

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 4th November, 2004

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### COMMUNICATION FROM THE CHAIR

PRESENCE OF CAMERA CREW  
AT THE DIPLOMATIC BOX

**Mr. Deputy Speaker:** Hon. Members, you will notice that there is a camera crew at the Diplomat Box this afternoon. This is an unusual occurrence in the House. However, the crew has been sent by the Nobel Foundation in Norway to capture on film the Hon. Prof. Wangari Maathai at work prior to the presentation of the Nobel Peace Prize. The Chair, therefore, has allowed this only as a special consideration and the duration will be limited to half an hour.

Thank you.

*(The Assistant Minister for Environment  
and Natural Resources (Prof. Maathai) was  
applauded as she walked into the Chamber)*

### PAPERS LAID

The following papers were laid on the Table:-

The Report of the Study Tour of Education Institutions in Japan, Korea and Malaysia by the Departmental Committee on Education, Research and Technology from 10th to 21st May, 2004.

The Report of the Study Tour of Biotechnology Facilities at the Kenya Agricultural Research Institute in Kabete, Nairobi and Njoro on 27th May, 2004 undertaken by the Departmental Committee on Education, Research and Technology and Members of other Committees.

*(By the Chairman, Departmental Committee on Education, Research and Technology)*

### NOTICES OF MOTIONS

**Mr. Karaba:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:

ADOPTION OF REPORT ON  
EDUCATION INSTITUTIONS  
OF SCANDINAVIAN COUNTRIES

THAT, the House adopts the Report of the study tour of Education Institutions in Japan, Korea and Malaysia by the Departmental Committee on Education, Research and Technology, laid on the Table of the House today, Thursday, 4th November, 2004.

ADOPTION OF REPORT ON STUDY TOUR OF  
BIOTECHNOLOGY FACILITIES AT KARI

THAT, this House adopts the Report of the study tour of Biotechnology Facilities at the Kenya Agricultural Research Institute, Kabete, Nairobi and Njoro laid on the Table of the House today, Thursday, 4th November, 2004.

**ORAL ANSWERS TO QUESTIONS**

**Mr. Deputy Speaker:** The first Question is by Mr. Mbai.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, before I ask my Question I would like to bring to the attention of the Chair that the name of the person in question as reflected in the Order Paper is not correct. He is Paul Mutinda Nthenge and not Paul Mutinda Nthenya.

**Mr. Deputy Speaker:** Well, the name is corrected to Nthenge.  
Proceed!

*Question No.887*

COMPENSATION FOR PAUL MUTINDA NTHENGE

**Mr. Mbai** asked the Minister of State, Office of the President:-

- (a) whether he is aware that Paul Mutinda Nthenge was injured by a bomb blast at Kwandolo area in Yatta Division in 1985; and,
- (b) what plans he has in place to compensate him.

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

(a) I am not aware that Paul Mutinda Nthenge was injured by a bomb blast at Kwandolo area in Yatta Division in 1985. No such report was ever made, or recorded at any police station. The victim may make a report to any police station and appropriate action will be taken.

(b) Since the matter was never brought to the attention of any police station for investigation and forensic analysis, it is not possible to apportion responsibility for Mutinda's alleged injuries.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, this man was injured by one bomb which was left behind by our military officers who were training at Kwandolo area in the 1970s and 1980s. I have got facts here which I can table before the House to show that this man was injured and taken to Thika District Hospital.

**Mr. Deputy Speaker:** Mr. Mbai, that is not the issue. Before you table those documents, the Assistant Minister says that if there was such an injury, it was not reported to any police station. The person might have as well gone to the hospital. However, the Assistant Minister says no such report is held in any police station. Now, what would be the value of those documents?

**Mr. Mbai:** Mr. Deputy Speaker, Sir, could I hand them over to the police?

**Mr. Deputy Speaker:** No! That is not the procedure. The procedure is: When someone is injured, he or she is supposed to report to the police station. Now, you could hand them over to the

Assistant Minister at a later stage to see how he can assist you. Could you say something, Mr. Mungatana?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, as you can see, this accident occurred well back in 1985. We have traced Paul Mutinda who is currently a teacher at Kokonyo Primary School since the Question was filed. Unfortunately, as I said, there is no report at any police station. I would urge the hon. Member that, if the correct procedure is followed, then we will be able to activate our machinery. Otherwise, I would just remind the hon. Member that if somebody is injured and there is reason to involve the police, the normal procedure must be followed. That is, a P3 Form must be obtained and a report made to the police station.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, there are so many people who were injured in this place and some even lost their lives. I will take the advice of the Assistant Minister and advise the affected people to go to the police and report the matter.

**Mr. Deputy Speaker:** Very well. Next Question by Mr. Marende!

*Question No.905*

MEASURES TO DECONGEST CITY ROADS

**Mr. Marende** asked the Minister for Local Government:-

(a) whether he is aware that every single working day, Kenyan motorists residing in Nairobi lose up to four man-hours in traffic jams on the city roads; and,

(b) what urgent steps he is taking to ensure decongestion of the city's roads and smooth flow of traffic.

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

(a) I am aware that traffic congestion in Nairobi has increased and, on some major roads, motorists spend long hours daily mainly due to poorly maintained city roads, missing link-roads to decongest some heavily trafficked roads, traffic management related issues including traffic lights, driver behaviour and attitudes, particularly those driving Public Service Vehicles (PSVs), who have the least respect for traffic rules and regulations, lack of adequate non-motorised transport facilities, for example, foot paths, cycling tracks and hand cart lanes, among others.

(b) The Ministry of Local Government, in conjunction with the Ministry of Roads and Public Works and the Ministry of Transport, is undertaking various project initiatives to alleviate traffic congestion. The following is a list of steps being taken:-

(i) Rehabilitation of traffic signals and various inter-section and junction improvement to increase the capacity.

(ii) Implementation of policies that will encourage use of public transport, for example, review of parking charges in order to restrain private car entries in the City Centre and streamline public transport operations.

(iii) Construction of by-passes and missing links to provide alternative routes for motorists to avoid congestion and short journey times.

(iv) Extensive rehabilitation of major transport corridors with funding from Fuel Levy and the City Council Capital Fund.

**Mr. Deputy Speaker:** How far have you gone?

**The Assistant Minister for Local Government** (Mr. Kamanda): They are many, Mr. Deputy Speaker, Sir!

(v) Development of a master-plan for urban transport in the Nairobi metropolitan area through assistance from the Government of Japan and the Japanese International Co-operation

Agency (JICA). There are others, but I wish to stop there.

**Mr. Deputy Speaker:** All right! Again, I want to appeal to Ministers to shorten their answers.

Mr. Marende, please, proceed!

**Mr. Marende:** Mr. Deputy Speaker, Sir, although I have a written answer from the Assistant Minister, it is not as long as what he has read! So, we have different scripts. I have a one-page document. But, that, notwithstanding, I find the answer given by the Assistant most unsatisfactory. It is not serious at all and does not substantively answer the Question. That answer is largely speculative. We are dealing with a crisis situation where Kenyans are losing up to four hours every day doing nothing on our roads and yet, there is a declared policy by the Government that this is a working nation. A working nation cannot work by idling on the roads! Could the Assistant Minister give a more concrete answer on what measures the Government will take in the next six months to free Nairobi roads and other urban centres of traffic congestion?

*(Applause)*

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, you all know that Nairobi roads have been neglected for more than 20 years.

**Hon. Members:** Two years!

**Mr. Kamanda:** Not two years! It is more than 20 years. The Ministry of Local Government, together with the Ministry of Roads and Public Works and the Ministry of Transport, have set aside Kshs1.3 billion this financial year to reconstruct most of the roads in Nairobi. We have even given tenders to construct some of those roads. I can name them, but they are many. I can assure the hon. Member that, within another six months, some roads in Nairobi will be passable.

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, you must have been amazed, just like us, about the long list of improvement works that the Assistant Minister has read. They only exist as a figment of his imagination. Could he tell us which road has been constructed in Nairobi since the NARC Government took over power?

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, I have already said that we have awarded tenders for the construction of many roads in Nairobi. We have a JICA pilot project which is starting at the Waiyaki Way Roundabout. We are in the process. Just give us about six months and you will see what Nairobi will look like.

*(Applause)*

**Ms. Mwau:** Mr. Deputy Speaker, Sir, in addition to terrible roads in the City, we have many bad *matatu* drivers. I thought there will be good driving after the Minister for Transport streamlined the *matatu* industry. The culture of bad driving is still seen as a norm. What is the Ministry doing to control *matatu* drivers in the City? That is one of the reasons why we have congestion on our roads on Nairobi.

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, that question should be directed to the Minister of Transport. But we are working together to determine who are the right people to control *matatu* drivers in Nairobi.

**Mr. Deputy Speaker:** Mr. Assistant Minister, I thought traffic regulations within the City fall squarely within the ambit of the Ministry of Local Government?

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, that is not true. It is controlled by the Ministry of Transport.

**Mr. Deputy Speaker:** Due to lack of time, let us give the last chance to Mr. Marende!

**Mr. Marende:** Mr. Deputy Speaker, Sir, when the Minister for Roads and Public Works was presenting a policy paper which we passed, he said that one of the solutions to road congestion in Nairobi was to get rid of roundabouts. Indeed, in other parts of the world, there are no roundabouts. They are not used any more. However, in Nairobi, there are monumental roundabouts being constructed. Is that a way of ensuring that certain contractors are given the opportunity to loot City Council coffers?

*(Applause)*

**Mr. Kamanda:** Mr. Deputy Speaker, Sir, first of all, we are not using our money. It is a pilot project undertaken by JICA, which is a Japanese organisation. They can decide to remove the roundabout, but they are using their own resources.

**Mr. Deputy Speaker:** Hon. Members, I will now move on to Question No.917 by Mr. Opore!

**Mr. Opore:** Mr. Deputy Speaker, Sir, before I ask the Question, there is a correction to be made. The section of the road is Kisii-Suneka-Kerina and not "Kerima".

*Question No.917*

CONSTRUCTION OF BUMPS AT SUNEKA

**Mr. Opore** asked the Minister for Roads and Public Works:-

(a) whether he is aware that many pedestrians have either been seriously injured or killed while crossing at the Kisii-Suneka-Kerina section of Kisii-Rongo-Migori Road; and,

(b) when he will re-instate bumps along that section of the road.

**The Assistant Minister for Environment and Natural Resources** (Prof. Maathai): Mr. Deputy Speaker, Sir, I would like to thank the Chair, hon. Members and the Minister for Roads and Public Works.

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

(a) I am aware that accidents have occurred on the road, killing or seriously injuring many pedestrians.

(b) The Ministry shall instal bumps and warning signs along the road by December, 2004.

**Mr. Opore:** Mr. Deputy Speaker, Sir, I am quite satisfied with the answer given, but I would like to know what it will cost the Government to put up those bumps.

**Prof. Maathai:** Mr. Deputy Speaker, Sir, the Ministry will erect bumps and other road signs in that area at a cost of about Kshs240,000 by December, 2004.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, this is a major road in our area and a lot of people have either been maimed or lost their lives as a result of accidents. Since the Ministry is to blame for not constructing bumps on the road, what redress will the Assistant Minister consider doing for the victims of accidents occurring along this road?

