a question, just ask it.

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

The Temporary Deputy Speaker (Mr. Poghisio): Let it be a point of order!

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, the Minister misled this House. He said in this House that the Cabinet has approved the salaries. How can the Assistant Minister now mislead us that the Cabinet has not approved them? It is not in order to mislead this House. Could Mr. Maitha come back and clarify what he said?

Hon. Members: Defer the Question!

The Temporary Deputy Speaker (Mr. Poghisio): Order! I think we will defer the Question. We want to make sure that the Minister is here to answer the Question. We will bring it back to the House as early as possible.

(Question deferred)

Question No.808

CONSTRUCTION OF KIZINGITINI SEA WALL

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. A.C. Mohammed not here? The Question is dropped.

(Question dropped)

Next Question by Mr. Munya!

Question No.688

REVOCATION OF FORESTRY DEPARTMENT/ MUCIIMUKURU FACTORY AGREEMENT

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Munya not here? The Question is dropped.

(Question dropped)

Let us move on to the next Question!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I apologise for coming late.

Question No.720

REHABILITATION OF KALOKOL POLYTECHNIC

Mr. Ethuro asked the Minister for Labour and Human Resource Development:-

- (a) whether he is aware that Kalokol Polytechnic collapsed 20 years ago; and,
- (b) what urgent steps he is taking to rehabilitate the polytechnic in line with manpower training needs of Turkana District.

The Minister for Labour and Human Resource Development (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Kalokol Youth Polytechnic collapsed 20 years ago. I think that was during the Fifth Parliament.

(b) There are no immediate steps being taken by the Government to rehabilitate the polytechnic because Kolokol Youth Polytechnic, like all other youth polytechnics in the country is owned, equipped, staffed and maintained by respective local communities.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am surprised by the answer given by the Minister to this Question. This polytechnic is not owned by the community; it is owned by the Friends Quakers Church. I used to be an Assistant Minister in this Ministry in those good old days of KANU and there were plans to upgrade this particular polytechnic. Could the Minister now confirm whether those plans were shelved because there is a new Government?

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, by definition even if a private organisation, like a church in this case, is involved in the management of a youth polytechnic, it is still classified as being managed by the local community.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Minister! What about the second part of this Question; about plans by the Government?

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, we are working on comprehensive plans to ensure that we assist and revamp the activities of youth polytechnics as a continuation of imparting skills to the youth after their primary and secondary education.

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

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Ethuro, you have a chance to ask a question. Why go through the point of order?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the Minister is misleading the House. Part "b" of the written reply says that there are no immediate steps. In reply to the supplementary question, he has said that the Government is working on plans to revive the polytechnic. Is he in order to mislead us?

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, I go strictly by the English words that were used in the Question. He is talking of "urgent and immediate steps". To that, I say we do not have immediate steps. In the long term, we are working on something to ensure that youth polytechnics serve their intended purposes.

Prof. Oniang'o: Mr. Temporary Deputy Speaker, Sir, most youth polytechnics in the country have either collapsed or are near collapse. The Minister is misleading this House by saying that they are fully owned and managed---

The Temporary Deputy Speaker (Mr. Poghisio): Ask your question!

Prof. Oniang'o: I am coming to the question. The Minister is misleading the House by saying that they are fully managed by communities. Is he aware that teachers in these polytechnics, most of whom are technicians trained in the polytechnics, are paid only Kshs2,000 per month by the Government? It is not true that the Government is fully out of this!

Mr. Temporary Deputy Speaker, Sir, could he tell us what role the Government will play in making sure that the polytechnics are revived so that they take on school leavers and help this NARC Government to create the 500,000 jobs they promised Kenyans?

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, I that as an additional Question, but I am prepared to give an answer. I will take it as a Question with two parts. Part one is on what the Government is doing at the moment to assist youth polytechnics and part two is on the further development of youth polytechnics to make them relevant in the role that they are supposed to play.

Under part one, the Government does assist 400 youth polytechnics in the country. This assistance is just to augment certain costs that the local communities are unable to meet. For example, we do pay certain salaries for just a few teachers in the youth polytechnics. In the case of Turkana District, we do assist Turkana Youth Polytechnic to the tune of only Kshs14,855 per month and that is meant to cover salaries of six teachers.

Mr. Temporary Deputy Speaker, Sir, now, there is an additional element of assistance that we give to youth polytechnics even at the moment. We do inspection of youth polytechnics. That costs money and there is also expertise from the Government. We assist in auditing them, supervision, trade-testing and certification of their artisans. When it comes to a comprehensive plan for the future development of youth polytechnics, the answer is based on what I said earlier.

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, many polytechnics in my area collapsed 20 years ago. Could the Minister give clear instructions on what local communities are expected to do in respect of polytechnics because many of them are collapsing? When you inquire about the state of polytechnics in this country, you are referred to the DDCs, and you are not given any explanation. I would like to request the Minister to give us clear instructions so that we know what to do.

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, the hon. Member made a speech. I did not even get the question. Could he, please, ask it again?

(Mr. Omamba stood up in his place)

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order! It looks like Mr. Omamba is not satisfied. Mr. Omamba, why are you still on your feet?

(Laughter)

Mr. Omamba: Mr. Temporary Deputy Speaker, Sir, I want to repeat the question because the answer the Minister has given is quite vague. What are the conditions laid down for the community and the Government in rehabilitating youth polytechnics?

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Temporary Deputy Speaker, Sir, I think the question wants the Minister to define the role of the Government and the community in rehabilitating youth polytechnics.

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, first and foremost, the community has to take the initiative to start a youth polytechnic through their DDC. Once they do that---

The Temporary Deputy Speaker (Mr. Poghismo): Order, Mr. Minister! We are not talking about new youth polytechnics. He is talking about those which have collapsed all over the country.

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, for the ones that have collapsed, it is up to the local community to take the initiative to revive them and then inform Government how far they have gone.

Mr. Sirma: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Minister is not serious in answering the Question. Could he then declare that this Government is not interested in village polytechnics?

The Temporary Deputy Speaker (Mr. Poghismo): That is not a point of order; it is a question.

Mr. Mwakwere: Thank you very much, Mr. Temporary Deputy Speaker, Sir. The hon. Member must be a psychiatrist to know what I am thinking about. The answers I gave were very serious and I would like them to be taken as such.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am happy the Minister is literate in the English Language and I appreciate his diplomacy in answering that there are no immediate steps without stating the long-term steps, which he has clarified here. But the Question is: "What urgent steps is he taking to rehabilitate the polytechnic in line with manpower training needs of Turkana District?" He has talked about Turkana Polytechnic. We do not have Turkana Polytechnic, we only have Lodwar Polytechnic in Turkana District. Given the fact that we do not send very many students to secondary schools, that is why we are asking the Minister to rehabilitate the existing polytechnic. In view of the fact that Turkana District has certain manpower requirements, could he consider, as a matter of priority, to rehabilitate this polytechnic given the fact that the NARC Government has committed itself to the rehabilitation of all collapsed projects including the cashewnuts factory in Kwale?

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, I think we need to be broader in our thinking. I am totally at a loss when somebody talks of "manpower requirements for Turkana District". I can quantify "manpower requirements for the country", but, surely, manpower requirements for a district, a location or a village is vague. We have got to take it at a broader national perspective.

Dr. Ali: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister telling us that the Question by the hon. Member is irrelevant? The hon. Member represents Turkana District and he has all the right to talk about the manpower development of the district.

The Temporary Deputy Speaker (Mr. Poghisio): Order! That is not a point of order.

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, the Question is not irrelevant. When we are discussing about manpower needs, we do not discuss manpower needs for a village or a youth polytechnic. We discuss manpower needs for the country and we quantify them in that context.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Members!

Mr. Abdirahman: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to tell us that he is only taking care of the national interests? It is the districts that make up the nation. Is he in order to mislead this House that when they are planning for manpower development, they do not start from the grassroots?

Hon. Members: Shame! Shame!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! That is precisely the point. Hon. Members, would you just go straight to the questions instead of trying to go through points of order? They are not points of order. If you have a question, just rise on a supplementary question. Do not try to rise on a point of order. That is precisely my point.

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir---

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! He is on another point of order.

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, I think hon. Members need to hear the second part of the Question which is: "What urgent steps is the Minister taking to rehabilitate the polytechnic in line with manpower training needs for Turkana District?" That is a dangerous question in the sense that, we do not consider manpower training needs for a district. We consider manpower training needs for the country. Unless they tell me---

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister has clearly said that they are not concerned about manpower needs per district. The hon. Member said it is the districts that make up the nation. Is he in order to repeatedly tell us that the manpower needs of

Turkana District are not in the focus of this Government?

Mr. Mwakwere: Mr. Temporary Deputy Speaker, Sir, I repeat and I am right in saying so. The fact that the country's manpower needs consider every part of this country, we do not consider manpower training needs of Nairobi for Nairobi residents nor do we consider manpower training needs for Mombasa residents and exclude everybody else from this country. I am talking about manpower training needs for the country, and Turkana District is included. When I talk of the country, I am including every corner of this country, including Turkana District. They should not be considered exclusively.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! I know it may still be raising questions but we have to move on.

QUESTIONS BY PRIVATE NOTICE

DEPLOYMENT OF KENYAN SOLDIERS IN IRAQ

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

Could the Minister inform the House whether Kenyan soldiers will be deployed in Iraq on a peace-keeping mission?

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

There are no plans for Kenya to provide troops for peace-keeping or any other mission in Iraq at the moment. As this House is aware, Kenyan troops have gained invaluable experience and surpassed reputation in peace keeping and humanitarian operations elsewhere in the world.

As a member of the United Nations (UN), Kenya stands ready to work with the international community in providing whatever assistance or support that is deemed necessary for the reconstruction of Iraq upon request based on an appropriate UN Security Council Resolution to that effect. But, certainly, not under any unilateral agreement or arrangement. So far, no such request has been received from the UN, and should our assistance to contribute troops be sought, the matter will receive due consideration taking into account all factors and circumstances prevailing.

Mr. Mukiri: Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Could you make use of the microphone?

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, I am sorry I am short! I am standing up. The other day, the Minister was quoted as saying that, they are just waiting for a United Nations (UN) resolution, so that our soldiers could be sent to Iraq. Any resolution that comes out of the UN will obviously be an American resolution. Considering the fact that America decided to attack Iraq against UN advice, could the Assistant Minister assure us that, since that is going to be an American decision, and we have paid very heavily for supporting the American international policy, that our soldiers are not going to be sent to Iraq under any circumstances?

(Applause)

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, there are two things. First, the Minister did not say that he was waiting to be called upon to send troops to Iraq. Secondly, the UN is not America and America is not the UN. Any request from America for Kenya to send troops to Iraq or anywhere else will be rejected. But if it is a request by the UN Security Council, properly approved by the UN Security Council, Kenya will consider the request, depending, on the circumstances

obtaining at the time.

Mr. Sirma: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister consider bringing that request to Parliament for approval once it comes, before sending our soldiers to Iraq?

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, that issue will be addressed when we reach it!

The Temporary Deputy Speaker (Mr. Poghismo): Do you have a question, Mr. J.M. Mutiso?

Mr. J. M. Mutiso: Mr. Temporary Deputy Speaker, Sir, we have heard from the Assistant Minister that, upon request from the UN, any member-country is obligated to send troops to a peace-keeping mission. In that case, we have Kenyan soldiers on a peace-keeping mission to Sierra Leone, under the UN supervision. Could the Assistant Minister confirm or deny that the UN has not re-deployed the peace-keeping soldiers from Sierra Leone to Iraq?