**Prof. Maathai:** Mr. Deputy Speaker, Sir, if the victims feel aggrieved, it is possible for them to go to court and seek redress.

**Mr. Manoti:** Mr. Deputy Speaker, Sir, I come from that area and I know that the road between Kisii and Rongo is too narrow. In fact, two Isuzu type lorries cannot overtake each other safely. What is the Ministry going to do to enlarge the width of the road to the required measurements?

**Prof. Maathai:** Mr. Deputy Speaker, Sir, the Ministry is aware of the situation on the ground. When work commences on that particular road, that point will be taken into consideration.

*Question No.919*HARDSHIP ALLOWANCES FOR  
CIVIL SERVANTS IN  
KAJIADO DISTRICT

**Mr. ole Metito** asked the Minister of State, Office of the President:-

- (a) whether he is aware that Civil Servants other than teachers do not get hardship allowances in Kajiado District; and,
- (b) when the anomaly will be corrected.

**The Assistant Minister, Office of the President** (Mr. Shitanda) Mr. Deputy Speaker, Sir, I seek the indulgence of the Chair that I answer this Question next week. The answer I have now is not good enough.

**Mr. Deputy Speaker:** Mr. ole Metito, you heard the Assistant Minister say that he wants more time until Tuesday, next week because of the inadequate answer he has. Do you have any objection?

**Mr. ole Metito:** Mr. Deputy Speaker, Sir, I have no objection as long as the Question is given priority on Tuesday, next week.

**Mr. Deputy Speaker:** The Question is deferred until Tuesday, next week.

*(Question deferred)*

*Question No.906*TERMINAL BENEFITS FOR CONSTABLE  
JOHNSON NYAATA'S FAMILY

**Mr. Onyancha** asked the Minister for Finance whether he could explain why the family of Police Constable Johnson Nyaata (Force No.54574) who died on 17th March, 2000 has not been paid his terminal benefits.

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Deputy Speaker, Sir, I wish to seek the indulgence of the House because this person was working under the Office of the President. The necessary records are kept in that office. We have already got in touch, but a suitable answer and records have not been forwarded to our Ministry. I, therefore, seek the indulgence of the House that I give a reply to this Question on Thursday, next week.

**Mr. Deputy Speaker:** Is that okay with you Mr. Onyancha?

**Mr. Onyancha:** Mr. Deputy Speaker, Sir, I am agreeable with that.

**Mr. Deputy Speaker:** Very well. The Question is deferred until Wednesday, next week.

*(Question deferred)*

*Question No.879*REFUND OF ADMISSION FEES  
TO MR. NOOR DAUDI

**Mr. Shaaban** asked the Minister for Foreign Affairs:-

(a) if he is aware that Mr. Mohamed Noor Daudi paid US\$10,000 in 1999 as admission fees to Delta Qualiflight Aviation College in Fortworth, Texas, USA, but he was denied a USA visa;

(b) if he is further aware that despite Mr. Daudi having approached the Ministry of Foreign Affairs for assistance, he is yet to be refunded his money; and,

(c) what measures he is taking to ensure that Mr. Daudi is refunded his money.

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

(a) I am aware.

(b) I am aware.

(c) Mr. Daudi has been duly advised.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, that is very unfortunate. Could the Assistant Minister read what he has written as the reply to this Question?

**Mr. Deputy Speaker:** What you should ask the Assistant Minister to do is to elaborate his answer so that we get more details.

**Mr. Wetangula:** Mr. Deputy Speaker, Sir, the first part of the Question asked whether I am aware or not and I said that I was aware. The second part asked the same thing and I said that I was aware. The third part of the Question asked me what measures I had taken and I answered that we had advised Mr. Daudi. However, I can add on to say that Mr. Daudi failed to get a visa to go to the USA for reasons that my Ministry does not know. Only the USA Embassy can explain. We have asked questions, but they have not given us any explanation. The money was wired to the college. I understand that, according to the rules of the college, if you do not claim the money within two to three years, you do not get a refund. We have advised our mission in Washington to assist Mr. Daudi by helping him lodge a civil claim in court in order to recover the money. We know the difficulties involved in lodging such a claim. If Mr. Daudi is based here, it is unlikely that he can enforce a decree even against a college in USA. We have advised him to find a way of suing the college to recover the money. Our mission in Washington is assisting him.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, this is a very unfortunate answer for Kenyans who wish to go abroad and need the assistance of the Government whenever they are faced with problems. However, the USA has the right to deny our students visas, but it has no right not to return our money. This is a case of fraud. We even are not sure whether this college really exists. It is the duty of the Ministry of Foreign Affairs to protect the citizens of this country. Since this is truly a case of fraud, could the Assistant Minister refer this case to the Attorney-General who will then refer it to Interpol so that the money is either refunded or the college charged in a relevant court in accordance with international law?

**Mr. Wetangula:** Mr. Deputy Speaker, Sir, this is a purely civil matter. Mr. Daudi paid money to the college before he got the visa. In the event, the visa was denied. Through the mission in Washington, we have established the existence of this college and also the director of the college, Ms. Beverly Kohler. We have also made a demand, through the mission, to recover the money. The college has been reluctant to give out the money. I have advised my colleague that the correct process is not to go through Interpol because this is not a criminal matter. It is a civil matter because it is contractual matter. A suit should be filed in the USA court by Mr. Daudi or his agents. We have advised the Mission to give him full support and co-operation, which includes introducing him to the lawyers who assist our Mission in Washington to recover the money.

**Maj.Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, it is very unfortunate for the Assistant Minister to keep on insisting that Kenyan citizens are not defended and supported by this Government. Is the Assistant Minister in order to mislead the House by saying that he is not aware that Mr. Daudi, a Kenyan citizen is suffering? Mr. Daudi paid his own money to gain admission in a

college in the USA in 1999, but, up to now, despite the Government being aware of the situation, nothing has been done. We have the USA Embassy and the Ministry of Foreign Affairs Offices here in Nairobi. Why can the Assistant Minister not get the right contacts and rectify the situation, today?

**Mr. Wetangula:** Mr. Deputy Speaker, Sir, I get the impression that my good friend, the General, was not listening to what I said. We have spoken to our Mission. There is no point in the Kenya Government speaking to the American Mission here when we have our own Mission in Washington backed up by lawyers, hired and paid for by the Mission who can do this job. We feel the plight of Mr. Daudi. We know the difficulties Kenyans go through to raise money to go for further education. We also know of the pain in losing such money. Efforts are being made with the active assistance of the Government to recover the money.

**Mr. Shaaban:** Mr. Deputy Speaker, Sir, it is a requirement by many colleges in the United States that people pay money in advance. Mr. Daudi's case is not the only one of this nature. Many Kenyans have lost their money after paying fees to those universities. They never get the visa nor are they refunded their money. I know of many Kenyans who have paid money to attend colleges in the United States of America and they were told that this was a requirement before they are supplied with visas. What will the Government do about the thousands of Kenyans, not only Mr. Daudi, who have the same problem? If future, you will find that many Kenyans will lose their money because they will have paid university fees, miss a visa and their money will not be refunded? What will the Government do about them? Will Kenyans have this problem forever?

**Mr. Deputy Speaker:** Order, Mr. Shaaban! You have asked a question. Let the Minister answer.

**Mr. Wetangula:** Mr. Deputy Speaker, Sir, as a Government we have a duty to protect our citizens. We also know of cases where students who have come back on holiday have failed to get visas to go back because of inexplicable reasons. As a Ministry, we are engaged in high level discussions with the American Visa Section and we are trying to ensure that such incidents do not recur. As a short term measure, we are trying to see if students who want to go to the USA can deposit money through the Ministry. We can then instruct the mission in Washington to give promissory notes to the colleges pending the acquisition of visas so that in the event the visas are not granted, then the money is easily recoverable through the mission so that we do not incur these losses. This is what your hard-working NARC Government is doing.

**Mr. Deputy Speaker:** Very well. We conclude that. It is a very serious matter and a national issue.

**Dr. Ali:** On a point of order, Mr. Deputy Speaker, Sir. Nowadays, one of the requirements for visa issuance to go to America is that they take your fingerprints or pictures of your cornea and nobody can disappear in America. Could the Assistant Minister request that college that if this gentleman is able to get a visa, they will allow him to go and continue with his studies?

**Mr. Wetangula:** Mr. Deputy Speaker, Sir, the college has not withdrawn the admission of Mr. Daudi. It is a question of the visa. If he got the visa today and went to the US, he will be admitted in the college.

*Question No.845*

IMPROVEMENT OF AGRICULTURAL  
PRODUCTION IN KHWISERO

**Mr. Arungah** asked the Minister for Agriculture:-

(a) whether he is aware that the yield per hectare of maize and beans in Khwisero Division is less than 25 per cent of the national average due to soil acidity; and,



(b) what programme the Ministry has to assist the peasants improve the soil fertility.

**The Assistant Minister for Agriculture** (Mr. Akaranga): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the yield per hectare of maize and beans in Khwisero Division is low at 16 bags and 8 bags respectively. This is due to a number of factors such as low use of hybrid seeds and fertilizers, high soil erosion and soil acidity in some cases.

(b) My Ministry is carrying out the following activities to improve soil fertility and increase agricultural productivity in the division.

1. KARI has carried out random soil sampling for testing and analysis in order to identify limiting nutrients so that farmers are advised on the right rates and the types of fertilizers to apply. Soil samples have been taken for analysis.

2. The Ministry, in collaboration with the International Centre for Research on Agro-Forestry is carrying out a soil improvement programme which promotes use of organic and agro-forestry trees and shrubs to increase soil fertility.

3. The National Agriculture and Livestock Extension Project (NALEP) is promoting adoption of soil and water conservation measures in order to reduce erosion and retain top soils on the land. Farmers are also being taught how to make and use compost manures.

4. KARI has developed resistant varieties of beans that are now being released to farmers.

**Mr. Arungah:** Mr. Deputy Speaker, Sir, the thrust of my Question was on the issue of acidity. Acidity is caused by the overuse or usage of one type of fertilizer namely, the phosphatic fertilizers for a very long time. The Ministry officials in Khwisero have been advising my peasants there to use one type of fertilizer for over 40 years. Therefore, I hold them responsible for the state of the soil that we have. The methods suggested of improving the soil fertility, namely, the biomass transfer is a process that takes approximately five to seven years. In the meantime my people have to eat. What measures is the Ministry taking to ensure that the people of Khwisero produce enough food to eat because they are responsible for poisoning the soil?

**Mr. Deputy Speaker:** Order, Mr. Arunga! This is Question Time. I allowed you to ask a question but you have gone on for a long time. Let the Assistant Minister now respond.

**Mr. Akaranga:** Mr. Deputy Speaker, Sir, we are encouraging farmers not only in Khwisero, but in the entire country to use a variety of fertilizers. In Khwisero we are now encouraging the farmers to make use of compost manure which will definitely improve the productivity of the crops.

**Dr. Kibunguchy:** Mr. Deputy Speaker, Sir, this issue of soil fertility is one that affects most agricultural areas. You will find that yields are decreasing year in, year out. The Assistant Minister has explained what he is doing in Khwisero. What about other parts of this country that produce maize, beans and other crops?