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, everybody knows that, currently, the only forces of occupation in Iraq are American forces and its allies. There is no UN-brokered peace in Iraq. No Kenyan troops in Sierra Leone have been re-deployed anywhere. Kenyan troops have kept peace on the border of Iran and Iraq after the last war. I have said that, should the UN Security Council decide that there is need for peace-keeping in Iraq and Kenya is requested to send troops, we shall consider that.

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, Swali hili ni muhimu sana, haswa tukizingatia swala la ugaidi wa kimataifa, na hadhari za sera za kibeberu katika Mashariki ya Kati.

The Temporary Deputy Speaker (Mr. Pighisio): Uliza swali!

Mr. Mwandawiro: Swali langu ni kwamba: Je, Serikali, kupitia kwa Wizara ya Mashauri ya Nchi za Nje, inaweza kuhakikishia wananchi kwamba hatutaingizwa katika zera za kibeberu na kuhatarisha maisha ya wanajeshi wetu na usalama wetu wa kitaifa?

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, I do not know what the hon. Member means by "sera za kibeberu". But what I know is that, wherever there are conflicts and the UN moves in to keep peace, enforce peace or maintain peace, Kenya has always been available to provide troops when requested. Kenyan troops have always provided very valuable services to the UN in the areas where they are deployed. We have had troops in East Timor, Eritrea, Sierra Leone, Iraq, Iran and many other places. We shall not abdicate our duty to the UN if called upon.

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, this is a very different situation from what the Assistant Minister is talking about. He is talking about our soldiers going to keep peace. This is not an issue of keeping peace. Iraq was a country that was peaceful before---

The Temporary Deputy Speaker (Mr. Poghismo): Ask your question!

Mr. Mukiri: What I am saying is that the Americans are asking the UN to intervene because it is not safe for them. We are aware that the resolution is going to be an American resolution. Could the Assistant Minister tell us that before our soldiers go to Iraq, because we know they will go, that we are going to negotiate with the Americans for any repercussions that are going to occur in this country, especially because of terrorism?

The Temporary Deputy Speaker (Mr. Poghismo): Order, Mr. Mukiri! You are making a speech and not asking a question. Do you have a question to ask?

Mr. Mukiri: Mr. Temporary Deputy Speaker, Sir, I have asked a question! I have asked whether the Government will negotiate with the American Government to give us dollars for any repercussions that may come as a result of sending our soldiers to Iraq.

Mr. Wetangula: Mr. Temporary Deputy Speaker, Sir, my learned colleague has asked a question about sending our soldiers to keep peace in Iraq. He then says that there is no peace to keep in Iraq. So, I do not understand what he really wants. But I have said that if we are requested by the UN only, and not by anybody else, we shall consider that.

REHABILITATION OF RWAMBWA-
MAUMAU ROAD

(Mr. Wanjala) to ask the Minister for Roads, Public Works and Housing:-

(a) Is the Minister aware that Rwambwa-Maumau Road, C29, was destroyed by floods in Budalang'i Constituency in August, 2003?

(b) Is he further aware that relief food supply cannot reach the displaced people due to a cut-off by floods on the said road?

(c) What urgent measures is the Minister taking to rehabilitate the road to avoid starvation of flood victims?

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Wanjala still not here? His Question is dropped!

(Question dropped)

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, if you look at Mr. Wanjala's Question by Private Notice, it is about a real disaster. I know that Questions by Private Notice are not usually on the Order Paper. Is it possible for it to be answered in the afternoon?

The Temporary Deputy Speaker (Mr. Poghisio): He can handle that issue when he comes back.

ILLEGAL COLLECTION OF FUNDS BY DPNAK

Mr. Muriungi: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Gender, Sports, Culture and Social Services the following Question by Private Notice.

(a) Is the Minister aware that a group calling itself the Disabled Persons National Alliance of Kenya (DPNAK) has unlawfully taken millions of shillings in Meru North District from school leavers?

(b) What urgent measures is he taking to save innocent school leavers and parents from heavy losses?

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite): Mr. Temporary Deputy Speaker, Sir, I would like to ask this House to defer this Question. When the Question was brought to our Ministry, we forwarded it to the Ministry of Home Affairs for an answer, but the Ministry of Home Affairs did not give us a proper answer. That is the reason why I am asking the indulgence of the House for the Question to be deferred, so that we could get a proper answer. Could we be given until Tuesday, next week?

The Temporary Deputy Speaker (Mr. Poghisio): Are you saying that you are not the right Ministry? That seems to be the contention.

Mrs. Chelaite: We are the right Ministry, but we were looking for the right information.

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, the Ministry of Home Affairs, National Heritage and Sports was split. The Ministry of Gender, Sports, Culture and Social Services took over all the departments responsible for disabled persons in Kenya. It is wrong for the Assistant Minister to say that she is looking for the answer elsewhere, when all the departments that could have given her the right answers are rightly under her.

Mrs. Chelaite: Mr. Temporary Deputy Speaker, Sir, I asked to be given until next week and I shall bring a proper answer to this House. I am not saying that we are not the proper Ministry. We have to consult because we have collective responsibility.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Madam Assistant Minister! I do not know for how long this Question has been in the Ministry. It is important that this Question is answered immediately because it is by Private Notice and it does not matter which Ministry should

answer it. This Question should be answered immediately. But since you have said that you are not ready to answer it, it is difficult for us to proceed with it. I defer this Question to Tuesday next week.

(Question deferred)

Well, that is the end of Question Time!

POINTS OF ORDER

REMUNERATION PACKAGE FOR DIRECTOR OF KACC

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Justice and Constitutional Affairs regarding the proposed remuneration package for the yet to be appointed Director of the Kenya Anti-Corruption Commission (KACC). I would like to seek this Ministerial Statement from the Minister because the remuneration package, as it stands now, is more than the salary of the President of this country and the Prime Minister of Canada. In fact, it is 1,000 times the salary of a policeman who will investigate corruption cases.

(Applause)

*(Mr. Odoyo and Mr. Githae
moved to the Dispatch Box)*

Hon. Members: Let Mr. Githae, and not Mr. Odoyo respond!

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Will we use the police to bring order in this House?

The Temporary Deputy Speaker (Mr. Poghio): Order!
Continue, Mr. Githae!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir. We will issue the Ministerial Statement on Thursday next week.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Assistant Minister! I fear that if you do not make the Ministerial Statement by Tuesday, you will be overtaken by events.

Hon. Members: Let him issue the Ministerial Statement tomorrow!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, the best day to issue the Ministerial Statement will be on Thursday this week.

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could I be in order to plead that the Assistant Minister takes the House more seriously than he is doing now? This is just a simple Ministerial Statement for the Government to confirm whether it is true that, that is the remuneration package for the Director of the KACC or not. The Government must have the remuneration package for the Director of KACC. The Government will not work out a new remuneration package for the Director of KACC in one week's time. Could the Assistant Minister not issue the Ministerial Statement tomorrow? He should issue the Ministerial Statement tomorrow, Thursday, and not on Thursday next week.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr.

Temporary Deputy Speaker, Sir, I said I will issue the Ministerial Statement on Thursday this week, which I presume is tomorrow.

(Laughter)

OPENING OF KMC

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Livestock and Fisheries Development. All of us are aware that the rains have been late, and the metrological forecasts, particularly for the ASAL areas, are worrying. Animal morbidity and, indeed, mortality has begun to set in, in some of these areas. When the current Minister for Livestock and Fisheries Development was an Assistant Minister for Agriculture, he promised, in the presence of the Minister then in charge of livestock development, that the Kenya Meat Commission (KMC) would be opened this year. He also gave the same promise when he was appointed the Minister for Livestock and Fisheries Development. One of the principal purposes for which the KMC was established was to deal with emergencies in times like this time. It was established to buy animals which would be dying as a result of drought for slaughter. What is the current status of the preparations for the opening of the KMC?

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, in line with collective responsibility, the request for the Ministerial Statement will be transmitted to the Ministry of Livestock and Fisheries Development. I promise this House that the statement will be issued within two weeks.

(Laughter)

The Temporary Deputy Speaker (Mr. Poghiso): Order, now! Mr. Assistant Minister, I think you have taken your responsibility a little too far. You have said that you will transmit the request for the [The Temporary Deputy Speaker] Ministerial Statement to the relevant Minister and now you are giving us a time frame within which it will be made. I think your business ends at transmitting that request to the relevant Ministry. We want you to do exactly that.

DELAY IN APPOINTMENT OF KACC DIRECTOR

Mr. Owidi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Two weeks ago, I requested a Ministerial Statement from the Minister for Justice and Constitutional Affairs on the delay in appointing the Chief Executive of the KACC, and to date, no statement has been issued. When will the Minister issue the Ministerial Statement? The Minister should be serious with this House. Let him issue the Ministerial Statement tomorrow.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, anybody who read yesterday's daily newspapers knows that the appointment of the Director of the KACC has been advertised. But I can issue the Ministerial Statement the hon. Member has requested tomorrow.

SHOOTING OF MR. KIRUMA

Mr. Muchiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. On 19th October,

2003, one Mr. Raphael Waweru Kiruma of Ndaragwa Constituency, who was a resident of Nairobi, was gunned down by gun-totting gangsters along Thika Road in the presence of his wife and two young children. We buried him on 25th October, 2003. I would like to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security, on the circumstances under which Mr. Kiruma was shot dead. Could he tell us what the police have done so far? Could he also tell us whether the police have apprehended the culprits?

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, could I request the hon. Member to file a Question by Private Notice on this matter, so that the relevant Ministry could answer it instead of making a general statement?

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

The Temporary Deputy Speaker (Mr. Poghisio): Some of your Ministerial Statements can be requested later on because they are not very urgent.

SUSPENSION OF FOREST OFFICERS

Mr. Lesrima: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Environment, Natural Resources and Wildlife on a matter of national concern. As I seek this Ministerial Statement, I notice that the Minister for Environment, Natural Resources and Wildlife, his Assistant Ministers and the Leader of Government Business are not in this House. We only have the Minister of State, Office of the Vice-President and Ministry of Home Affairs, Mrs. Kilimo in this House.

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The Chair should protect us. How can the hon. Member say that the Government is not here when Assistant Ministers are here?

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Lesrima! The Government is there!

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I note that Mrs. Kilimo has taken over the position of the Leader of Government Business.

Mr. Temporary Deputy Speaker, Sir, it has been reported in the media that the Government has sent over 800 forest officers, from the Chief Conservator of Forests to Forest Assistant Grade III, on compulsory leave. Indeed, these officers have handed over their duties to District Security Committees (DSCs).

Mr. Temporary Deputy Speaker, Sir, it is equally known that these officers perform technical work as they were trained and gained experience to do so effectively. I demand that the Minister for Environment, Natural Resources and Wildlife issues a statement as soon as possible. He should also clarify the legal basis for the Provincial Commissioners to take over the work of the Forestry Department, and the authority they will use to issue permits, certificates and other necessary documents. He should tell us whether DCs are aware of the inventory levels of forest cover, and whether they are qualified technically and morally. Given the past record of this department on forest destruction, what action is the Government going to take on timber in transit? Timber in transit has been impounded and is in various police stations.

We should also be told when it will be released. The Minister should also tell us what criteria he is going to use to re-employ the 800 foresters who have been suspended. This will ensure that we avoid nepotism and tribalism given the past record in recruitment by this Government.

The Temporary Deputy Speaker (Mr. Poghisio): Madam Minister, can you bring the Ministerial Statement?

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, as a Government we are trying to fight corruption and preserve our environment. We can use any arm---

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

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Lesrima, from which Minister did you seek your Ministerial Statement?

Mr. Lesrima: Mr. Temporary Deputy

Speaker, Sir, I sought it from the Minister for Environment, Natural Resources and Wildlife.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Since there is a Minister in charge of forests, somebody must undertake to bring here a Ministerial Statement on what has been raised.

(Applause)

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, first of all, I stood up because hon. Members said that there was no Government here. I wanted them to recognise my presence. A Ministerial Statement will be issued next week.

The Temporary Deputy Speaker (Mr. Poghisio): Very well. We have to move on as we have a lot of business ahead of us.

RETRENCHMENT OF CIVIL SERVANTS

Mr. J.M. Mutiso: On a point of order, Mr. Temporary Deputy Speaker, Sir. On Tuesday last, week I demanded a Ministerial Statement on the retrenchment of 26,000 civil servants and the Assistant Minister for Finance promised to bring it yesterday. Could I get your directive on this?

The Temporary Deputy Speaker (Mr. Poghisio): The Assistant Minister is here and we need to know what happened to the Ministerial Statement.

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, the Ministerial Statement is not ready, but I expect it to be ready by this afternoon.

CLASHES BETWEEN THARAKA AND IGEMBE COMMUNITIES

Mr. Muriungi: On a point of order,

Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Muriungi, look at our time.

Mr. Muriungi: Mr. Temporary Deputy Speaker, Sir, I sought a Ministerial Statement last Thursday from the Minister of State, Office of the President, on the on going clashes between Tharaka and Igembe communities.

The Temporary Deputy Speaker (Mr. Poghisio): What is the Minister going to do about that Ministerial Statement which was sought last week? Mrs. Kilimo, could you make sure that it is brought here this afternoon?

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, give me until tomorrow so that I can consult with my colleague.

(Mr. Kamama stood up in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Kamama, what is it?

EVICION OF PASTORALISTS
FROM LAIKIPIA DISTRICT

Mr. Kamama: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand to demand a Ministerial Statement from the Minister of State, Office of the President, on the eviction of pastoralists from Laikipia District. At the moment, pastoralists from Baringo and Samburu Districts are being evicted by administration policemen on the instructions of a DC in Laikipia District. Houses are being burnt and people left helpless and without food. We want a Ministerial Statement on this matter as a matter of urgency.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we should also be told whether this Government still upholds the constitutional provisions that state that every Kenyan can live in any part of this country. This is very urgent and it must be addressed within this week.

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, since that sounds like a very serious matter, I am requesting to be given until Tuesday next week. This will enable us, considering the distances involved, to fully investigate the matter.

Mr. Kamama: Mr. Temporary Deputy Speaker, Sir, the eviction must stop before the Ministerial Statement is issued.

The Temporary Deputy Speaker (Mr. Poghisio): Order! We will now move on, but I have two things that I need to make clear.

We need to move away from crowding our proceedings with requests for Ministerial Statements if the previously requested ones are not forthcoming. Mrs. Kilimo, if Ministerial Statements requested two weeks ago have not been issued and more are still being requested, then you are going to have too many requests on your desk. Let us try and dispose of these requests as fast as we can. Some of them are urgent and require urgent responses. We should not just postpone responding to them for too long. The second issue is on points of order. You will realise that points of order have been abused. Everyone who stands on a point of order ends up asking a question or arguing. It is important that you go back to the Standing Orders and see what really constitutes a point of order before you stand on one. It is also not right for hon. Members to demand that a certain Minister comes here and answers particular Questions. We are given answers by the Government and there is no guarantee that the Minister you want is going to answer a particular Question. We can only insist that proper answers be provided.

Having said that, we will now move on to the next Order.

MOTION

DECENTRALISATION OF ISSUANCE

OF PASSPORTS

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, in view of the fact that all Kenyans are entitled to equal rights; aware of the difficulties encountered by Kenyans in their bid to acquire passports owing to the fact that passports are issued only in Nairobi and Mombasa, this House urges the Government to decentralise the issuance of passports by creating offices of District Immigration Officers in all districts in order to enable Kenyans to easily access these important documents.

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

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

This is a Motion that definitely touches on almost all Kenyans in this country, who have had nasty experiences when it comes to application for passports. Development is not a stagnant process and policies must change with time. We cannot say that we are developing when our policies are stagnant. Our population is increasing, and economic conditions and patterns are also changing.

Once each of the more than 30 million Kenyans attains the age of 18 years, they are required, under Cap.107 of the laws of this country to be in possession of a national identity card (ID). However cumbersome issuance of IDs is, at least Kenyans are given the opportunity to get national IDs at the district level. It is not the most efficient system yet, but it is closer to Kenyans and they get their IDs faster than they do passports. It is common knowledge that unemployment is increasing in this country. We cannot run away from the fact that about 80 per cent of our youth are unemployed. We are not definitely guaranteed that we will create the 500,000 jobs as expected per year when we are moving at a very fast rate to send to compulsory leave or sack public servants in this country.

Early this year, we all know that district supplies officers were sent on compulsory leave and, at the end of the day, their services were terminated. As I speak now, we all know that all the District Forest Officers (DFOs) in this country have been sent on compulsory leave. In the language of the Civil Service, when you are sent on compulsory leave, it is a polite way of telling you that you are on your way out of the job. At this rate, I wonder how we will create the 500,000 jobs. If we use the movie language, when a movie is showing in a theatre, we say it is "now showing", but when the audience are expecting another movie, we tell them it is "coming soon." The scenario which is coming to this country soon is the sacking of 0.5 million civil servants. We will not create the 0.5 million jobs if we go on at this rate.

Mr. Temporary Deputy Speaker, Sir, it is in this light that you find Kenyans seeking for greener pastures elsewhere. Every other day, Kenyans want to leave this country because they know that life is better in Uganda and in the United States of America (USA). However, you cannot go out of this country without a passport. As it is now in the Ministry of Health, you will realise that over the last four years, there is a backlog of unemployment of nurses and laboratory technicians, *et cetera*. There are always advertisements for the posts of nurses and laboratory technologists in the United Kingdom (UK). Every other day, they interview Kenyans and it happens that Kenyans are very qualified. There is a demand for Kenyan nurses, radiographers and laboratory technologists. These Kenyans have no options, but to leave the country because we are not employing them.

It is in this view that I am addressing the process of leaving this country. To facilitate Kenyans to leave this country is so difficult that it is easier to obtain a national identity card than to obtain a

passport in this country. The question that comes in mind is: Why is it difficult? Why does the Government want Kenyans to stay in this country when they are hungry and jobless? What does the Government get from this? In Nigeria, if you apply for a passport, you get it within 48 hours of application. It does not matter what one does out of the country. If you go and breach the law, it is up to the laws of those countries and international laws to take care of you. However, it is not enough to say that because one might go and cause a problem outside this country, then he should be confined here to live hungry, or not to even sleep at all. For example, about two years ago, there was an advertisement for cruise ship jobs. It was advertised that there was a cruise firm somewhere in Saudi Arabia that required about 60,000 Kenyans to go and work there. This is what exemplified the anxiety of Kenyans to go out and seek for greener pastures. Kenyans ended up paying a lot of money. They were conned of almost Kshs50 million. Personally, I paid about Kshs28,000 for my constituents to go and work for the cruise ship firm, which ended up becoming a hoax. It was not followed up.

Mr. Temporary Deputy Speaker, Sir, Mr. Ligale should be a bit kind to me and listen to what I am saying---

The Temporary Deputy Speaker (Mr. Ethuro): Order! Mr. Sasura, address the Chair!

Mr. Sasura: I apologise Mr. Temporary Deputy Speaker, Sir. I am talking about the experiences that we have had in this country. Kenyans have been conned before. Kenyans will go into any enterprise as long as it is paying. At that time, there was a desk that was opened at the Immigration Office at Nyayo House, where those Kenyans who had been offered jobs in Saudi Arabia were to be issued with passports. However, they were to pay an extra fee of Kshs1,000 to get passports. The current situation is that about 2,000 passports are processed in Nyayo House every day. How many Kenyans apply for passports? Passports are only issued in the Nairobi and Mombasa, but for about three years now, they are also being issued at Immigration Office, Kisumu. I believe this started after Kisumu Town was elevated to City status. It also came up after the NDP and KANU merger. This was luring.

It is not only the people of Kisumu, Nairobi or Mombasa who need passports. The current situation has a lot of shortcomings and problems that we are facing. The first is discrimination on regional and religious basis. If you come from Coast Province, or North Eastern Province, the conditions under which you are given these passports are so strict and abusive that you feel you do not belong to this country. If you put on a Muslim attire, definitely, there is a lot of suspicion and you must be screened properly before you are issued with a passport. So, the first problem we are facing is unnecessary excessive scrutiny by immigration officers. For example, there is a former Member of Parliament from Malindi called Mr. Omar Bwana. Mr. Bwana has a passport. As a Member of Parliament, the hon. Bwana had vouched for somebody from his constituency that he was a true Kenyan. That person was issued with a passport. However, after the hon. Bwana came back ten years later to renew his passport, he was required to bring the birth certificate of his grandfather, or one of his grandparents. That is a case in point. It is an example of outright discrimination just because he is from Coast Province and, maybe, because he is a Muslim.

Mr. Temporary Deputy Speaker, Sir, the second problem with the current system is that it is cumbersome. The requirements to obtain a passport are very lengthy. One is required to produce a birth certificate. Some of us were not born in hospitals. How are we required to produce birth certificates and yet we were not born in hospitals? If you apply for a birth certificate and you do not have a birth notification from a hospital, that raises another question. There is the issue of application forms to be signed by the District Commissioners (DCs) and the District Officers (DOs). In the case of people from northern Kenya, the forms have to be signed by the chiefs and sub-chiefs. There is also the issue of immigration officers demanding to see the applicant. One time I had the privilege of having an office in Nyayo House. Every other day, the lifts in Nyayo House have excess load as a result of people who come to look for passport. You can imagine, the immigration officer writing a letter to

somebody from Moyale or Mandera District to appear in person to be seen. That is why I am saying that this process is cumbersome. It causes a lot of congestion for the immigration officers themselves. If you go to their offices, with all due respect, they look like the offices of our county councils. You find an immigration officer staying within piles of files because he is overworked. His efficiency is queried. This man can only do so much, but because passports are issued only in Nairobi, he has to handle the load. At the end of the day, he becomes a victim of circumstances and people complain that he is not performing. Files pile up in his office without being signed even for two months, but that is not his mistake; it is because of the congestion that we are having in this office.

Mr. Temporary Deputy Speaker, Sir, the other problem we are facing with the current situation is timing. You find that most of the people who apply for passports go for further studies outside this country. Admission to institutions of learning has a time frame. A student is required to report to a certain college outside this country on a specific date, but Immigration Officers do not take that into consideration. For example, for pilgrims who go to Mecca for pilgrimage, there is a time frame. For job seekers, there is also a time frame even for interviews. At the end of the day, because of the bureaucracy in this country, these people end up being overtaken by time and losing whatever they were intending to go and do.

Lastly, the problem with this system is that it is very expensive. Travelling from upcountry to Nairobi, staying in Nairobi and travelling back, requires money. This is a very expensive system. Kenyans are supposed to get passports free of charge. You wonder why they even have to pay for it. However, passport applicants are required to pay an official fee of Kshs3,000, and additional amounts ranging between Kshs10,000 and Kshs15,000 to obtain the passports within two months. That is why I have brought this Motion, so that Kenyans can be relieved of this burden.

Mr. Temporary Deputy Speaker, Sir, the way forward in addressing this problem is to decentralise the issuance of passports to the district level. The Government should be able to convince us why it cannot do so. The officer at the Immigration Department Headquarters in Nairobi does not know the background of an African applicant as such, except the signature that has been appended on the application form by the applicant. We should decentralise the issuance of passports, just like the issuance of national identification cards, and go back to the district level, where we have what we call "vetting committees" comprising of people from specific locations and divisions, who know the applicants very well, including their places of birth. This is what Kenyans require when it comes to the issuance of passports.