**Mr. Akaranga:** Mr. Deputy Speaker, Sir, I thought I had answered that question when I was replying to what is happening in Khwisero. I said that apart from Khwisero, we are advising farmers in the entire country to diversify their agricultural activities. KARI has identified the research department on this seed and I am sure if hon. Members advised the farmers to buy the correct seed, we will improve our production in this case.

**Mr. Arungah:** Mr. Deputy Speaker, Sir, I have, with me a report of the analysis that the Ministry has done in Khwisero. In view of the results that I have, what type of fertilizer does the Ministry then advise my people to use? How does he intend to do that when we have three extension officers serving over 50,000 farmers?

**Mr. Akaranga:** Mr. Deputy Speaker, Sir, there are three extension officers in Khwisero Constituency and my Ministry is looking into ways and means of increasing their number so that when the planting season comes, they will advise the farmers on the best type of fertilizer they

should apply on their farms.

*Question No.831*

DEATH GRATUITY FOR LATE  
MR. PHILIP BORE'S WIDOW

**Mr. Kimeto** asked the Minister for Information and Communications:-

- (a) whether he is aware that Mr. Philip Bore, P/No.72966, died on 19th June, 1996;
- (b) whether he is further aware that Pricilla Chemetet Bore, wife of the deceased and her children have not been paid death gratuity or any other benefits; and,
- (c) when this payment will be made.

**The Assistant Minister for Information and Communications** (Mr. Were): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Our records indicate that we did not have an employee by the name of Philip Bore, P/No.72906, and as such, we are not aware that he died in 1996.

(b) In view of the above answer, I am unable to answer part "b" and "c" of the Question.

**Mr. Billow:** On a point of order, Mr. Deputy Speaker, Sir. In his answer, the Assistant Minister has quoted P/No.72906, while the one on the Order Paper is P/No.72966. Is he in order to quote a different personal number from the one on the Order Paper?

**Mr. Deputy Speaker:** Mr. Assistant Minister, I did not get that! Did you miss the number?

**Mr. Were:** Mr. Deputy Speaker, Sir, the personal number in the answer I have is 72906.

**Mr. Deputy Speaker:** No! The personal number on the Order Paper is 72966. Was that his personal number, Mr. Kimeto?

**Mr. Kimeto:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is not aware and yet he has given a different personal number of the deceased. Could I request the Chair to defer this Question until I bring to this House documentary evidence?

**Mr. Deputy Speaker:** Just a minute, Mr. Kimeto! I am assisting you. I am saying that, it is as if the Assistant Minister looked for the wrong person because the personal number he has given is different from the one on the Order Paper. Mr. Assistant Minister, unless you have P/No.72966, I will have to defer this Question so that you can go and get the right number. What do you have to say?

**Mr. Were:** Mr. Deputy Speaker, Sir, there is no problem.

**Mr. Deputy Speaker:** Very well! Then I defer the Question to Tuesday next week! Is that okay, Mr. Kimeto?

**Mr. Kimeto:** Yes, Mr. Deputy Speaker, Sir.

*(Question deferred)*

**Mr. Deputy Speaker:** Next Question by Mr. Angwenyi!

*Question No.791*

LEGISLATION TO SET MINIMUM  
SIZE OF AGRICULTURAL LAND

**Mr. Angwenyi** asked the Minister for Lands and Housing when he will bring to the House a Bill for an Act of Parliament to set the minimum economic plot size for

agricultural land.

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

A Bill will be brought to Parliament on the subject matter after the completion of the formulation of the National Land Policy which is already in progress.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, I have asked this Question because the population density in an area such as Gusiiland, which is composed of Nyamira, Kisii Central and Gucha districts, is too high to the extent that our parcels of land are no longer economical for agricultural purposes. Since the Government has taken too long to come up with a policy on land use, could the Assistant Minister tell us whether he could consider the Kisii people as squatters, so that if the Government is looking for any land to resettle people, it can settle the people of Gusiiland?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it is true that the three districts of Kisii are densely populated, but the people who live there are not squatters. My duty is to allocate land to the landless. However, should I get an alternative land, I will give the people from Kisii the first priority.

**Mr. Midiwo:** Thank you, Mr. Deputy Speaker, Sir. It is a pity that the Assistant Minister is answering this Question so casually. I happen to come from the same province, and the three districts of Kisii are over-congested. This is the case, and yet the Kisii know how to till the land to feed this country. This is the only country where 23 per cent of arable land is owned by individuals who are not interested in tilling it. Could the Assistant Minister consider coming up with a land policy in order to repossesses some of the grabbed parcels of land and allocate them to Kenyans who are willing to work so that we can feed our people?

*(Applause)*

**Mr. Ojode:** Mr. Deputy Speaker, Sir, as I have said, I border Gusiiland and I know that it is very congested. I want to assure the hon. Member that once I get an alternative land, I will give them the first priority. I will use my good office to settle some of the Kisiis.

**Mr. Angwenyi:** Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that he will bring a Sessional Paper on Land Use Policy to this House. Could he give us the timeframe as to when this policy paper will be brought before this House, so that we can address the issue of land ownership in this country?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the process is on-going and once we complete it, I will bring a Sessional Paper to this House to adopt it.

**Mr. Khamisi:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has been saying exactly what he has said today for the last two years, and yet he has not brought anything to this House to prove that he is serious. Could he give us a definite time when he will take action?

*(Applause)*

**Mr. Deputy Speaker:** Mr. Khamisi, that is a question and not a point of order! Nevertheless, I will allow the Assistant Minister to answer it. Please, if you rise on a point of order, let it be a point of order. If you want to ask a question, catch the Speaker's eye!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, we expect the formulation process to be ready by December next year.

#### QUESTIONS BY PRIVATE NOTICE

EVICITION OF SMALL-SCALE  
FARMERS IN ISIOLO

**(Dr. Kuti)** to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that the School of Infantry near Isiolo is evicting small-scale farmers from their farms, claiming ownership of the land?

(b) What is he doing to ensure that these peasant farmers are not left landless?

**Mr. Deputy Speaker:** Hon. Members, Dr. Kuti is unwell and he requested that his Question be answered after 16th November, 2004. So, the Minister of State, Office of the President, you have more time, which you wanted to answer it. I direct that this Question be put on the Order on Tuesday, 16th November, 2004.

*(Question deferred)*

Next Question by Mr. Wamwere!

PROCESSING OF APPLICATIONS BY CCK

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

(a) How many applications has the Communication Commission of Kenya (CCK) received for the following market segments:-

(i) Internet backbone and gateway operator;

(ii) International Commercial Very small Aperture Terminal (VSAT) operator;

(iii) National Commercial VSAT network operator; and,

(iv) Public data network operator?

(b) Why have the applications been held in abeyance?

(c) What is the rationale of demanding a lumpsum of Kshs15 million for each of the above licenses?

(d) What measures has the Minister put in place to ensure that the process of awarding the licenses is done transparently?

**The Assistant Minister for Information and Communications** (Mr. Were): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The following applications have been received. The number of applicants for internet backbone and gateway operator were 21. Secondly, international/National Commercial Very small Aperture Terminal (VSAT) operator - 8 applications, and public data network operator - 13 applications.

(b) The licensing process includes placing applicants in the *Kenya Gazette* for a period of, at least, 60 days as required by the law. The applications have also to undergo a security vetting process. They are not held in abeyance at all.

(c) This is the amount that was initially paid by the VSAT gateway operators as determined by the market forces then.

(d) The process of licensing is based on first-come, first-served basis to ensure fairness.

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, if the Government truly wishes to liberalise communication business, how can it charge Kshs15 million per licence when it is aware that 99 per cent of Kenyans cannot possibly raise that amount of money for a single licence in this area? Does that not mean that the Government is actually liberalising communication business for foreign firms

and not for Kenyans, at all?

**Mr. Were:** Mr. Deputy Speaker, Sir, the fee that is being charged is based on the market forces at the time liberalisation started. But I want to assure the House that this matter is under review, and if found necessary, it might be dropped.

**Mr. Billow:** Mr. Deputy Speaker, Sir, Kenyans have had a lot of problems accessing internet in this country because of the poor services by Telkom Kenya, for a long time. Recently, the second telecommunications operator licence tenders were cancelled because of corruption. In response to part (d) of the answer, the Assistant Minister has not come out clearly. Apart from considering these applications on first-come, first-served basis, what measures is he actually going to take to avoid a repeat of what happened in the second national operator's tender awards?

**Mr. Were:** Mr. Deputy Speaker, Sir, we have already received 21 applications for this purpose, and I can assure the House that the problem that we had with the licensing of the second national operator will not recur here.

**Dr. Ali:** Mr. Deputy Speaker, Sir, in reply to part (c) of the Question, the Assistant Minister has said they are not holding anything in abeyance, but that they are taking security precautions. The issue of security is one of the areas where a lot of corruption and favouritism takes place. What kind of security is the Assistant Minister talking about?

**Mr. Were:** Mr. Deputy Speaker, Sir, we are dealing with communication involving information coming from outside the country and vice versa. That is why we want to know the details of the people applying for licences. Who are they? What do they do? What is their intention?

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, if Telkom Kenya monopoly ended in June, 2004, could the Assistant Minister explain the criteria the Government used to grant a licence to visas operator way back in 2001, when other applicants were actually denied the same licence?

**Mr. Were:** Mr. Deputy Speaker, Sir, unfortunately, I do not have an answer to that particular question, because I did not anticipate it.

**Mr. Wamwere:** On a point of order, Mr. Deputy Speaker. Since the Assistant Minister could not answer that part of the question, which is very important, because it relates to the question of fairness, and whether we are going to have it now, since we did not have it in the past, is it possible for this question to be deferred?

**Mr. Deputy Speaker:** No, Mr. Wamwere, that is just one part of the supplementary questions. The Assistant Minister was honest enough to say he did not have an answer. I will not defer the Question, but if you are not satisfied, there are provisions in the Standing Orders to follow, if you wish to go back. But for now, I think the Question has been adequately answered.

WITHHOLDING OF COFFEE  
CESS BY CBK/KTDA

**Mr. Gachagua:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) How much money deducted as cess is the Coffee Board of Kenya and Kenya Tea Development Authority holding?

(b) When will this money be released to the District Roads Committees for improvement of roads?

**The Assistant Minister for Agriculture (Mr. Akaranga):** Mr. Deputy Speaker, Sir, this Question was asked by the Member for Bobasi, hon. Manoti, and you ordered that I go and lay down certain information. My officers have prepared for me this list, which I want to lay on the Table, showing the coffee cess which is supposed to be paid to all the coffee-growing districts in Kenya.

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

**Mr. Deputy Speaker:** Does Mr. Gachagua have a copy?

**The Assistant Minister for Agriculture (Mr. Akaranga):** Yes, he does. So, perhaps, for the benefit of hon. Gachagua, the total cess funds paid by Coffee Board of Kenya is Kshs42,750,022.40. That is the outstanding balance as at 25th October, this year. It will be paid this month, and a cheque has already been issued and by tomorrow, the funds will go to the relevant recipients. The funds being held by KTDA as cess funds total to Kshs101,087,541.30. I would like to confirm to the House that these funds will be released by the end of this month.