The current scenario is going to create room for corruption. In this country today, it is easier for a refugee from Somalia to obtain a passport than a Kenyan. Because the refugee is in flight - he is running away from something- he has no option but to part with Kshs10,000 or Kshs20,000 and get a passport in two days. You, a Kenyan who just requires a passport for a natural process of education, do not see the need to corrupt somebody to get a passport. However, in order for you to get a passport in a normal way, you have to pay in terms of time. That is why our students who go for overseas studies wait for two months to obtain passports. We should seal the loopholes of corruption at the Immigration Department Headquarters here in Nairobi when it comes to obtaining of passports.

Mr. Temporary Deputy Speaker, Sir, I said earlier that the Immigration Department office in Kisumu was created about three years ago. Only two days ago, the Vice-President and Minister for Home Affairs instructed that such an office be opened in Garissa. The haphazard manner in which Immigration Department offices are being created in this country is what we are trying to avoid. Why did we have to wait for the Vice-President and Minister for Home Affairs to go to North Eastern Province to order the opening up of an Immigration Department office for the issuance of passports? If we are to have Immigration Department offices at all district headquarters countrywide created in this manner, the Vice-President and Minister for Home Affairs will have to visit the 70 districts in this country.

There must be change from time and history. We know that most of the current Government Ministers were in the previous Government, but they should be able to change by way of legislation. That is why I am bringing this Motion in good spirit. This is a Motion which is going to help everybody in this country, including Members of Parliament. Every morning, we write letters to the Immigration Department, requesting for assistance for our constituents. That is a waste of paper and energy, as well as that of our time. Kenyans should be able to obtain passports easily and, if possible, freely; they should access that document at the district level.

Mr. Temporary Deputy Speaker, Sir, because I know that there are many hon. Members who want to contribute to this debate, I will stop at this point and request Mr. Wamwere to second the Motion.

With those remarks, I beg to move.

Mr. Wamwere: Bw. Naibu Spika wa Muda, ninaomba kuiunga Hoja hii inayotaka vituo vya kutolea pasipoti viongezwe nchini. Hii ni kwa sababu ugumu wa kupata pasipoti ni mkubwa sana. Utoaji wa pasipoti kwa wananchi ni huduma ambayo inafaa kupeanwa kwa urahisi zaidi kuliko vile inavyofanyika kwa wakati huu.

Bw. Naibu Spika wa Muda, maoni yangu ya dhati ni kwamba pasipoti ni haki kwa kila Mkenya, na kwamba siyo hisani ama fadhila ambayo Mkenya anaweza kupewa na Serikali au anyimwe. Kwa sababu hiyo, ni muhimu kuwepo na urahisi wa kuipata haki hiyo. Kwa wakati huu, ni vigumu sana kupata pasipoti, haswa kwa mtu wa kawaida. Kuna watu ambao huchukuwa hata nusu mwaka kabla ya kupata pasipoti. Kama inachukua muda murefu hivyo kupata pasipoti, inafika wakati mtu anaona kama anatakiwa afanye jambo fulani ndio apate pasipoti kwa urahisi. Mtu anafikiria kwamba anaambiwa kwamba "aongee" lugha inayoeleweka miongoni mwa maafisa wanaohusika. Kawaida, hiyo "lugha" huwa ni utoaji hongo. Hivyo basi, utoaji wa pasipoti unasababisha utoaji wa rushwa na magendo katika shughuli hiyo.

Kwa hivyo, ili kumaliza hongo na ufisadi katika enzi ya Serikali ya NARC, ni muhimu sana kuongeza vituo vya kutolea pasipoti ili wananchi waweze kupata vyeti hivyo kwa urahisi zaidi. Baadhi yetu tuliopata nafasi ya kuishi katika nchi zingine, tumeona ya kwamba kwingineko, pasipoti hupeanwa kwa urahisi sana, na sababu ni kwamba mtu ana nafasi ya kufanya maombi ya kupewa pasipoti nyumbani kwake. Mara nyingi, mtu huenda kwenye kituo cha polisi kilicho karibu naye, anafanya maombi yake, na katika muda wa masaa kama mawili hivi, anapewa pasipoti yake na kwenda nyumbani kwake. Ni mambo kama haya ambayo huifanya nchi ionekane kama imeendelea. Kama mtu atangoja kwa miaka kadhaa bila ya kupata pasipoti, kusema kwamba nchi kama hiyo imeendelea ni kujidanganya tu.

Bw. Naibu Spika wa Muda, katika nchi hii, moja ya masharti ya kupewa pasipoti, mtu ni lazima awe msafiri. Unapewa pasipoti kwa sababu unasafiri. Huwezi kupewa pasipoti kwa sababu umeomba kupewa cheti hicho ili uwe nacho kama ilivyo haki yako. Ni lazima ueleze ni kwa nini unahitaji pasipoti kwa kudhihirisha kwamba umo safarini kuenda nje ya nchi. Lakini ukienda katika afisi za uhamiaji na kusema kwamba unajisikia tu kuwa na pasipoti, kama ilivyo katika nchi zingine, hutapewa pasipoti.

Bw. Naibu Spika wa Muda, tunataka kufutulia mbali jambo hilo, ili watu walio na haja ya kuwa na pasipoti, wawe nazo. Pia, ningependa kupendekeza kwamba katika kutoa pasipoti, Wabunge wafikiriwe kupewa pasipoti za kidiplomasia. Naamini kwamba Wabunge wanaifanyia nchi hii kazi muhimu ya kidiplomasia wanaposafiri nje. Kwa hivyo, nadhani kwamba wana haki ya kupewa pasipoti za kidiplomasia. Kwa wakati huu, sidhani kwamba kuna Mbunge yeyote ambaye amepewa pasipoti ya kidiplomasia. Labda awe na uhusiano wa karibu sana na wakubwa. Awe ni mtu wa kwapani wa mtu fulani! Lakini kuwa Mbunge tu peke yake, inaonekana hatutoshi! Tunatakiwa kubadilisha hali hiyo. Ikiwa mke wa Waziri anapewa pasipoti ya kidiplomasia kwa sababu ni mke wa Waziri, kwa nini Mbunge asipewe pasipoti hiyo? Kwani mke wa Waziri ana heshima kubwa kuliko Mbunge?

(Applause)

Wakati umefika wa kuheshimu Bunge hili zaidi kwa kuwapa Wabunge pasipoti za kidiplomasia.

Pia, ningetaka kupendekeza kwamba pasipoti zetu zipewe uzito sawa na zile za kigeni. Nasema hivyo kwa sababu kuna pahali pengine ukitoa pasipoti yako kama kitambulisho, utaambiwa kwamba wanachukua pasipoti za kigeni tu na sio za Kenya. Mimi nimewahi kuenda kwa shirika linalotoa umeme nchini, nikatoa pasipoti yangu kama kitambulisho na nikaambiwa dhahiri shairi kwamba, kama ni pasipoti ya Kenya, haiwezi kukubalika kama kitambulisho! Lakini kama ni pasipoti ya nchi za nje, itakubalika. Nilitatizika sana na kujuliza kwa nini pasipoti ya nchi ya nje iwe na uzito zaidi kwa wale wanaosimamia shirika hilo, kuliko pasipoti ya hapa nchini? Hiyo ni ishara kwamba ukoloni mambo leo bado unatutaliza sana. Kuna watu ambao wanaamini kwamba pasipoti za nchi za nje ni muhimu kuliko ile ya hapa nchini. Mawazo kama hayo ni lazima yasiwepo! Lazima pasipoti zetu zipewe uzito sawa na zile za nchi za nje.

Nikimalizia, ingawa nasema vituo vya kutoa pasipoti viongezwe, ni lazima tuhakikishe kwamba magendo hakuna na pasipoti zinatolewa kwa urahisi zaidi. Hapo mbeleni, wakati wa enzi ya KANU, ilikuwa rahisi sana kwa watu kupata pasipoti. Kuna watu wengi ambao walivuka mpaka kutoka Somali na kuja humu nchini na kupewa pasipoti za Kenya na kwenda nchi za nje. Nimekutana na watu wengi sana katika nchi za Scandinavia wanaosema ni Wakenya, wana pasipoti za Kenya, lakini kwa kweli, sio Wakenya. Lazima tuzuie jambo kama hilo kufanyika. Haitoshi tu mtu kutoa maombi ya pasipoti. Ni lazima maombi hayo yawe na msingi wa ukweli.

Kwa hayo machache, naomba kuunga mkono Hoja hii.

(Question proposed)

Mr. Mwandawiro: Asante sana, Bw. Naibu Spika wa Muda. Naunga mkono Hoja hii ya kurahisisha uwezo wa Wakenya kupata pasipoti. Kama ilivyo sasa, ni rahisi sana kwa wageni kutoka nchi za nje kuingia humu nchini, kuliko Wakenya wenyewe kutoka na kutembea katika nchi za nje. Nasema hivyo kwa sababu wageni wanaingia humu nchini na kuanza biashara za kuchoma nyama na kuuza. Ukiangalia mambo yanayoendelea Pwani, sehemu za Malindi na Mombasa-- Ukizunguka pahali pote pale, utaona wageni wengi wanaoingia hii nchi *vrurururu mtende!* Ni kama nchi hii haina wenyewe. Wanaingia kwa urahisi sana, na kupitia kwa Idara ya Uhamiaji. Wanapewa hati za kufanya kazi katika nchi hii, kazi ambazo zinaweza kufanywa na wananchi wa Kenya.

Ukizunguka Nairobi na miji mingine, utakuta watu wametoka nchi za nje, hawajui Kiswahili wala Kizungu, lakini wanafanya biashara. Wanaajiri Wakenya kusimama mbele za maduka na kufanya kazi zote, huku wakiweka mtaji. Imekuwa rahisi sana kwa watu kutoka nchi za nje kuja na kuweka vitenga-uchumi vidogo kama mabaa, vioski na vitu vinavyolenga kupinga juhudi za Wakenya kujiendeleza. Ndio maana, kukiwa na sera ya uhamiaji, tutaimarisha na kulinda maslahi ya taifa la Kenya.

Hata tunaposema turahisisha uwezo wa wananchi wa Kenya kupata pasipoti na tuondoe Idara ya Uhamiaji hapa Nairobi, lazima kuwe na utaratibu wa kuhakikisha kwamba kila Mkenya anayehitaji pasipoti anaipata haraka iwezekanavyo. Maswali mengi yanayoulizwa Wakenya ili kupata pasipoti; kama, "una mali kiasi gani", umedhaminiwa na nani, ni juhudi za kupinga wananchi wasipate pasipoti. Nasema kila Mkenya ana haki ya kutoka nje ya nchi hii na kusafiri popote atakapo duniani bila vikwazo.

Bw. Naibu Spika wa Muda, nimeshuhudia mwananchi akienda kuomba pasipoti, anaulizwa: "Kazi yako ni nini?" Anasema: "Mimi ni mkulima kutoka Wundanyi!" Anaulizwa: "Wewe mkulima sasa unaenda wapi? Unahitaji pasipoti ya kwenda wapi?" Pasipoti zimekuwa za watu matajiri. Ndio

wana haki zaidi ya kupata pasipoti. Ukienda kwa Idara ya Uhamiaji, wale walio na uwezo wa kifedha au kielimu hupata pasipoti kwa urahisi. Kama aliyewasilisha Hoja alisema, matajiri na wasomi wana uwezo wa kuja Nairobi. Wana uwezo wa kutoka mikoani na kuja mpaka Nairobi, Mombasa ama Kisumu. Wana pesa za kukaa katika mahoteli wakiomba pasipoti hizo.

Kwa hivyo, kwa jumla, hii Hoja inaomba Wizara inayohusika na Idara ya Uhamiaji ihakikishe kwamba mwananchi ambaye anataka kuenda kusoma ama kusafiri duniani kibiashara, ama kwa hali yoyote ile, wakati ambapo ameomba pasipoti, anapewa haraka zaidi. Maanake hivi sasa, watu wengine hata wamekata tamaa. Wanaogopa kuomba pasipoti kwa sababu hazipatikani na tunasikitika kwamba wale wananchi ambao sio Wakenya, kwa sababu ya huo uwezo wao na ufasidi ulioko, hupata hizo pasipoti kwa urahisi zaidi.

Bw. Naibu Spika wa Muda, kwa hivyo, wakati ninapozungumzia ule urahisishaji wa kupeleka huduma za kutoa pasipoti katika wilaya, sisemi kwamba eti wilayani kuwe na urahisi wa watu kutoka nje ambao si Wakenya kupata pasipoti. Vile vile, ni sharti tutengeneze utaratibu wa kuhakikisha kwamba wale watu wanaoomba na wanapata vitambulisho ni raia wa Kenya peke yao hata katika wilaya. Vile vile katika utoaji wa pasipoti, tunaomba huo utaratibu wenyewe utumiwe kwa sababu baada ya mtu kutuma ombi lake ili aweze kupata kitambulisho cha Kenya, sioni sababu ya kumchelewesha kupata kitambulisho au pasipoti. Tunasema kwamba mtu yeyote ana haki ya kupata pasipoti. Vile vile Katiba yetu inasema kwamba ni haki ya kila mtu kusafiri nchini au pahali popote apendavyo.

Bw. Naibu Spika wa Muda, tunasema kwamba sio tu Idara ya Uhamiaji ndio inapaswa kupeana pasipoti, bali tunaweza kutumia hata vituo vya polisi kupeana pasipoti. Katika nchi kama Sweden, kwa mfano, pasipoti zinawekwa katika shopping malls halafu idara ya polisi inatoa hizi pasipoti kwa raia. Lazima tuwe na mabadiliko. Lazima tuwape polisi kazi bora nyingi zaidi ya kufanya na sio tu kupambana na wananchi. Lazima tuwape kazi hii. Tungetaka polisi wafanye kazi pamoja na Idara ya Uhamiaji ili wananchi waweze kupata pasipoti kupitia kwao. Wananchi wanaweza kupata karatasi kutoka sehemu fulani na halafu wapate pasipoti kutoka vituo vya polisi vilivyoko hapo karibu. Hilo jambo litaleta pia uhusiano mwema zaidi kati ya raia na polisi.

Kwa hivyo, mimi sina maneno mengi ya kutoa. Kile tu ambacho naomba ni kwamba tuiunge mkono Hoja hii kwa haraka zaidi. Asante.

Mr. Khamasi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute on this very important Motion. Before I do that, I think in future we want the Ministers to bring their officers here to listen to us because they are the people who are concerned with some of the dirty things that go on. So, we would like some of the officers to come here and hear from the horse's mouth.

Mr. Temporary Deputy Speaker, Sir, having said that, I believe that it is now high time we must demystify the myth surrounding the issuance of passports. A passport is an identification document and it must be treated so. It should not be a document for the rich, politicians and scholars. It must be a document to identify who is a Kenyan and, therefore, its issuance must be made very simple so that our people can be able to access it with a lot of ease.

Mr. Temporary Deputy Speaker, Sir, centralised services have created "monsters" over the years in this country. These "monsters" have turned themselves into dictators. The same "monsters" have systematically developed the institutions which they are supposed to lead into dens of corruption, and this has been demonstrated in every other institution that we have seen in this country. It goes with centralised power. For example, we have seen what the centralised power of the presidency has done to this country. We have seen it in the appointment of permanent secretaries, judges and parastatal chiefs. Centralised power is very dangerous. We are saying that we want to devolve and if we have got to devolve, we must devolve in every sector in this country.

Mr. Temporary Deputy Speaker, Sir, the Immigration Department, for years, has been

criticised for inefficiency and corruption. Services in this department are on sale in the same manner in which justice has been on sale or is on sale in our judicial system. This must come to an end. If you have any money today, you can walk into the offices of the Immigration Department at Nyayo House, fill in the forms and, today, by 3 o'clock, you will walk away with your passport. That means your pocket has spoken. This is criminal and yet we have genuine people looking for this document. They wait for months on end, making a lot of journeys to Nyayo House, spending money travelling from Garissa, Malindi, Kakamega, name it, and they do not get this document just simply because they cannot pay for it adequately. This business has got to be looked into very carefully, to make sure that our people are not going to be punished and are not spending money to get a document which they are legally entitled to.

Mr. Temporary Deputy Speaker, Sir, I believe strongly, and I congratulate hon. Sasura for bringing this Motion here, the services must be decentralised, at least, even if not to district level, but to the provincial level so that we can bring those services closer to the people.

Mr. Temporary Deputy Speaker, Sir, I have known without any doubt that Kenyan citizens of Somali origin have always had a very raw deal when they are applying for passports. They are discriminated against for flimsy excuses that they are not Kenyan citizens. If the services were decentralised to district level, then there would be personnel at the district level who will identify and verify as to who is a citizen of this country, to be able to be issued with a passport.

Mr. Temporary Deputy Speaker, Sir, it serves no purpose for this service to remain in Nairobi. The Government is only helping lining the pockets of officers in this department. All civil servants hope that one day they will be transferred to the Immigration Department for the simple reason of lining up their pockets. This is against the Government policy of zero-tolerance to corruption, and we want to see something being done on it so that this department can be decentralised. Let the people in their own districts do what they need to do in order to have the citizens get access to this document.

Mr. Temporary Deputy Speaker, Sir, I do not want to dwell much on this matter because I believe what hon. Sasura and hon. Wamwere have said is sufficient enough to get this department appreciate the fact that centralising this service here is only doing a very big disservice to the people of this country. We have had people coming to this country and getting passports unfairly. In most cases, some of these people are crooks. Some of them do dubious businesses or jobs which our people in Kenya can do. For example, in Kakamega we have got people of Asian origin who come to that town and do not understand a word of English or Swahili, and yet they have bought their way and obtained Kenyan passports. They sell small things like eggs and what have you, and these are things that the ordinary Kenyans can do. It is just because of corruption that they got access to Kenyan passports and are living in this country through some dubious means.

With those few comments, I beg to support.

Mr. M.A. Haji: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

The issue of denying citizens to get passports has its roots in the colonial times when the colonialists colonised our minds and movement for their own gain. Their intention was to confine people within this country so that they could not get experience from any other place. This enhanced colonialism which brought about the current restrictions. 40 years down the line, the Government has not changed and it wants to confine the citizens of this country within the boundaries of this country. I think it is high time we changed the system and allowed people to acquire passports. It is also high time we changed the national identity card. Instead of wasting time issuing people with the national identity cards, let us provide them with passports. A passport is essentially an identification devise. It is high time we did away with the national identity cards and gave the citizens of this country passports and do away with double identity. It would serve well for identification purposes and also facilitate movement out of the country for people who want to go out for studies, business and so on. Again, it

is easier to have a passport.

People from North Eastern Province experience a lot of problems as far as passports are concerned. For example, we are now celebrating *Idd ul Haji* which means that Muslims will have a religious obligation to travel out of this country in the next one or two months. For somebody to travel, he requires a passport. Imagine somebody travelling all the way from Mandera, 1,200 kilometres or more away, to come and get a passport in Nairobi. It is very difficult and costly for somebody to do that. If you go to Continental House now, you will see so many people waiting for me to write letters for them to enable them go to the immigration department. In those letters, I have to state that they are Kenyans and I know them personally. You cannot imagine! It is a costly affair for me and for our officers at Continental House who control the surging crowds. To make matters worse, even when I write those letters, it is not possible for those people to acquire the passports within two or three weeks. To maintain somebody in Nairobi is very difficult. If a person has sold the few animals that he had so that he can find money to go for a pilgrimage, and he comes to Nairobi to look for a passport, he will obviously exhaust all that money he had and he will not be able to fulfil his religious obligation. It is costly for hon. Members to maintain these people here in Nairobi.

Mr. Temporary Deputy Speaker, Sir, Kenyans are well educated people. The country has highly qualified manpower who cannot get jobs in this country and yet for somebody to move out of this country is very difficult. There are countries in the world where people do not do anything. They are not agriculturalists and so on, but they export qualified manpower so that their country can run well. A case in point is the Palestine issue. Palestinians have been engaged in a protracted war for so many years, but the country is running and people are living. Palestines are to be found everywhere in the world, working and making money. This country must borrow a leaf from countries like Sudan. Before Sudan discovered oil, it had been training doctors, engineers and other professionals and exporting them everywhere in the world. The country was kept going by the remittances of these professionals. We have 30 million people and our Government has promised to create 500,000 jobs and yet there are many trained people who cannot get jobs. It is high time the Government made it easy for these people to get passports so that they can move anywhere in the world and get jobs. I am sure because of their high standards of training, our people are in high demand in the world labour market.

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

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

I am sure that hon. Sasura was touched by the hand of Allah to bring this Motion here. Really, this is what we have been fighting for. When NARC was campaigning I wonder why the Government is taking too long - we had said that decentralisation of all the essential facilities would be done so that people can be served effectively.

The issuance of passports is a tall order for the common *mwananchi* because first of all you have to go to your area chief, your District Officer (DO), your lawyer, and you must have a guarantor who will stand for you in case there is a penalty. I agree with the hon. Member who said that the technocrats who deal with the issuance of passports ought to have been here to hear what we are saying because they are the ones creating these impediments. If you wake up one morning and want your son to obtain a passport, you will be required to authenticate that he is your son! These obstacles are not only experienced in the acquisition of passports, but also in the acquisition of national identification cards. This Government should come up with policies which create a conducive environment for every Kenyan to get an identification document whether it is a national identification card or a passport.

A passport is a travel document, but in this country it is linked to people who are doing businesses and those who have huge amounts of money in their bank accounts. This is creating a lot of

impediments. Everyday, we tell our youth to join hands and form co-operative societies, farm and market their goods. How will they market their farm produce, if they cannot acquire passports?

I stand here to support this Motion. It stipulates very well that the services of issuance of passports should be decentralised and no bottlenecks should be experienced. The services should not be decentralised to the provincial headquarters, but to the district headquarters. The reason is that some provincial headquarters are located very far from people. For example, if somebody resides in Thika and he is told to go to the provincial headquarters in Nyeri, it is much easier for him to come to Nairobi. Besides, why does somebody need a guarantor to fill a form? Why does somebody need a lawyer to authenticate his position, whether he is a Kenyan or not? Why does somebody need a chief to sign his documents? If he has a birth certificate, that is enough! It is just a matter of issuing him with the passport. If there is any fingerprinting to be done the police are there to help at the district headquarters. This is one area the NARC Government needs to streamline in order to win *kura* from *wananchi*. The NARC Government should not wait to be told that it has not done this or that. It should fulfil all the promises it made. This should not be confined to passports. It should also include driving licences and number plates for vehicles. One has still to come to Nairobi, all the way from Isiolo or Budalangi to get a car number plate! What is all this magic for? We are creating room for corruption and it is the same corruption we are trying to fight. If we leave it to one man to handle the registration of vehicles, what can he not do? I do understand that number plates are prepared in the prisons. They can be manufactured there and be taken to the district headquarters where your area Chief will call you and tell you that your number plate is ready, rather than come to Nairobi to queue at the Times Towers the way I did for about a month! If I was not here in Nairobi regularly, it would have cost me a lot.