**Mr. Gachagua:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that answer. But he should also have told us that there is over Kshs85 million of the cess funds that have not been released by the Kenya Planters Co-operative Union (KPCU). Since the cess funds are meant for improvement of roads, perhaps the Assistant Minister should tell the House what he is doing about the bulk of the money held by KPCU?

**Mr. Akaranga:** Mr. Deputy Speaker, Sir, you are aware that KPCU actually falls under the Ministry of Co-operative Development and Marketing. When we try to get information from KPCU, they ask us to go through the Ministry. So, with due respect, that question should be directed to the Ministry of Co-operative Development and Marketing.

**Mr. Deputy Speaker:** I agree. In any case, the Assistant Minister was specifically asked about cess money deducted by Coffee Board of Kenya and KTDA. So, I think the Assistant Minister has answered the question.

**Mr. Muiruri:** Mr. Deputy Speaker, Sir, I have no doubt the Question is directed to the relevant authority, that is the Coffee Board of Kenya. All these amounts of money are collected as coffee cess by the three institutions, that is, KPCU, Thika Coffee Mills and Sasini, which must always, as a rule, make the returns to the Coffee Board of Kenya, which will then channel the money to the Kenya Roads Board, or to the District Roads Committees. So, the answer is a bit incomplete. The Assistant Minister should give us a breakdown of the amounts of money that have been collected by KPCU, Thika Coffee Mills and Sasini, which are the coffee marketing agents. The Coffee Board of Kenya is no longer a marketing agent. It does not market coffee any more. So, the Assistant Minister must answer the Question; if he is not able, he must go back and do his homework.

**Mr. Akaranga:** Mr. Deputy Speaker, Sir, the hon. Member has not bothered to look at what I laid on the table. He is asking the same question that was asked. You directed that I bring an answer, which is the one I have just tabled. The first part of the document I have tabled shows the district and the second part shows the amount recovered by the KPCU Limited from Sofinaf Company Limited and Thika Company Limited. Could I start reading it?

**Mr. Deputy Speaker:** No, lay that document on the Table of this House. It appears to me as if what Mr. Kariuki is asking is contained in that document. The Assistant Minister ought to have given a copy in advance to Mr. Gachagua. Had he done that, questions would not have arisen.

**Mr. Kembi-Getura:** On point of order, Mr. Speaker, Sir, I think the Assistant Minister is causing confusion here. I think the explanation given by Mr. Muiruri should be taken seriously. The Assistant Minister cannot hide behind the pretext that the Coffee Board of Kenya falls under the Ministry of Agriculture, and that the money collected by it should go through the Coffee Board of Kenya (CBK) to the roads board. With the greatest respect to the Assistant Minister, he cannot hide behind that reason. However, Mr. Gachagua's question has not been answered. He has asked about coffee and tea and was told that the KTDA has collected Ksh101 million in form of cess. That is the

point we want to pursue. Even if the Assistant Minister feels that the KTDA does not fall under his Ministry, we can still raise supplementary questions because we have interest in the matter.

**Mr. Deputy Speaker:** Let me defer this Question to Tuesday next week. In the meantime, copies of the Assistant Minister's report will be made available to hon. Members, who will have an opportunity to look at the schedule laid on the Table. Meanwhile, the Assistant Minister should take note of sentiments expressed by hon. Members.

**Mr. Akaranga:** Mr. Deputy Speaker, Sir, the hon. Member is saying that the KPCU is holding Kshs85 million.

**Mr. Deputy Speaker:** Mr. Assistant Minister, give the hon. Member an opportunity to peruse through those documents. It is a very important matter. It concerns farmers and cess money. There is no harm in handling the Question another day like Tuesday, when hon. Members will have had an opportunity to look at your documents. Nothing bad will happen. Give the document to the Clerk-at-the-Table, who will avail copies, for everyone, then you can have a look at it.

**Mr. Oparanya:** On a point of order, Mr. Deputy Speaker, Sir. I request the Assistant Minister to also bring information on cess from the sugar industry.

**Mr. Deputy Speaker:** Mr. Oparanya, we are dealing with a specific Question here. We cannot extend it to cover sugar and anything else that somebody else will want to us to talk about.

**Mr. Gachagua:** Mr. Deputy Speaker, Sir, it is good to bring to the attention of the Assistant Minister the role of the KPCU in submitting this money. The KPCU submits the money in its capacity as a miller. I think the Assistant Minister has become complacent in collecting cess money. Thika County Council had to take him to court to recover their money. I hope that is not the direction the Assistant Minister wants us to take. So, he should undertake to tell us when the money that is with the KPCU will be released or, should we take the same action and take the Assistant Minister to court?

**Mr. Deputy Speaker:** Mr. Gachagua, I have given the Assistant Minister more time because he has a lot to do in order to satisfy hon. Members.

*(Question deferred)*

DEMOLITION OF FARMERS'  
PROPERTY IN MUMIAS TOWN

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General following Question by Private Notice. Unfortunately, I do not have a written reply.

(a) Is the Attorney-General aware that on 12th July, 2004, Messrs Juma Mombo Opetu and Musa Ambaisi Elombe obtained orders in civil case No.220 of 1995 in the High Court at Kakamega restraining the defendants and their agents from interfering with the plaintiffs' use of their land parcels in Mumias Town?

(b) Is he also aware that despite the order having been served upon the defendants, they disregarded the said order and demolished houses and uprooted crops on suit parcels Nos.S/Wanga, Ekero/659, 472, 473, 474, 475, 620, 624, 634, 635, 636, 637, 638, 640, 641, 642, 643, 644, 647, 648, 650, 651, 652, 653, 654, 656, 658, 660, 737, 741, 765, 775, 798, 802, 819 and 873?

(c) What action is he taking to ensure that the culprits are arrested and charged for contempt of court, and that the farmers are compensated for their losses?

**Mr. Deputy Speaker:** Unfortunately, the Attorney-General is not here. Do we have anyone with a brief from him? I understand that the Attorney-General is out of the country. Is that the position, Mr. Chief Whip? What do we do in the circumstances?

**Mr. Osundwa:** Mr. Deputy Speaker, Sir, Questions directed to the Attorney-General's

office take too long to get back to this House. Could alternative arrangements be made, including appointing an Assistant Attorney-General?

**Mr. Deputy Speaker:** That is not for the Chair to decide. First of all, it is a constitutional matter. I will ask Mr. Balala to take brief for the Attorney-General. There is nothing that we can do about it if the Attorney-General is not in.

*(Question deferred)*

Hon. Members, that is the end of Question Time. We will now move on to Ministerial Statements.

Minister for Energy!

## MINISTERIAL STATEMENTS

### CAUSES OF HIGH PETROLEUM PRICES

**The Minister for Energy** (Mr. Nyachae): Thank you, Mr. Deputy Speaker, Sir. Last Tuesday, the hon. Member for Kitutu Chache, Mr. Angwenyi, through the Chair, requested a Ministerial Statement on the prevailing high oil prices. It is, therefore, in this connection that I rise to issue the following Ministerial Statement.

Since the beginning of this year, the prices of petroleum products in the country have been rising. For example, the retail price of super petrol in Nairobi has increased from Kshs60.45 per litre in January, 2004 to Kshs74.40 per litre in November, 2004. This has had adverse effects on the general public, as the increase in the price of petroleum products affects the prices of all consumer goods and services. The increase in the domestic prices has been caused largely by the rising price of crude oil in the international market. About 80 per cent of crude oil imported into Kenya is from the United Arab Emirates (UAE), while the balance of 20 per cent is obtained from other countries in the Middle East.

The cost of procuring and transporting marban crude oil to Mombasa has risen from US\$32.69 per barrel in January, 2004 to US\$45.52 per barrel in October, 2004. That is an increase of 38.3 per cent. In addition, the Kenyan Shilling has over the same period depreciated against the US Dollar, which is the currency used in the oil trade. The exchange rate of the Kenyan Shilling to the Dollar has increased from an average of Kshs76.50 in January 2004, to Kshs81.20 in October, 2004. This is an increase in depreciation of 6 per cent. The high cost of crude oil in the international market during the year has been caused by a number of factors, including fear of reduction in crude production arising from instability in the Middle East, Nigeria and Venezuela. There is also a high oil demand in China and India resulting from the unusually high economic growth in the two countries and fear of a prolonged cold winter, which could result in a higher demand for fuel oil for heating. The other factor is the hurricane that hit a major oil field in the USA, reducing production. In the oil market, all these factors are taken into account to adjust prices.

The problem of high international crude oil prices is compounded by the oil companies' unfair trading practises in adjusting prices. Oil companies in the country have been adjusting retail prices after the crude oil price has been officially announced by the Abu Dhabi National Oil Corporation, usually within the first three days of the month. However, it has been noted that the oil companies are taking advantage of anticipated increase in the price of crude oil to raise retail prices before the official announcement of the price by the Emirates oil corporation.

Mr. Deputy Speaker, Sir, oil companies have also taken advantage of the rising crude oil prices to raise their profit margin in some products. For example, over the period between January 2004 and November 2004, the gross profit margin for the oil companies for Super and Regular



petrol and automotive diesel in Nairobi has increased by between Kshs1.95 per litre and Kshs2.80 per litre. This figure is over and above the gross profit they were making before. For the information of this august House, it is worth noting that during the same period, taxes on petroleum products have remained constant despite claims by oil companies that it is Government taxes that make fuel prices high.

In response to the recent increase in the fuel prices, my Ministry has issued a stern warning to oil companies to desist from taking advantage of the prevailing high international crude prices to exploit consumers in this country, otherwise the Government will be forced to intervene. In this regard, this morning I held a meeting with major oil companies with the view to addressing these concerns. During this meeting, it was agreed that the oil companies will work closely with the Ministry to keep consumers informed on the trends in the industry. The oil companies were asked to be mindful of the welfare of Kenyans before adjusting their prices, even if it means lowering their profits. We intent to do this regularly. Last night, because of the outcome of the USA Presidential election, some oil producers announced that the trend is going to mean an increase in crude oil production. This is international politics that has nothing to do with us but we are affected in the end.

I wish to assure Kenyans that the Ministry of Energy will continue to monitor the situation of prices, and will not allow consumers to be exploited by the oil companies. If necessary, we will not hesitate to bring to this august House recommendations to deal with the untenable fuel prices.

*(Applause)*

**Mr. Deputy Speaker:** Mr. Nyachae, you can sit down and I will allow four short clarifications. I will give a chance to Messrs. Angwenyi, Onyancha, J.K. Kilonzo and Serut.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, now that the Minister said that he has no control over these escalating prices, could he liaise with his colleagues in the Government, especially the Ministry of Finance, and reduce the tax element, which is 64 per cent of the price of petroleum products in this country? Let them reduce it to, maybe 50 per cent, and give relief to the poor stratum of our society.

**Mr. Onyancha:** Mr. Deputy Speaker, Sir, could the Government take interventionary measures to contain the depreciation of the Kenya Shilling against the dollar since oil is paid for in that foreign currency? Is the Government incapable of doing that?

**Mr. J.K. Kilonzo:** Mr. Deputy Speaker, Sir, mine is on a different issue. It is not on the Ministerial Statement.

**Mr. Serut:** Mr. Deputy Speaker, Sir, I want to seek clarification on the discrepancy between retail prices of fuel in Nairobi and in other towns like Kitale. Here, both regular and premium fuel costs Kshs10 less per litre. What is the reason for this? Do traders get their fuel from elsewhere other than where Nairobi traders source theirs from?