It is time the NARC Government woke up. It is time the Cabinet Ministers stopped wrangling and looked at what they should do for the common *mwananchi* now. The time is running out and Kenyans are getting tired. If a Kenyan who voted for the NARC Government has to come to Nairobi to look for a passport and he cannot get it easily, what is the point in having a Government that cannot help him?

Mr. Temporary Deputy Speaker, Sir, I do support this Motion with all my heart. Thank you.

Maj. Madoka: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion. A passport is, indeed, a very important document. It is a document which is very useful and at times can be misused. Therefore, it has also to be issued with extra care.

Mr. Temporary Deputy Speaker, Sir, every Kenyan is entitled to a passport. I believe what is required is simplifying the process of getting a passport. But in doing so, we need to be careful so that we do not make it easy for unauthorized people to get access to this document. The Kenyan Passport is respected all over the world, and I know that when people travel with it, they are not bothered as much as other citizens from other countries. The simplest way of ensuring that the process is simple, is through using the birth certificate. If all indigenous Kenyans are registered at birth, that document in itself should certify that the person is a Kenyan citizen and he should be given a passport without any hindrance at all. I believe too that an identification card should be used to get a passport. Also, the registration of birth should be done at the village level where chiefs are. If that is done then no foreigner will be registered as a citizen in this country.

So, it is important that the Government starts taking steps to simplify the process of getting a passport. I know my brothers from North Eastern Province have undergone greater scrutiny in getting their passports. But the fact is that we have had people from the neighbouring countries coming in and getting passports, and yet they are not Kenyans. So, sometimes, it has been necessary to employ certain procedures to ensure that non-Kenyans do not get these passports. The best method is to ensure that those who were registered as Kenyan citizens at birth are automatically entitled to passports.

Passports should not only be given to people when they want to travel out of the country; every Kenyan should have a passport so that if he wants to travel out of the country at any time, he should be able to do so. We have heard of people who have been unable to visit their sick relatives abroad because of delays in getting their passports processed. Sometimes, these relatives have even died before their people visit them. So, let us have a system where every Kenyan has a passport which would enable him to travel out of the country at any time he wishes to do so.

With these few words, I beg to support this Motion.

The Minister of State, Office of the Vice-President and Ministry of Home Affairs (Mrs. Kilimo): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support this Motion.

(Applause)

My Ministry supports this Motion because in the recent past, there has been a rise in the demand for passports from Kenyans wishing to travel outside the country for various reasons like for business, higher education, and seeking better opportunities. In this regard, the Government recognizes the need to issue travel documents to Kenyans easily and promptly. My Ministry is in the process of putting in place a system that will ensure that members of the public get their passports in their home districts without the inconvenience of coming to Nairobi.

(Applause)

The Department of Immigration has recruited 116 new officers who are currently undergoing training, and who will be deployed in the districts or in our entry or departure points. Currently, the department issues passports in Nairobi, Mombasa, Kisumu and Eldoret at an average of 2500 passports per week.

Mr. Temporary Deputy Speaker, Sir, as a Ministry, we have also approached the Directorate of Personnel Management to increase our staffing levels so that we can meet the expectations of Kenyans in this important function.

With these few words, I beg to support.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to support this particular Motion and state that the enjoyment of freedom of movement is a fundamental right under the Constitution of this Republic. Despite the clear wording of Section 81 of the Constitution of Kenya, this right has not been respected for a long time. There is a proviso to Section 81 which states that subject to public safety and order, the right to enjoy the freedom of movement is guaranteed under the Constitution.

I am referring to this section because for a long time many of us, including myself, have had their passports taken away for a long time without due cause or any explanation. The position under our Constitution is very clear. It is not like the English position. Our courts have been misused by the Government for a long time to constrain our enjoyment of freedom of movement as if it is a favour from the President. There are decisions of courts in this country which are really very tragic, and about which we should not be talking. The position of the English Law is different. You travel at the pleasure of the Queen, or the Monarch for that matter. In a country with a democratic Constitution, the rights of a citizen to travel and to enjoy freedom of movement is not something to be negotiated. I hope we will not return to those dark days when somebody's passport could be taken away without due cause.

Mr. Temporary Deputy Speaker, Sir, in the light of the clear provisions of Section 81, I would strongly propose to the Minister that, in fact, the Department of Immigration should be put under the Kenya police. It was under the Kenya Police for a long time previously, when the Ministry of Home

Affairs had the Police Force, the Special Branch and the Immigration Department under it. The issue of scrutiny of passports and enjoyment of the freedom of movement is subject to those niceties about safety, security and public order. Who knows better than the Police Department about security? The easiest thing that this department can do is to put an immigration officer in a police station. If the police had computerised its records, it would be much easier because the officer would just have to switch on the computer and find out about the records of an individual, and issue him with a passport without a problem.

Mr. Temporary Deputy Speaker, Sir, something has been said about identification cards (IDs). The IDs are intended to show that one is a citizen of this country. You can carry the document along to show that you are Mr. or Mrs. so and so. Once an ID has been issued, the easiest thing for an immigration officer to do is to issue a passport as a matter of course. This is because one's identity has already been established. It shows that one is a citizen of this country and has an official document from the Government. The other bureaucratic procedures of filling forms, looking for sureties, proving that you have the means to survive in another country and even having to show that you have a reason to travel, should not really come into play. If we will cut the red tape in the Immigration Department, we should simply use our IDs to get passports. If this department was put under the police, then the decentralisation process will not only be to the districts. It will be to the nearest police station. A citizen should only go to the nearest police station with his ID, and if he has no criminal record, he should get a passport as a matter of course.

There is a lot of misconception about the law on the IDs. Kenyans are entitled to identification papers right from the moment they are born. The position under the Registration of Persons Act is that, if by the time you are 18 years and three months old and you have not registered, then you are committing a crime. You are liable for prosecution. But at any other stage during your lifetime, whether you are in school in whatever class, you are entitled to an ID. The issue of IDs has been politicised in the past, particularly when we are near a general election, to ensure that certain people do not get identification papers. The Government should make it easy by going to schools and issuing IDs to pupils when they are in Standard Eight. The pupils would then come out as fully-fledged citizens. It does not matter that they are not 18 years old. That is not a crime. All that the ID is supposed to indicate is that one is such and such years old. I got my ID at the age of 14 years at a time when the law was that the age of maturity was 21 years, and yet the Registrar of Persons was issuing identity cards to persons at the age of 14 years. That was quite easy. We are creating a crisis. When students complete Form Four, want to get IDs and look for jobs, we make it difficult and impossible for them to do so. That is another area with red tape, which has created a lot of corruption. If we are going to fight corruption in the sense in which the Government has stated, then all forms of bureaucratic tape have to be removed, whether in the Immigration Department or in the Department of the Registrar of Persons. Things must be made easy for the citizens of this country.

One of my colleagues has mentioned about the registration of motor vehicles. Most of us who import vehicles know how bureaucratic it is at the Port of Mombasa to get through with your documents and get a logbook. It is virtually impossible. You have to keep travelling from Nairobi to Mombasa to get your vehicle cleared and your registration through. This is another area which is attracting corruption. When a citizen cannot get services at the cheapest cost and with ease, he resorts to other under hand means to try and secure those services.

Mr. Temporary Deputy Speaker, Sir, I would like to say something about the East African Community (EAC). I do think there should be any reason whatsoever today to require a Kenyan or Ugandan citizen, for that matter, to take a temporary pass to cross the border and do business, if we are truly committed to creating a community for our people. We all know that the people in East Africa are one. So, we should facilitate their movement between member states of the EAC. We should not even be restricting foreigners. Any foreigner who comes to this country, unless he has a

criminal record, and spends his money in this country, is, in fact, boosting the economy. After all, what is this crusade on tourism about? It is to attract foreigners to come to this country, spend their money here so that the economy can be boosted. We seem to express a lot of hostilities between ourselves within the EAC. We treat a Ugandan, not as a tourist, but with suspicion. We treat a Tanzanian also with suspicion, yet we want a European to visit Kenya. Why are we hostile to our brothers? It is time that we took up this challenge to make the East African region, free for all, so that citizens of this region can feel free to do business.

Mr. Temporary Deputy Speaker, Sir, it is important that we realize that countries that do not give their citizens passports tend to be very backward in their world outlook. One of the most backward states in the world outlook today is the United States of America (USA). Less than four per cent of Americans today have passports. They do not even know where Africa is. Those who remember the last presidential campaign in USA is that President George Bush did not even know there is a continent called Africa. All he knew is a country called Nigeria. Therefore, issuance of passports is an eye-opener for citizens. Let them travel here and there. This way they will sell our ideas outside and also come with new ones.

Mr. Temporary Deputy Speaker, Sir, there is a contrast between the British and the Americans. About 87 per cent of the British society have passports and they are widely travelled. The way they look at international situations is distinctively different from the Americans. The Americans think that only America matters, and when an American travels from New York to California, he has been round the world. I think we must disabuse our people from the notion that moving around the country alone is enough. We should be able to empower our people to travel and bring ideas here.

Mr. Temporary Deputy Speaker, Sir, now that the Vice-President has come, I would like to talk about the so-called VIP Lounge at the Jomo Kenyatta International Airport. I do not know who is more important in this country than a person who has been elected by the citizens of this country to come to this Chamber. We are the most important people in this land, but when we travel from outside the country and come to the airport, we are subjected to very humiliating searches. If you travel with a civil servant, for example, a Permanent Secretary he moves to the VIP lounge and the poor hon. Member of Parliament has to line up and be searched by the immigration officers. We shall not succumb to this humiliation. This is a new dispensation, and I am appealing to the Vice-President to ensure that all hon. Members of Parliament are entitled to use the VIP lounge, because we are the leaders of this country. We are also entitled to have diplomatic passports. Who is a greater diplomat for this country than an elected leader?

On that note, I beg to support the Motion.

Mr. Y. Haji: Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to support the Motion. I would also like to admit that the process of issuance of passports has become better now than it was so many years ago. At this juncture, I would not hesitate to congratulate His Excellency the Vice-President and the current Principal Immigration Officer.

Mr. Temporary Deputy Speaker, Sir, as my colleagues have said, the issuance of passports to Kenyan citizens is a very cumbersome matter, particularly for hon. Members of Parliament. Hon. Members of Parliament are forced to sit in their offices at Continental House, writing letters of introduction for their constituents who wish to acquire passports. I think this is infringing the Code of Conduct that we passed in this Parliament. Writing letters of introduction for favourable treatment of certain persons is not in keeping with the dignity of a Member of Parliament as well as the Code of Conduct which we passed recently. Time has come when we should come up with a better way of dealing with the issuance of passports.

Mr. Temporary Deputy Speaker, Sir, we know that not all Kenyans have birth certificates, and not all deaths in Kenya are registered. When people are applying for passports, first of all, they are asked to produce, not only their birth certificates, but also those of their parents who might have even

died ten, 15 or 20 years ago. In that case, they are forced to apply for late registration of birth certificates. This takes them almost a year or two years. They shuttle between their home and the office of the Registrar of Births and Deaths. When they get the late registration certificates for themselves and their parents, they are also told to fill certain forms for application of passports which are supposed to be taken to the chief for endorsement. If the chief is on leave, an individual may have to wait for one month. After the chief endorses, you are forced to go to the District Officer, and then the District Commissioner, where then you are told to raise two sureties to sign an indemnity form for your security. I think this is asking too much, and it is almost like a punishment.

Mr. Temporary Deputy Speaker, Sir, right now, the Muslims are fasting. There is *Imra* between now and 25th of next month. Next month, people will have to go to Mecca. Two months later, they are supposed to make a pilgrimage to Mecca.

Now, try to imagine that all these people in their thousands or hundreds are meant to converge here in Nairobi, chasing their passports.