**The Minister for Energy** (Mr. Nyachae): Thank you very much, Deputy Speaker, Sir. The point raised by Mr. Angwenyi is on taxation, and it is a matter for this House. Very soon we are going to discuss the issue of taxation. What is being charged as tax on oil is what was approved here. I can go and talk to my colleague, but it is important that the House, which imposed that specific taxation, deals with that aspect. I will be quite happy if it does that on behalf of the consumers.

The issue raised by my brother from Mount Elgon is related to taxation. The problem we have in the Ministry of Energy with importation of oil is that there are two categories of importers. We have honest oil business dealers, who pay their taxes and dishonest dealers who do not pay them. These bring in the oil and tell us that it is destined for Uganda, Zaire and elsewhere. However,

somewhere on the way, having not been taxed by the Kenya Government, it is diverted and sold in the country cheaply. We have now decided that all the oil that will be coming into the country will come in through only one entry point. We must also have confirmation from our neighbours, who have imported oil, that the oil that will be coming in is specifically for that country. As it is now, documents are forged to show that an oil consignment is for a neighbouring country, so that we do not levy tax on it. However, that consignment is off-loaded locally and sold cheaply. It is a fact that cheap petroleum products are not only found in Kitale but also in Kisumu, Busia and parts of Kisii. So, we will deal with that aspect.

Mr. Deputy Speaker, Sir, I do not know whether the issue raised by Mr. Onyancha is not just an extension of that raised by Mr. Angwenyi.

**Mr. Deputy Speaker:** Very well. The next statement will be by the Minister for Regional Development Authorities.

ENVIRONMENTAL IMPACT OF PROPOSED  
TANA DELTA SUGAR-CANE PROJECT

**The Minister for Regional Development Authorities** (Mr. M.A. Mohamud): Mr. Deputy Speaker, I rise in response to a request by the Member for Bura, Mr. Wario, to issue a Ministerial Statement on the proposed Sugar Project in the Tana Delta in Tana River District.

During the 1980s, the Tana and Athi Rivers Development Authority (TARDA) commissioned a Dutch consulting firm by the name Hasconing to assess the irrigation potential of the Tana Delta. The study identified a net irrigation area of about 16,300 hectares. In 1987, another consulting [**The Minister for Regional Development Authorities**] firm by the name Nippon Koei reviewed the report and came up with a design for the Tana Delta irrigation project. That firm recommended the suitability of a wide range of other crops---

*(Loud consultations)*

**The Assistant Minister for Planning and National Development** (Mr. Lesrima): On a point of order, Mr. Deputy Speaker, Sir. A very important Ministerial Statement is being issued, but hon. Members are consulting too loudly.

**Mr. Deputy Speaker:** I agree with you, Mr. Lesrima. Hon. Members, you are consulting rather loudly. So, I request that you consult quietly, so that the Minister can be heard.

Proceed, Mr. Minister!

**The Minister for Regional Development Authorities** (Mr. M.A. Mohamud): Thank you very much, Mr. Deputy Speaker, Sir.

An environmental impact assessment study was carried out in 1991 for a rice project in the same area. As a follow-up of this study, TARDA started a rice scheme with financial assistance from the Japanese Government. As part of its diversification programme to enhance its revenue base, TARDA approached a Spanish investor called M/s Raesa, who expressed interest in financing the sugar project at the Tana Delta.

Pre-investment studies indicated that sugar growing in the delta will be viable and that crops can be realised within eight to 10 months. The realisable yield under irrigation is between 100 and 200 tons per hectare. In western Kenya, the crop takes between 18 and 24 months to mature and the yield is between 35 and 68 tons per hectare.

Mr. Deputy Speaker, Sir, M/s Raesa is ready to commit about Kshs24 billion, or US\$300 million, to this project, which will be implemented as a turnkey project. The loan will have a grace period of about two years and a repayment period of between four and six years. A projection on

cash flow indicated that the project will be able to repay the loan during this period, if the current sugar prices continue to reign.

Specific interventions to be realised by the project for livestock farmers will be provision of slaughterhouse, which will encourage livestock farmers to breed, fatten and sell their animals in order to improve their income. Boreholes and water pans will also be provided to ensure that pastoralists do not travel far in search of pasture and water for their livestock. Specific interventions for farmers will be encouraged. Apart from sugar-cane, they will also grow other crops, such as maize and beans.

Mr. Deputy Speaker, Sir, it is important to note that at this stage, only pre-investment studies have been carried out. I wish to inform the House that a detailed feasibility study for the project will be carried out, which will incorporate a detailed environmental impact assessment in order to identify any negative impact, and recommend the necessary mitigation measures. I would also like to assure hon. Members that TARDA will implement the project on its land that was given by the Government, and not encroach on any other person's land.

On implementation, the project will have many benefits for the local community as well as the entire nation. This will include creation of about 20,000 employment opportunities for the local people, improvement of the standard living of the communities by providing schools, health facilities, roads and other infrastructure. The project is expected to yield between 100,000 and 200,000 tons of sugar annually, which will address the sugar shortfall in the country.

Mr. Deputy Speaker, Sir, sugar-cane by-products will be used as fodder for livestock as part of the broader livestock programme to be carried out within the project. The TARDA will avail shareholding opportunities to the local communities after M/s Raesa pulls out. In addition, the project is expected to generate 35 megawatts of electric power through coal generation. It will also provide and promote public/private partnership, which will reduce over-dependence on the Exchequer. Finally, the project will promote fish farming and growing of food crops in that area.

**Mr. Deputy Speaker:** Do you want to seek clarifications? Mr. Wario and Maj-Gen. Nkaiserry can seek clarifications.

**Mr. Wario:** Mr. Deputy Speaker, Sir, the Minister has almost confirmed my fears. You cannot make this country repay a loan worth Kshs500 million every month. Suppose that loan fails to be repaid? What would happen to the land? The issue that I would like the Minister to clarify is: Since that is a very fragile ecosystem, because they are trying to do that in a wetland, how is it going to impact on our ecosystem?

Finally, we have fishermen and pastoralists who are doing their traditional production systems in the wetland. What will happen to them if that project is implemented? What alternative does the Minister have for the fishermen and the pastoral community?

**Maj-Gen. Nkaiserry:** Mr. Deputy Speaker, Sir, the other clarification that I would like from the Minister is: When you look at the loan, it is Kshs24 billion, and the repayment period is four years. You require two years to prepare the land to be operational. Before the product is ready, the repayment of the loan would have started. At what interest are you getting that loan, including the principal sum? My colleague has said that you are going to pay that loan at Kshs500 million per month, without adding interest. When you add interest, it is not going to be viable.

The other point which makes that project not viable for Kenya is that almost all the other sugar ventures are in receivership. That might be another white elephant. Could the Minister clarify the issue of interest rates and tell us whether that project will benefit Kenya? Could he ask for more grace period so that, by the time we start repaying the loan, the crop would be ready for sale?

**The Minister for Regional Development Authorities (Mr. M.A. Mohamud):** Mr. Deputy Speaker, Sir, regarding loan repayment, as I said earlier, the cane is going to mature in eight months. In western Kenya, it matures in about 18 to 24 months. So, whereas western Kenya harvests once in

24 months, Tana Delta will harvest three times. The company has calculated the cashflow and if we are going to maintain the present price of Kshs40 per kilo, it will pay the money without any problems.

Secondly, the Government is not guaranteeing that loan. The money will be sourced by Ralsa from their own country, Spain. The Co-operative Bank is going to guarantee the loan at 2 per cent. The interest is only 2 per cent. That loan will be insured by African Insurance Company.

Regarding the impact on the ecosystem, an impact assessment study will be done in the next six months. A comprehensive study which will include fishing, pastoralists and the other ecosystems will be undertaken. That is a very big project and we would bring on board all the stakeholders.

Mr. Deputy Speaker, Sir, as to whether the project will be viable or not, according to the three studies that were conducted earlier, we are convinced that the project will be viable. We have a report from Kenya Sugar Board and Kenya Sugar Research Foundation to the effect that, that is a very viable project. It will provide between 100,000 tonnes to 200,000 tonnes of sugar to this country. As you are aware, Kenya is importing about 200,000 tonnes of sugar per year. We will provide that amount of sugar and no more sugar will come into the country from outside, not even from the Common Market for Eastern and Southern African countries (COMESA).

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

**Mr. Deputy Speaker:** We have finished clarifications on that, Mr. Wanjala.

**Mr. Wanjala:** I have only one point!

**Mr. Deputy Speaker:** All right.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, a colossal sum of money will be invested in that place. We have other factories that have collapsed and some have even swept others alongside as they collapse.

*[Mr. Deputy Speaker left the Chair]*

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

Even the leadership of that area is not interested in that project. Why can the Government not---

**The Assistant Minister, Office of the President** (Mr. Mungatana): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to state that the leadership of that area is not in support of that project when, in fact, the only person who is speaking against that project lives away from the constituency involved? The only person speaking against that project is the hon. Member who has requested for that Ministerial Statement. In fact, all the hon. Members from Coast Province are supporting that project. Only one isolated hon. Member is---

**The Temporary Deputy Speaker** (Mr. Poghismo): What is your point of order?

**The Assistant Minister, Office of the President** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, my point of order is: Is he in order to insinuate that the leadership of that area does not support the project, when the Member of Parliament for that area and everybody else supports it, except one person?

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, I clearly said that it was part of leadership---

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

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, Mr. Wario! Let me hear him.

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, I am unable to bring the television pictures here, but on Tuesday, Mr. Wario was seen on television with other people opposing the project! That is where I got it from. He is here. He was seen on television opposing the project, as it is going to affect some of his people. I was seeking clarification---

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

**The Temporary Deputy Speaker (Mr. Poghisio):** He is only seeking a clarification. Let him finish.

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, the Minister is also in charge of the Lake Basin Development Authority. In the Yala swamp, we have 17,000 hectares 6,000 of which are being reclaimed by Americans. We are left with 11,000 hectares. Why could he not split that money into two, so that if the other project does not do well, the other one would, instead of investing all the money in one place?

**Mr. Wario:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Mungatana in order to mislead the House that I come from very far, and that it is only me who rejects that project, while over 22 leaders were in Nairobi yesterday, giving a press statement against that project, simply because the project is going to destroy the wetland which inhabits special species. Is he in order?

**The Temporary Deputy Speaker (Mr. Poghisio):** Order, all of you! The fact that you have a difference in opinion does not constitute a point of order in this House. We cannot allow that argument to continue. I am not going to allow anymore on that. That is the end of clarifications.

**The Minister for Regional Development Authorities (Mr. M.A. Mohamud):** Mr. Temporary Deputy Speaker, Sir, that is just the beginning of the study and all stakeholders, including Mr. Wario, Mr. Wanjala, Mr. Mungatana, other leaders and stakeholders will be invited in various workshops. The study will continue for six months. So, there is no need for us to oppose the project because it has been proposed. We will give an opportunity to every stakeholder to contribute.

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker (Mr. Poghisio):** Order, Mr. Wanjala! This House has its own rules. You do not just rise and ask a question.