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

*[The Temporary Deputy Speaker
(Prof. Oniang'o) took the Chair]*

It is very costly, humiliating, and something should be done about it.

Having a passport is no longer a privilege; it is a right. It is a right because, first, it identifies your nationality as a Kenyan. I think that if you are a Kenyan, it is your right to be Kenyan. Therefore, any document that will confirm your nationality is also your right. Secondly, passports enable people to move about: to do business, to go for higher education and even for health purposes. We see many people going overseas for treatment of various ailments that cannot be treated here, locally. If somebody will be subjected to look for a passport for six months, definitely, we are not being fair to that person.

Madam Temporary Deputy Speaker, we would like to see an ideal situation whereby passports are issued once someone is registered as a Kenyan and awarded a birth certificate, without necessarily asking someone to register for an identity card. I do not see why we should have so many registration documents. We have registrations for IDs, for birth certificates, for voters cards, and others. All these cards should be discarded so that we have only one registration document which is the passport. The number of the passport should be used for the voters' registration, it can also be used as a pin number. Once you memorize the passport number, then you do not have to go registering so many times. We should be more civilised now that we are 40 years down the line of Independence.

I know it may be asking for too much to say that we should have Immigration Officers in every district, to start with. I will appeal that we, first, start with the provinces and maybe use the districts as the bases for vetting. As we progress and the country gets enough revenue, maybe we can go down to the districts.

With those few remarks, I beg to support.

Ms. Mbarire: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion because it is very critical.

I want to begin by saying that a passport is supposed to be a right for every Kenyan citizen, irrespective of his or her gender. It is high time that we made this a reality in Kenya. I personally know what it means to have to wait to get your passport for about six months, and every time you go to the offices, the officers keep making demands. I believe that it is time we realised that it is a right for

every Kenyan citizen and that you do not have to prove that you are travelling somewhere, or even take a letter of invitation for a meeting, or an invitation letter by a friend who is out of the country to be allowed to get a passport. This has been the case. I feel that it is discriminatory especially on the young people who are now looking beyond the Kenyan borders for jobs and a place to earn a living. If you expect young people to go out of Kenya now that the level of unemployment is so high, then it is about time that they were all entitled to a passport after they get an identification card so that they are able to go out of the country and look for jobs.

Madam Temporary Deputy Speaker, I would also like to talk about the discriminatory laws that are there against women in the issuance of passports. Beyond the marriage certificate, if you are a married woman, your husband must endorse that you be issued with a passport. The question I want to ask is: Are women second class citizens so that they must have an endorsement from somebody else in order to be given passports? I think that is extremely discriminatory. If men are not seeking permission from their wives to get passports, we expect that women also should get passports without having to get permission from their husbands. They are grown up and Kenyan citizens. All citizens should have equal rights to whatever entitlement they have as citizens. These entitlements should not be conditional in any way.

Madam Temporary Deputy Speaker, the other problem is the issue of endorsement of children below the age of 18 years into somebody's passport. Right now, if you are a woman and you want to endorse your children who are below the age of 18 years in your passport so that if the need arises you can travel with them, you must again look for the father of these children. Again, I think this is discriminatory especially to single mothers because that means that they have to go and look for that man who is not living with them so as to give permission for the child to be endorsed in the mother's passport. If the man is not staying with you, then you have a right to endorse those children in your passport because you stay with them and take care of them. We want to seek equal treatment of all Kenyan citizens, irrespective of gender.

The same discrimination is still there even in visa application and issuance. If you go to most of the embassies today, they also compel women to go and seek permission from their husbands. I think this is extremely unfair to women. We want the Minister for Home Affairs to listen to this and have mercy on women of Kenya because this is unfair. We also want the American, British and other embassies to realise that we treat our citizens equally and we do not want discrimination of any kind.

The other issue that I want to talk about is the need to decentralise the issuance of passports so that it becomes easier for Kenyans to get them. As the Minister stated earlier, right now you can only get a passport in Kisumu, Mombasa and Nairobi. I would like to propose that it should be made easier for somebody to get their birth certificate immediately after birth at the district level. We should also make sure that we decentralise the issuance of passports to district level and below so that every Kenyan can have access to a passport when the need arises. We do not have to be issued with a passport only at the time when we are travelling. A person should be entitled to a passport as long as he is 18 years, has a national identification card and a birth certificate.

I beg to support, Madam Temporary Speaker.

Mr. Wario: Asante Bi Naibu Spika wa Muda, kwa nafasi ulionipatia. Ningependa kumpongeza aliyeyleta Hoja hii kwa sababu ni mtu aliyejua tatizo lililowakumba Wakenya kwa muda mrefu. Pia, ningependa kuipongeza Wizara kwa kuleta wale wanaohusika na mambo haya hapa ili wapate kuyasikiza maoni ya Wahe. Wabunge.

Mara nyingine unashangazwa na Serikali hii kwa sababu wakati mmoja inaleta sera kwamba wanataka kupunguza ufisadi katika nchi hii na wakati mwingine inaleta sera ya pili ya kuipinga sera iliyoileta mbeleni. Ninasema hivyo kwa sababu Wakenya wanatoa habari yote kwa Serikali yetu wanapopata vitambulisho vyao. Habari kama jina la baba yako, mama yako na jina la unakotoka yote iko na Serikali yetu. Hii habari imo katika fomu unayojaza ili upate kitambulisho. Sasa, kama mambo

yako hivyo, ni kwa nini tena tutoe pesa za kununua fomu mpya ili tujaze habari hii hii? Ikiwa Serikali imeamua kufanya kazi, inafaa kupata habari yote kutoka kwa yule anayehusika na vitambulisho. Wakati wa kupiga kura ni habari hiyo tu ndio inayotumiwa. Habari hii inapatikana kote hata katika ofisi inayohusika na upigaji kura. Inafaa Serikali iweke sera ya kupigana na ufasadi na itekeleze jambo hili. Isitoe fursa ya kufanya ufasadi zaidi katika nchi hii.

Bi. Naibu Spika wa Muda, ningependekeza kwamba ikiwa mtu amepata kitambulisho, pasipoti yake inahitaji kutayarishwa na kupelekwa katika Ofisi ya Msajili wa Watu ili akija kudai apewe, isipokuwa watoto. Kuna swala la watoto ambalo ni tofauti na wale watu wazima. Ninatumaini itakuwa rahisi kwa watoto kwa sababu wameandikishwa kama Wakenya ili waweze kunufaika.

Bi. Naibu Spika wa Muda, hatua ya kupeleka utoaji wa hati za usafiri mashinani itabuni nafasi ya kazi kwa Wakenya. Wakati NARC ilipokuwa inaomba kura walisema kwamba watabuni kazi 500,000. Sijui kama wamebuni kazi 20,000. Ninafuraha mhe. Waziri yupo hapa. Kwa sababu tukiwapeleka maofisa wa kutoa hati za kusafiri wilayani wataajiri watu wanne au watano. Kwa hivyo, tutakuwa tumebuni kazi 350 katika wilaya 70 na Wakenya watawashukuru.

*[The Temporary Deputy Speaker
(Prof. Oniang'o) left the Chair]*

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

Bw. Naibu Spika wa Muda, mbinu ya sasa ya utoaji wa pasipoti haifai. Hii ni mbinu ya kuchosha. Unatakiwa kuanzia mtaa mdogo, uende kwa lokesheni na kwa mkuu wa wilaya na pia upate mtu wa kukusimamia. Ikiwa umepitia mbinu hizo wakati unapotafuta kitambulisho, ni kwa nini tena leo unashurutishwa upitie mbinu ile ile? Hii ni njia ya kupoteza wakati. Pia mbinu hii ina ubaguzi hasa kwa jamii ya Waislamu. Ukiwa Mwislamu, utashurutishwa zaidi kuliko mtu mwingine yeyote kabla ya kupatiwa pasipoti yako. Pasipoti zimewekewa matajiri; ikiwa tajiri anataka pasipoti, itamchukua wiki moja tu. Lakini maskini hawezi akajibu swala la kwanza ambalo ni: "Kwa nini unataka pasipoti?" Ni haki yake kupewa hati ya usafiri. Mimi ni Mkenya na nina haki ya kusafiri popote katika ulimwengu huu. Kwa nini nisiwe na pasipoti? Kwa nini niulize kwa nini ninataka pasipoti? Hapo ndio chanzo cha dhuluma hii. Siku hizi ni lazima mhe. Mbunge aandike barua na kuthibitisha kwamba anakujua kuwa wewe ni Mkenya. Kwa nini tunawashurutisha Wakenya namna hii? Wakenya hawa ndio wamewapa mamlaka ya kukalia vyeo mnavyokalia. Kwa nini tusiwarahisishie? Kama Mkenya huyu ataenda kuvuruga nchi ya wenyewe huko nje, atachukuliwa hatua kwa mujibu wa sheria za nchi hiyo. Kila nchi ina sheria za kuangalia nani anavunja sheria zake. Yule Mkenya aliyepewa pasipoti akienda nje kuvuruga nchi nyingine atachukuliwa hatua kwa mujibu wa sheria za nchi hiyo. Hata sisi, wengine wanakuja kuvuruga nchi yetu. Jana Mnaigeria mmoja ameshikwa akiwa na madawa ya kulevya yenye uzani wa kilo tisa. Sheria za nchi yetu zinatoshia kumwadhibu mtu yule. Hatuhitaji kwenda Nigeria kujua kwa nini mtu huyo alikuja na kokeini Kenya. Kama mtu amechukua pasipoti, anaenda kuvuruga nchi nyingine, ataadhibiwa kwa mujibu wa sheria za nchi hiyo. Ubaguzi katika utoaji wa pasipoti ni lazima ukomeshwe.

Bw. Naibu Spika wa Muda, ukiangalia hali ya uchumi wetu, Wakenya wale ambao wako nje wanaishi maisha tofauti na wale wako hapa. Ukiteremka kule mashinani, utakuta nyumba zingine ambazo hazina watu kwa sababu wenyewe wanafanya kazi kule Marekani, lakini wanajenga Kenya. Hii ni njia moja ya kuboresha uchumi wa nchi yetu. Lakini sisi tumewafungia milango Wakenya ili wasitoke nje ya Kenya. Kwa nini tunawafungia? Tufungue milango ili Wakenya waende huko nje kuchuma mali ambayo watayatumia kujenga nchi yetu.

Bw. Naibu Spika wa Muda, Wakenya wengi wanapata nafasi katika vyuo vikuu vya nje.

Wanasomea kule na, hatimaye, hurudi katika nchi hii kunufaisha na kuchangia maendeleo ya nchi. Kwa hivyo, kila Mkenya anayetoka huleta faida kubwa katika nchi hii. Mimi sasa nikitaka kumpeleka mtoto nje, nikifikiria ile mbinu nitatumia, nashikwa na wasi wasi. Namwambia: "Ng'ang'ana hapa kwetu tu. Najua nikienda kule, nitachukua miezi miwili kutembea kwa maofisi na kazi zote zitasimama." Kwa hivyo, tusiwafungie Wakenya katika nchi hii. Wengine wanapata elimu kwa urahisi huko nje. Wengine wanapata kazi kwa urahisi huko nje. Faida yao itarudi hapa hapa nchini. Kwa hivyo, Wakenya wapewe fursa ya kujishughulikia huko nje.