**The Minister for Regional Development Authorities (Mr. M.A. Mohamud):** Mr. Temporary Deputy Speaker, Sir, on the issue of half of the funds going to Western Province, that cannot be done. This is a private company that has shown interest to work with the Tana and Athi Rivers Development Authority (TARDA). I want to inform Mr. Wanjala and other hon. Members from Western Province that the same company is willing to go to Lesota in Nyanza Province to engage in sugar-cane production through irrigation. In Kenya, most of our sugar-cane is produced through rain-fed agriculture and that is why it is inefficient. The company will go there and get into partnership with the Lake Basin Development Authority (LBDA). Similarly, they will start another irrigation scheme in Meru North in Thanant Valley. The company will assist us with the transfer of technology.

**Mr. Wanjala:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that there is a place called Lesota in Nyanza Province? In Lesota, they only plant eucalyptus and it is in Teso District.

**The Minister for Regional Development Authority (Mr. M.A. Mohamud):** Mr. Temporary Deputy Speaker, Sir, the hon. Member does not know where Lesota is. So, he should seek clarification.

**The Assistant Minister, Office of the President (Dr. Machage):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to assume that he does not know that Lesota is within the precincts of Migori Town, just at the border of Migori and Kuria Districts?

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Assistant Minister, that is a very good point of information. You could have stood on a point of information.

### POINT OF ORDER

#### INSECURITY AT STATE HOUSE

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security, on the safety of the President, and by extension, that of the State. This is due to the frequent intrusion of strangers in State House. Yesterday, a Ugandan nationality was arrested within State House. What action is the Minister taking to ensure that State House is secure and this country is secure? Hardly two months ago, another stranger of Australian origin walked leisurely into State House, and no action was taken. What action is the Minister taking?

**The Assistant Minister, Office of the President** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, may I respond on the statement on Wednesday morning.

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

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Wanjala! You cannot just rise and seek a Ministerial Statement any time.

Next Order!

### BILL

#### *Second Reading*

#### THE INVESTMENT PROMOTION BILL

*(The Assistant Minister for Trade and Industry (Mr. Miriti) on 2.6.2004)*

*(Resumption of Debate interrupted on 3.11.2004)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. M. Kariuki was on the Floor.

**The Assistant Minister for Foreign Affairs** (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, at the rise of the House yesterday, I was on the issue of dispute resolution relating to commercial disputes. One of the things that investors look forward to is an expeditious mode of disposing commercial disputes. If there is anything that worries investors, it is the mention of the term "injunction", which has to last for 14 days before it can be set aside.

So, we must put in place mechanisms for expeditious resolution of commercial disputes. I am aware that when we set up the Commercial Division of the High Court in this country at the Milimani Commercial Court, the average case took not more than six months. Today, because of the volume of cases, it takes an average of three years. This is worrying, given the fact that investors would like to have a situation where disputes are resolved within not more than three months. We have to think of mechanisms of arbitration, so that we can make the period much shorter.

Mr. Temporary Deputy Speaker, Sir, I want to suggest that since the Bill provides for a panel under Clause 11, to deal with matters of applications for investment, the mandate of that particular panel can be expanded to be a panel dealing with matters of commercial disputes under this particular Act. It is important that we assure investors that there are proper mechanisms of mediation and arbitration in place and that disputes will not last in courts for too long. It is well

known that if a company is enjoined from conducting business for a period of 14 days or longer, they are likely to suffer heavy losses. This is something that we should address. I hope that at the Committee stage, this issue will be dealt with by way of an amendment to Clause 11 of the Bill.

while we are on Clause 11, it is important that we provide for a time frame within which the Minister has to put a panel in place. It is not enough to say that the Minister is enjoined to set up a panel to resolve issues arising from applications for certificates of investment. I would propose that we insert an additional clause to Clause 11 to say that within 30 days, the relevant Minister will be required to put in place a panel to address any disputes arising from the applications for investment certificates.

I am worried about the multiplicity of the bodies that we are setting up under this particular Bill. Under Clause 15, we have the Kenya Investments Authority, and under Clause 27, we have the National Investment Council. If you look at the functions of the Kenya Investment Authority and the functions of the National Investment Council, there is not much difference. In my view, the two can be integrated into one. While the Kenya Investment Authority is under a different chairman, the National Investment Council is under the chairmanship of the President. If you look at the functions of the National Investment Council, one of them is to advise the Government. The President will be the Chairman; eight Ministers, and in addition, the Governor of the Central Bank and others. Then there is provision for 12 members from the private sector.

I would like to propose that we expand the mandate of the Kenya Investments Authority to include the role of advising the Government. We are in a situation where the President is already chairing the Authority and there are eight Cabinet Ministers, who are supposed to advise the Government. In my view, this does not make much sense. We can expand the mandate of the Kenya Investments Authority to include giving advice to the Government. That is my view and others may think differently. I notice under Clause 17(2)(g), the Minister is supposed to appoint six additional persons. But he is not guided by the provision to say whether he will appoint them from the private sector or not. The clause is silent. However, I appreciate the provision of Clause 27(e). It says:

"Twelve persons appointed by the President to represent the private sector, each of whom has distinguished himself in the field of law, economics, commerce, industry or management."

Therefore, I think we need to be more precise under Clause 17 and to say that the six members be appointed from the private sector. So, I think we should think in terms of avoiding multiplicity of bodies and also duplicity of functions. This is because if these functions will overlap, then I think we will incur unnecessary expenses in terms of efficient management of our investment sector. Those are my views. I know the other hon. Members have their own views.

If we look at the composition of the members, again, under Clause 17, we notice that most of them are from the Government. That is why I think the Minister should, perhaps, be guided to appoint the six additional members from the private sector. We need to be very precise under Clause 17, to say so.

Clause 7 says the certificate will be subject to regulations that will be laid down by the authority. This will be delegated authority. I would be quite happy if the conditions that guide the issuance of an investment certificate are expressly stated in the body of the Bill. This is because regulations can be made to defeat the original intention of the Bill. I think that, other than saying the authority will set up the regulation, I would be happier with a situation where the investors know well in advance, that there are certain conditions they have to meet, and those conditions are statutory and must be complied with.

There are many Kenyans living overseas. They are either working or investing in other countries. We should find a way in which Kenyans who live outside the country contribute to the our economy. One way is giving them some concessions and incentives for them to bring money

back home. One of the incentives that we should consider is that, where we have Government land, it can be used to promote investment. If a Kenyan citizen living overseas, for example, wants to set up a residential estate in this country, we should be able to provide land to that particular individual. I am mindful of the fact that the Government Lands Act actually specifically states the rules thereunder; that, once an allotment is made on Government land, one requires to develop that particular piece of land within a particular time frame, and one is not allowed to speculate by way of sale. I think in the past, these particular powers have been abused. I think that we can use whatever is left of the Government land, or whatever we are able to recover through the recommendations of the Ndung'u Commission, to ensure that Kenyans who live overseas and want to invest their money back home are facilitated by being given land by the Government without having to sell it to them. By so doing, they can invest their money here and we can have a lot of foreign exchange coming back home. Currently, the level of remittances from Kenyans living overseas is below 1 per cent. If you compare this to countries like Sudan where the percentage of foreign exchange remittances from their nationals living overseas is 10 per cent, the difference is quite enormous. So, we must find a way of creating incentives for Kenyans living overseas to invest their money here at home. I think that will be one way of ensuring that, whatever they are earning out there does not benefit another economy.

I would like to say something about mining because it appears that the only future we have now is if we are able to discover minerals within our territory. One of the greatest dangers of inviting companies to come and do explorations is that we never get to know the agreements that are reached between the Government and the exploring company. It is at that point that we can actually lose or gain. Unless we have strong people to negotiate those agreements, we risk losing. We should also encourage as many investors in this area as possible, so that we can negotiate different packages with them. We are likely to lose in the long term if we do not negotiate in a manner that is beneficial to us.

Clause 4 is very emphatic that the investment that we are going to invest here must be of benefit to Kenya. If we negotiate an agreement where we are going to suffer heavy losses, only to benefit a multinational company coming to explore and subsequently finding oil to their benefit, then we will not gain much in terms of the natural resources that we are likely to find in this country after exploration. So, I think it is important that whatever agreement we are making with foreign companies be laid before this House for scrutiny. This is because, subsequently, once they find the minerals, the Government will be bound by that particular agreement. A lot of difference has been made by countries that have found oil. If you see the meteoric change in the Norwegian economy, for example, after the discovery of the offshore oil, it is really great and it has put Norway as a number one country in terms of income per capita worldwide. So, we look forward to some day that Kenya can find minerals which we can use to promote the development of our economy. I think we should prepare early in terms of the engagements that we get into with potential companies that come to explore minerals in this country.

Mr. Temporary Deputy Speaker, Sir, finally, it is important that we invest in water and energy. This is because any investor coming into this country looks at that provision of water and the availability of cheap sources of energy. Since we have had to import energy, since we do not have enough, I think we should also put our money in terms of further exploitation of local resources to ensure that we are self-sufficient in energy and also have enough reserves of water which can service our industrial sector as well as the inhabitants who are in this country.

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

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Bill. The NARC Government made major pledges to turn round the economy and create 500,000 jobs a year. However, it has not been able to achieve even a small



portion of those objectives because we have not put in place an investment environment that is conducive for people to invest in this country.

As we all know, we cannot turn round the economy unless we invest in productive activities. We do have the Investment Promotion Council which has not really been facilitated adequately to address the issue of investment. As we all know, investment can only be achieved through savings that are made from the revenue that we generate, either locally or internationally, and the expenditure of that income. In the 1960s and 1970s, this country committed itself to invest in production. When the Kenya Tea Development Authority (KTDA) was established, it facilitated investment in tea growing. That is the time when coffee growing was being supported by the State. That is the time when our sugar factories were established in western Kenya. That is the time when our textile industry was flourishing in Kisumu, Nakuru, Eldoret and Mombasa. What happened? The Government did not commit itself to continue with those activities and, as a result, they all failed.

Mr. Temporary Deputy Speaker, Sir, for us to promote investments, we need to have an investment code that states very clearly which investment opportunities are there in this country, the incentives given for investing in a particular sector or region, and the facilitation given by the State. For example, do they get rebates on their energy cost? Is infrastructure, whether physical or ecological, provided for? This country has gone on preparing papers on investments and many other activities, but we never tried to copy an example from countries which have succeeded in promoting their investments; countries that have turned round their economies and created jobs. Why can the Ministries concerned; that is, the Ministry of Finance and Ministry of Trade and Industry, not go to some countries like Malaysia, Thailand, Korea or China, and pick certain activities which have been successfully conducted there and duplicate them? Unless we do that, we will turn this country into a supermarket for other people's product. We will not be able to create jobs for our people.

Mr. Temporary Deputy Speaker, Sir, to promote investments, we need to have a very user-friendly tax regime. As you know, we are among the countries with the highest taxation rates. Our people are taxed at a rate of between 23 and 24 per cent of their income. Therefore, they are not left with much to invest. Other countries, for example, Tanzania, have a tax rate of 18 per cent. If you take Uganda, which is a young democracy - I do not even know whether it is a democracy at all - their taxation rate is 16 per cent. In Rwanda, the taxation rate is 11 per cent. So, people are left with resources to invest. They are given tax rebates to invest. That is what we used to do in the 60s and 70s. That time, people were investing in Rivatex. They were given tax incentives. They were not to be taxed for a period of ten years. They were given free land on which to build their factories. The machinery for the construction of the factory was not taxed. They were given perks which were not taxed. But recent Governments in this country tax people as if they want to punish them for investing.

Mr. Temporary Deputy Speaker, Sir, to have a proper investment climate in a country, we must consider the cost of energy. The cost of energy in Kenya is five times the cost of energy in South Africa, which is competing with us. It is three times the cost of energy in Egypt. That is why South Africa is able to produce beer, export it to Kenya and sell it at a cheaper price than our locally produced beer. That is because their energy is cheap.

Mr. Temporary Deputy Speaker, Sir, our infrastructure is very important! I saw the Minister for Road and Public Works here. The Minister can play a very important part in promoting investments in this country. If we had good roads to transport our sugar from South Nyanza Sugar Company to Nairobi, it will be cheaper to sell. You cannot construct a good investment factory in Kapenguria because there are no roads in that place. Your produce will not be able to reach the market. I come from a region where we grow tea. About 50 per cent of our tea production rots by the roadsides. That is because we do not have proper all-weather roads and yet, we spend money for

roads.

Mr. Temporary Deputy Speaker, Sir, telecommunication services in Kenya are among the most expensive in Africa. If, for example, you compare the cost of making an overseas telephone call from Nairobi and Dakar in Senegal, the cost in Senegal is a small fraction of what you will be charged in Nairobi.

Mr. Temporary Deputy Speaker, Sir, to get a permit or licence to do business or invest, you will have to go to 20, and sometimes, 23 offices. There is a lot of bureaucracy before you can get a licence. Why can we not have a one-stop office? You go to one office and get all that you require to invest in this country.

Mr. Temporary Deputy Speaker, Sir, we must address the issue of ownership of investment. In a country like the United Arab Emirates, you cannot invest 100 per cent in that country if you are a foreigner. You must take local partnerships. If you want to invest in any activity, you will be shown somebody to partner with, so that you cannot repatriate all the profits that you make. In Kenya, we have allowed repatriation of all the profits that are made. You can see examples like the Barclays Bank of Kenya, which repatriates 90 per cent of its profits. The same is done by the Standard Chartered Bank. So, there is no re-investment of the profits that are made in this country.

We should also be looking at our legal system. Our legal system is very cumbersome. If you invest here and you give somebody some credit and you want to recover it, it will take, sometimes, up to 15 years! That is an anti-setting for the promotion of investments in this country.

Mr. Temporary Deputy Speaker, Sir, the general investment environment is very poor in this country. Imagine you have built a 20-storey building along River Road and you want to rent some of the shops on the ground, second or third floors. Then, the next day, the Mayor of Nairobi brings all the hawkers from Kiambu and allocates them the area in front of your shop to compete with you. Those people do not pay rent, electricity, water and cleaning. So, you cannot compete with them. If you are in the same business, for example selling tomatoes, you cannot compete with them. We have not prepared our country. Our *kiosks* are not hygienic. Actually, they are disease-brewing factories. You go to a dirty *kiosk*, eat food from there and pick up some disease. So, we are not encouraging investments. I wish the Minister for Local Government could provide, as they do in Singapore, clean, hygienic premises for investment in commercial activities.

Mr. Temporary Deputy Speaker, Sir, the culture of corruption inhibits investment. I was in the USA last year and I met a person who was willing to invest in housing in Kenya. He was really prepared to spend US\$500 million in providing housing for Kenyans. However, when he came to Kenya and he told some officials that he wanted to invest US\$500 million in this country, the officials quickly arranged for a meeting in Mt. Kenya Safari Club. When they met, they told the investor that he if wanted a licence to construct houses in the country and also free land, they were prepared to provide that to him. They asked him, though, if he was prepared to give them, in return, 15 per cent of the amount he intended to invest. You can imagine somebody asking you to pay, upfront, US\$75 million before you get a permit or land to construct houses. This is corruption.

When you invest and make profit and then some clerks in a local authority raid your premises claiming that you have not paid your taxes or you have not done this and that, with the sole objective of extorting some money from you, that is corruption. For us to promote investments in this country properly, we need to address the issue of corruption which exists amongst our authorising officers, in the legal system and in every other area that discourages investments in this country. The previous contributor said that we can encourage our people who live outside this country to invest back home from the earnings they get from other countries. Probably, in the USA today, there are about 400,000 Kenyans. If we were to encourage each of those Kenyans who live in the USA to invest in Kenya only US\$1,000 per annum, it would not be necessary for us to go round with a bowl begging from the International Monetary Fund (IMF) and the World Bank. We would

not be abused by the British or Norwegian High Commissioners. That is enough money for us to invest in our country.

Mr. Temporary Deputy Speaker, Sir, Philippines gets in excess of US\$30 billion a year from overseas. The citizens of that country who work overseas, in areas like Europe, Middle East or USA, invest back in their country. That is also what India has done. It has encouraged its people to invest back the earnings they make overseas in their country. Even here in Kenya, some of the Indians who cannot speak a word of English or Kiswahili invest their earnings in their country. Why can we not have a special programme to encourage our people who are abroad to invest back here? We used to be encouraged in the 1960s and 1970s to come back home and work. We need that programme so that we can encourage our people to invest in our country, at least, a minimum amount of their earnings. That way, we will generate more money and create more jobs for Kenyans.

There are sectors that can be invested in quickly. Although this country has relied mainly on agriculture that is sustained by rain, we have never thought of irrigation agriculture. We have large expanses of land that could be irrigated, thereby producing enough food for this country, create jobs and, in fact, produce more food for export. We have not thought about that. We have a very high-grade airport in Wajir which was constructed during the cold war. The airport has stayed idle and in a state of disuse for the last 30 years, and yet it is an airport we could renovate and make use of, thereby allowing us to invest in the surrounding area. For example, we could invest in the livestock industry so that we produce beef for both local and export use. Botswana has a population of about 1 million people, and it makes about US\$5 million from export of beef. All these are as a result of irrigation and the use of zero-grazing technique.

Here in Kenya, we are not proactive. We want to do things in the same old way. We still want to do things the same way our grandfathers used to. For example, the Maasai used to move from one end of the country to another, looking for greener pastures or the Pokots who used to roam from Western Uganda to Central Kenya, harassing and killing people along the way as they searched for greener pastures. Why can we not be proactive and irrigate land on which we can grow grass and rear beef cattle for both local consumption and export?

Mr. Temporary Deputy Speaker Sir, we also need to invest a substantial amount of money in tourism. All along, we have been relying on the traditional tourist market, that is, the West. We have not exploited enough, the tourist market in the East.

**Mr. Kamama:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My good friend, hon. Angwenyi, has just said that the Pokot used to roam from Uganda to Central Kenya, killing people along the way. Could he, please, quote any authority that indicates that the Pokot used to do that? If he cannot do that, then he should withdraw his remarks and apologise.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, if there is any community I admire in this country for its courage in the protection and defence of its rights, it is the Pokot Community.

**Mr. Leshore:** Do you admire or fear the Pokot?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I admire the Pokot. If I were not a Kisii, I would have wished to be a Pokot.

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Kamama raised a valid point of order, because Mr. Angwenyi claimed that Pokots used to roam from Uganda to Central Kenya, killing people along the way. That is a very serious statement and he should either substantiate it or withdraw and apologise to these people that he admires.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I do not need to substantiate that. You ask the Marakwet or the Samburu.

**The Temporary Deputy Speaker (Mr. Poghisio):** Order, Mr. Angwenyi. As long as the matter has been raised by hon. Members, it is important. I think the issue is not really whom to ask.

It is whether you have the right information. That is exactly what Mr. Kamama is raising. Do you have the information to that effect?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I have a son who is 12 years old and he goes to Makini School. He has a Marakwet friend. Recently, there was a truck loaded with arms which "drowned" in a river in Kapenguria. My son said, "Jee, the Marakwet are in trouble." When I asked him why, he said: "If this truck is swept down the river to Pokot land, then, all the Marakwet will be killed by the Pokot."

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Chair satisfied that hon. Angwenyi is fulfilling the request of the Chair to substantiate what he said; otherwise he should withdraw his remarks and apologise?

**The Temporary Deputy Speaker** (Mr. Poghio): Do not draw the Chair into these kind of things. Mr. Angwenyi, basically, Mr. Kamama has picked on an issue that you have said. You have said that the Pokot move from Western Uganda to Central Kenya. Mr. Kamama wonders whether you have your facts right? If he raises it seriously enough, you deal with it seriously. Do not tell us about what your son thought.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, there was one time in the 1980s when the Government of Kenya imprisoned two senior Pokots for war-like activities---

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Mr. Angwenyi!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I apologise and withdraw those remarks.

We need to explore and exploit the tourism market in the East. Imagine a situation whereby 1 per cent of Chinese came to Kenya in a year. Those are 130 million people! If 130 million people came here and spent US\$1,000 only, they would leave this country US\$130 billion. You will be awash with money. You will not need to beg from the Western countries. You will not have to be abused by the Western countries, when they say that we vomit on their shoes. That is the time when we will vomit on their shoes.

Why can we not promote tourism in the East? Why can we not ask for flights into Shanghai, Beijing and Shen Shian? Why can we not have direct flights into Tokyo or Seoul in Korea? That is an area that we can expand our tourism industry at a very small cost. Even if we subsidised Kenya Airways to have flights to those areas, the returns would be much more than the subsidy that we offer. We should look at ways of exploring and exploiting new markets in tourism.

How much Kenyan ownership is there in the tourist industry? Do we really know? Recently, I went to one of the hotels in the Coast, which discriminates against anybody who is black in colour. This is happening in this country, 40 years after Independence, because we are not in charge of investment, nor do we know what has been invested in this country. Let this country make a deliberate plan to explore and exploit the Eastern market in tourism.

The same thing could be done with regard to agricultural products. Three years ago, the Departmental Committee on Finance of which I was a Member, made a trip to Russia. At that time, we were not selling any coffee or tea to that country. We encouraged our Ambassador to talk to the Russians, and he made a trip to the interior, to Leningrad. He established a market there for our tea and coffee. I understand that market is growing so fast that pretty soon, it will overtake our Western Europe Market.

If we sold one cup of coffee to every Chinese once a week, it would be 1.3 billion cups of coffee to the Chinese for a month, we would be able to sell about 15 billion cups of tea to China. If we sold each one of those cups for Kshs5, that will amount to Kshs75 billion. Will we be looking for money anywhere else? We should be proactive.

Mr. Temporary Deputy Speaker, Sir, we could also invest in services. India has established ICT services and they are providing some of those services for the Western countries. Some

Western countries are using India to provide some of those services. As a result, India has managed to create 26 million jobs in the last five years. Today, India exports the highest amount of ICT services in the world because they took a deliberate action. They created an environment where these services could be provided. They trained their people. They provided adequate infrastructure and they were able to create those jobs.

I have got my friend here, I hope the Chair gives him a chance to speak after me. We are creating---

**The Temporary Deputy Speaker** (Mr. Poghismo): What do you mean?

**Mr. Angwenyi:** I mean Mr. G.G. Kariuki. We are creating support authorities in this Act and we are saying---

**The Temporary Deputy Speaker** ( Mr. Poghismo): Order, Mr. Angwenyi. You will not do the Chair's job.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I do not need the job. It is a very tedious job.