Bw. Naibu Spika wa Muda, jamii ya waislamu, katika imani ya dini yao, ni lazima waende Mecca kuhiji. Kwenda hija ni nguzo muhimu katika imani ya dini ya kiislamu; nguzo ambayo inatangulia Ramadhan. Imani ya dini ya kiislamu inakulazimu kwenda hija kila mwaka. Waislamu wengi wanapata taabu wakati wa msafara huo. Nataka Wizara inayohusika itambue imani hiyo ambayo inatukumba sisi waislamu, na iturahisishie kupata pasipoti sisi tukiwa Wakenya, kwa sababu tuna haki ya kuabudu katika nchi hii. Wakati tunaposafiri, tunapewa pasi ya kutufikisha Saudi Arabia na kurudi hapa. Zaidi ya hapo, hakuna! Unapewa pia pasi ya kwenda Mashariki ya Kati peke yake! Kwa nini unampa mtu masharti fulani? Ikiwa ni cheti cha usafiri unatoa, basi mpe aende Saudi Arabia na akitaka, aende hata South America! Taabu iko wapi?

Kisha, Bw. Naibu Spika wa Muda, watu wanaotoka katika sehemu kame katika nchi hii, wanalazimishwa kujaza fomu ambazo Wakenya wengine hawajazi. Tuliambiwa ukoloni uliisha! Na haya ni yapi? Kwa nini Mkenya anayetoka Kiambu hajazi hiyo fomu? Kwa nini mimi nijaze hiyo fomu? Huo ni ukoloni mamboleo. Ikiwa ukoloni wa kikoloni uliondoka, basi ukoloni mamboleo bado upo.

Mhe. Waziri, ni bahati uko hapa na unatusikia. Wahusika katika Wizara yako pia wanatuzikiza. Wakenya kutoka sehemu kame wasinyanyaswe. Wapewe vyeti vya kusafiria kama Wakenya wengine. Isiwe wao wanatakiwa wawe na barua ya Mbunge na fomu nyingine kando. Hii ni nchi yao.

Mwisho, kuna ufisadi wa kutanda katika Idara ya Uhamiaji. Kuna maajenti wanaotambulika kuliko sisi viongozi. Sisi viongozi tukienda kulalamikia watu wetu, hatutazikilizwa! Kuna maajenti ambao wana uwezo wa kuwafikia wanaotoa vyeti hivyo. Hao maajenti wanasikilizwa kuliko sisi viongozi wa nchi hii.

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir. Having looked at this Motion, it has unanimously been agreed upon. I would like to call upon the Mover to respond.

Mr. Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! This Motion has a Resolution that it has to be debated for two hours. We cannot reduce that time. So, proceed Mr. Wario.

Mr. Wario: Asante sana, Bw. Naibu Spika wa Muda. Nilisema hapo awali kwamba, kuna ufisadi wa kutanda katika Idara ya Uhamiaji. Nasema hivyo kwa sababu kuna maajenti wanaotumiwa hapo ndani kutoa vyeti hivyo. Kwao, ni rahisi kupata vyeti hivyo kuliko vyongozi.

Sisi Wabunge tunashughulika na kuandika barua kwa Principal Registrar nusu ya mchana. Ni kwa nini tunaandika barua na hali ni haki ya kila Mkenya kupewa pasipoti kama anahitaji kama vile anavyopewa kitambulisho cha taifa? Si lazima mimi niandike barua ambayo wakati mwingine ninarudishiwa na kwambiwa nithibitishie kwamba mtu anayehitaji pasipoti ni Mkenya. Ninapoandika barua ni lazima niseme kwamba ninawafahamu wazazi wa mtu anayehitaji pasipoti na nithibitishie kwamba yeye ni Mkenya. Hii ni dhuluma, na inafaa tuiondoe haraka iwezekanavyo.

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

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion which is very important because it is useful to our people. Indeed, it has already been said that it is a right of every Kenyan to be issued with a passport when he requires it. As many hon. Members who have contributed to this Motion have said, it is true that the Immigration Department has for

many years been riddled with corruption cases. It is embarrassing to note that we have some Kenyan officials in this Department who sell passports. This is the same as selling the inheritance of our people. When these officers issue passports to people who [**The Assistant Minister for Environment, Natural Resources and Wildlife**

should not be in this country and allow them to stay simply because they have been bribed, they sell the inheritance of Kenyans. The Minister should have zero-tolerance to corruption in the Immigration Department. I urge the Ministry to put in place measures in order to net the passports which were issued out through corruption in the past. We have seen the police unearth syndicates of some officers who issue passports after they have been bribed. All these people should be investigated. This will ensure that passports issued to people corruptly are seized.

We know that there has been a tendency by some officers to issue passports to a certain group of people and this has been pointed out by some hon. Members. I urge the Immigration Department officials not to look at people's colour, how rich they are and whether they speak English or not before they issue them with passports. The Government should issue passports to Kenyans who have applied for them without any problem. The Government should also put in place identification measures to ensure that those who apply for passports are, indeed, Kenyans. It is possible for us to have birth certificates as some hon. Members have said. A person should be issued with a passport when he or she has applied for it as long as he or she can prove beyond any reasonable doubt that he or she is a Kenyan.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on dual citizenship. This is probably one point which has not come up in our discussion. I think it will be wrong for our country to grant dual citizenship to individuals at this time. This is because it will open floodgates for people who would love to come to this country, but who will in turn not open their doors for Kenyans. We know that many Kenyans, although they would like to travel abroad, do not have skills which are required out there. As many hon. Members have said, there are some foreigners who come into this country, and yet they do not have any skills which Kenyans do not have. I think that opening our country to dual citizenship would be a big mistake. I am making this point as it has been raised at the constitution review conference. What I would propose is that, perhaps, we should have a category of people called "persons of Kenyan descent" (PKD). This will ensure that at any one time descendants of Kenyans can re-enter Kenya after proof of their descent without any harassment at our airports. If this mechanism was introduced, then our people, who are outside Kenya and who would want to become citizens of other countries, would achieve their goal. If they or their descendants later want to come back, they would freely re-enter the country.

Mr. Temporary Deputy Speaker, Sir, I also agree that we need to decentralise the issuance of passports. However, to begin with, we should not go all the way to the district level. We should start with the provincial headquarters, but still use the district, division and locational levels to truly identify our people. We do not want to trivialise the fact that it is possible for non-Kenyans to enter our country and get passports. We know that Kenyan passports are highly valued. If we opened the gates too wide, we could easily have our passports misused. I would, therefore, say that we start with the provincial headquarters and use Government organs for vetting to ensure that only Kenyans get passports.

I also want to say that one of the reasons why we should not open our gates too wide is because I still remember that in the early 1960s and 1970s after we got our Independence, with a Kenyan passport you could go almost anywhere. For some countries we did not even need a visa. At that time, it was quite clear that one reason we were allowed to enter other countries easily was because very few of us were travelling outside the country, while there were a lot of people coming into our country. However, as soon as many Kenyans began to go to other countries, suddenly the requirement for visas become so stringent that today people have to queue from as early

as 5.00 a.m. in order to get visas. Yet, I have witnessed situations where foreigners, who would not issue visas to our own citizens, having their own people issued with visas in this country without a hitch. This is partly because of our economic situation. But we must also not just open our doors to make it convenient for other citizens to come into our country. Other countries will only open their doors when doing so is convenient to them, but will never open them to make things convenient for us.

Sometimes we are too strict on our fellow Africans, including those within the East African region. You cannot pass freely through the East African borders, despite the fact that we started as one region with a common currency and worked together in the East African Community. Despite all the efforts that have been made, we still need papers to travel to our neighbouring countries.

I think that it is important for us to facilitate travel across the borders. We really do need to hasten this so that our people can cross the borders in East Africa and within Africa with ease. It has equally been embarrassing to see at the airport how Africans from other countries are sometimes treated with suspicion and sometimes they are not even allowed to come into the country. I have had friends coming from other African countries, but they ended up sleeping at the airport because they did not have Visas. However, many Europeans get their Visas right at the airport within a few minutes of their arrival. I think that sometimes it very bad when an African feels like it is easier to enter foreign countries outside Africa than it is to enter another African country. It is partly because of the way Africans also have misused the freedom. For example, we all know what happened yesterday at Jomo Kenyatta International Airport. When you see an African coming into Kenya from the eastern countries bringing in cocaine which we know is becoming a major menace in our country, especially among our youth, then you feel like you want to control the flow of Africans into our country. However, I do want to say that we, as Africans, need to give ourselves respect and trust each other. But we also need to be responsible people so that we stop being the conduits for drug use and other activities that make it very difficult for us to enter other countries.

With those few remarks, I beg to support this Motion.

Mr. H.M. Mohammed: Thank you, Mr. Temporary Deputy Speaker, Sir. Before I start contributing to this very important Motion, I would like to register my complaints about the coverage of the proceedings of this House by the Kenya Broadcasting Corporation (KBC). When some hon. Members of Parliament make contributions in this House, they are never covered by KBC in their programme "*Leo Katika Bunge*." Many years back when I used to sit on the Government side, whenever I said something, I used to hear it on KBC. It did not matter how important what I said was at that time. Today, I am sitting on the Opposition side of the House, representing my people and articulating their problems, but I am not covered. Is it the policy of the NARC Government that KBC should not cover some hon. Members? It is very unfortunate. I am not complaining about the newspapers because those are private media houses. They cover us, if they so wish. However, I think we are all shareholders of KBC. Its employees are paid from the taxes we pay.

Mr. Temporary Deputy Speaker, Sir, let me come back to the Motion. A passport is a very important document for the people of Kenya and other people all over the world. If you want to travel abroad, you must have a passport. You cannot even buy an air ticket without a passport. It is not only difficult to get a passport in this country, but even getting an identification card, for some communities, is becoming a problem. They are asked to produce birth certificate of their fathers, mothers, grandmothers, or grandfathers. Where I come from, registration of births was never there when I was born. In fact, I was issued with a birth certificate when I was already a grown up person, unlike my father, my mother or my grandmother, who did not have it because this document was not available before. This problem is especially for specific communities, namely, Somalis, people of Arab and Asian origin as well as other communities living along our borders. These people have a lot of problems acquiring passports.

I support the idea of decentralising the Immigration Department. It may not be possible to open an Immigration Office in every district, but it is important to take these services closer to the people. We can have, at least, one Immigration Office in every region, so that people can obtain this document without having to travel all the way from, say, Mandera or Turkana or Busia, to Nairobi. It is very unnecessary, expensive and hectic for Kenyans to travel all the way from those far away places to Nairobi to be issued with passports. I propose that the issuing office of this document be taken closer to the people. While creating new locations and divisions in the recent past, the previous Government said that it was doing so to take services closer to the people. I think taking the Immigration Department closer to the people is more important than opening a District Officer's office somewhere in the countryside.

Mr. Temporary Deputy Speaker, Sir, the level of corruption in the Immigration Department used to be very high. After you took your documents there, somebody would tell you that your file got lost, and you would

have to part with some money, so that somebody could retrieve it from wherever he had hidden it. This trend inconvenienced so many people in this country. After applying for passports, some people had to wait for so many years without getting the document. Members of Parliament from northern Kenya and parts of Coast Province always write introduction letters for people who want to be issued with passports, because even after they produce the birth certificates of their mothers and fathers, and the birth certificates of whoever else they are asked to produce, they are asked to, further, produce letters of introduction from their Members of Parliament.

I think the role of a Member of Parliament is not to identify people who want to be issued with passports. Identification of individuals is the role of Assistant Chiefs and Chiefs. If one has letters from his Assistant Chief and Chief as well as from his District Commissioner, why should one be asked to produce an introductory letter from his Member of Parliament? This demand by the Immigration Department has really inconvenienced Members of Parliament as well as the individuals seeking to be issued with this important document.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Maalim! Time is up.

Hon. Members, the balance of time for this Motion will be availed next Wednesday, when the Mover will reply.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time to interrupt our business. The House, therefore, stands adjourned until this afternoon, at 2.30 p.m.

The House rose 12.30 p.m.