We are creating an authority, a council, and we recently created another council. Why are we creating all these structures? We should streamline the investment of this country. We should establish a code. We should make it as easy as possible. Let us provide the incentives and we will see this country grow.

With those few remarks, I beg to support.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ninashukuru kwa kunipa nafasi ili nitoe mchango wangu kwa Mswada huu. Ninajua mengi yamesemwa, kwa hivyo, nitajaribu kugusia zile sehemu ambazo bado hazijatajwa.

Ningetaka kuanza kwa kusema kwamba uwekezaji lazima ulenge kutumalizia umaskini. Kama uwekezaji haukulenga kutumalizia umaskini hautatufaa chochote. Ili utumalizie umaskini, ninaamini ya kwamba wakati huu makampuni na viwanda ambavyo vinawekeza rasilmali zinapewa uhuru zaidi katika uwanja wa kuamua bei za bidhaa zao.

Ukweli wa mambo ni kwamba umaskini nchini yetu unaendelea kuongezeka. Juzi tulisomewa takwimu ambazo zilielezea wazi ya kwamba Kenya ni mojawapo ya nchi ambazo zinaongoza katika umaskini. Inasemekana kuwa Kenya ni nchi ambayo ina pengo kubwa sana kati ya maskini na matajiri. Jambo moja ambalo linachangia hali hii ni kutohibiti bei za bidhaa. Ningetaka kuomba ya kwamba turudie taratibu iliyokuwepo zamani ya kuthibiti bei za vitu ili uwekezaji uchangie katika kumaliza ufiisadi. Wakati huu tuko katika hali ambayo wafanyabiashara na wenye viwanda wanaweza kuuza bidhaa zao kwa bei yoyote watakayo. Kwa hivyo, utakuta kuwa hata maji hayanunuliki tena au yananywewa na wenye mali pekee yao. Maji yana bei kubwa kuliko mafuta.

Bw. Naibu Spika wa Muda, bei ya vyakula, kama mkate na maziwa imepanda kiasi ambacho maskini hawawezi kuvimudu. Kama ni bei ya vipuri, kwa mfano, vipuri vya magari, imeongezeka na havinunuliki tena. Bw. Naibu Spika wa Muda, sijui unamiliki gari la aina gani. Kama ungekuwa na Mercedes Benz na ukaenda kulinunulia vipuri kutoka DT Dobie, utashangaa kwa sababu kipuri ambacho bei yake ya kawaida ni Kshs200, utauziwa Kshs20,000, na kile ambacho bei yake ni Kshs1,000 unaweza hata kuuziwa Kshs50,000. Serikali au mtu yeyeyote hawezi kukusaidia. Watu hawa wanakaa kama miungu, na wanakutoza pesa zozote watakazo. Ukiwauliza kwa nini bei ya vipuri iko juu, watakwambia kwamba ni kwa sababu ya nguvu kazi, na vipuri vingine wameviagiza kutoka ng'ambo. Ni lazima tuthibiti bei za bidhaa. Kama hatutafanya hivyo, hata tuwe na uwekezaji wa aina gani, watu wetu wataendelea kuwa maskini. Hata watu wale ambao wanajihesabu kuwa matajiri na wanaenda kununua magari makubwa kutoka wa DT Dobie, watanyonywa na wabaki maskini.

Bw. Naibu Spika wa Muda, uwekezaji hautatufaa kama wawekezaji watawalipa watu wetu

mishahara ambayo wanawalipa wakati huu. Kama mtu analipwa mishahara wa Kshs80 kwa siku, usimwite mfanyikazi. Yeye ni mtumwa kwa sababu anaweza kununua mikate mitatu pekee na pesa hizo. Ni vizuri mtu huyo amwombe Mungu asiwe mgonjwa kwa sababu akiugua, hataweza kugharamia matibabu. Mtu ambaye anapokea Kshs80 kwa siku hawezi hata kuelimisha mtoto wake. Ni wazazi wa aina hii ambao tulikuwa tunaongea juu yao leo asubuhi, kwamba hawawezi kulipa karo za shule za upili, na watoto wao hawawezi kusoma au kufanya kazi. Ukiplinganisha mfanyikazi huyo na mtu ambaye hana kazi, unaona kwamba yule ambaye hana kazi ana uso wenye afya kuliko yule ambaye ameajiriwa. Ni lazima tuongeze kiwango cha mishahara ya chini ya wafanyikazi kama uwekezaji utakuwa na faida kwa wananchi wa kawaida.

Hapo mbeleni, kampuni zilikuwa zinawajengea wafanyikazi wao nyumba, lakini siku hizi hazifanyi hivyo. Ni kwa nini kampuni haziwajengei wafanyikazi wao nyumba? Ukiangalia takwimu, utaona kwamba kampuni hizi zinapata faida kubwa kuliko kampuni za miaka 20 au 30 iliyopita. Kampuni hizi zimekataa kuwajengea nyumba wafanyikazi wao kwa sababu hazijaeleza kufanya hivyo. Kampuni hizi zikiulizwa kuwajengea wafanyikazi wao nyumba, zinatisha kuondoka nchini. Wakati mwingine, ni afadhali kampuni hizo ziondoke nchini kuliko kumweka Mkenya kamba shingoni au kuwatumikisha, huku zikijidai kwamba zinawaajiri kazi. Ni lazima ieleweke kwamba ili rasilimali iweze kufundisha nchi, ni lazima ifanye kazi pamoja na wafanyikazi. Hakuna maendeleo ambayo yanaweza kupatikana kama kuna rasilimali peke yake. Maendeleo yanaletwa na kuunganisha rasilimali pamoja na wafanyikazi.

Haki za wafanyikazi haziheshimiwi, lakini tunashujudia haki za wawekezaji. Ukitazama Mswada ambao tunajadili wakati huu, utakuta kwamba haki za wawekezaji zimelindwa sana, lakini za wafanyikazi hazilindwi. Hii ni kwa sababu tuna imani kwamba rasilimali zinatoshwa kujenga nchi hata bila mchango wa wafanyikazi. Ni lazima tulinde haki za wafanyikazi vile tunavyolinda haki za wawekezaji. Tukifanya hivyo, uwekezaji utakuwa na faida, na utaweza kutuletea maendeleo ambayo ni yetu na wala si ya wawekezaji pekee.

Bw. Naibu Spika wa Muda, nikiongea juu ya mishahara, hakuna watu ambao wanalipwa mishahara duni na kutunza vibaya kuliko wafanyikazi katika mashamba ya maua huko Naivasha na Subukia. Kama kuna utumwa katika nchi hii, utaukuta katika mashamba hayo. Mashamba haya yanafaulu kufanya watu wetu watumwa kwa jina la uwekezaji. Hata wakiwatendea watu wetu madhambi ya aina gani, hakuna mtu anawauliza. Wafanyikazi hao wanalipwa mishahara duni na hawana matibabu. Wafanyikazi wanaugua ugonjwa na kwa vile wanalipwa mishahara ya chini na hawana bima ya matibabu, kama ile ambayo ninatumaini kwamba ikiletwa hapa na Waziri wa Afya, tutaipitisha---Kwa sababu hakuna bima ya matibabu ya wafanyikazi maskini, wakiugua, wanaachishwa kazi. Wafanyikazi hao wanafukuzwa waende kwao, na hawapewi fidia ambayo itawasaidia wakiwa wagonjwa. Ukitembelea mashamba haya, utalia. Unaweza kufikiria kwamba watu hao wamefaidika kwa kupata kazi, lakini ukiangalia nyuso zao, utaona kwamba ziko na taabu. Waajiri wanajiweka kama *cowboys*. Wafanyikazi wanafungiwa katika kambi na hawaruhusiwi kuleta mabwana zao kama ni wanawake, na kama ni wanaume, hawawezi kupeleka bibi zao kule. Huu ni uwekezaji wa aina gani? Huu uwekezaji haufai.

Mfanyikazi akithubutu kujiunga na chama cha wafanyikazi, anaachishwa kazi mara moja, na hakuna mtu ambaye anamtetea. Tukiuliza Maswali hapa, yanajibiwa ovyo ovyo, na unyanyasaji unaendelea. Unashindwa wafanyikazi hao wanafaidika namna gani kutokana na uwekezaji ambao unawatendea kama watumwa.

Bw. Naibu Spika wa Muda, sijui kama umekuwa ukitazama televisheni hivi majuzi. Tuliona picha za kushangaza kutoka kwa kampuni moja ambayo inaitwa Del Monte, na iko katika Wilaya ya Thika.

**Mr. Wamunyinyi:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Kwa vile Mswada huu ni muhimu sana kwa nchi hii, inafaa tuwe na Wabunge wa Upinzani katika Jumba hili. Wabunge

wa Upinzani hawapo hapa. Ni sisi Wabunge wa Serikali pekee ndio tuko hapa. Hakuna Mbunge hata mmoja wa Upinzani hapa.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! What is your point of order?

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for us to continue with this debate when there is no Member of the Opposition?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Are you raising the issue of lack of quorum?

**Mr. Wamunyinyi:** No, Upinzani, Bw. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! I do not think you should interrupt someone. If you are not standing on a point of order or raising the issue of lack of quorum, then what is your problem?

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir, this is important.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Wamunyinyi, the only way you can get people in is if you asked that there was no quorum. There is no specific way we can say, let all the Opposition hon. Members come back to the Chamber or hon. Members on the Government side should come back here. It is not provided for in the Standing Orders.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ninamshukuru sana Bw. Wamunyinyi kwa kutodai zaidi. Yale aliyodai yanatisha kutosha. Lakini nilikuwa ninasema kwamba, sijui kama Wabunge wamekuwa wakitazama picha ambazo tumeonyeshwa majuzi katika televisheni zetu kuhusu hali ya mambo katika shamba la Del Monte, Thika. Tumeonyeshwa picha za uwekezaji ambao hauna uso wa kiutu; uwekezaji wa kikoloni ambao hatuhitaji katika nchi hii.

Bw. Naibu Spika wa Muda, hawa ni makaburu. Hata siyo wawekezaji. Hawa ni makaburu wenye kiburi. Wanalisha watu wetu mbwa. Hawakuanza jana; wamekuwa wakifanya hivyo kwa muda mrefu. Unashindwa mtu ama kampuni inaweza kuwa na haki gani ya kulisha mtoto wa Mkenya mbwa, mpaka huyo mtoto afe, eti kwa sababu hao mbwa wanatunza mali ya mwekezaji? Bado nina picha ya msichana mdogo aliyeliwa mwaka wa 1981 na mbwa katika shamba la Del Monte, Thika. Ungedhania kwamba baada ya kufanya kitendo hicho, wawekezaji hao wangeacha kutenda vitendo hivyo, lakini badala yake, ndio wanafanya zaidi. Juzi tumeonyeshwa picha wakipiga watu ambao wanasemekana ya kwamba wanapitia mashambani mwao. Watu ambao wanapigwa miguu kwa chuma hadi ivunjike. Hawa watu hawana wa kuwatetea. Unashindwa uwekezaji wa aina hii unatuletea faida gani. Wakati mwingine, ni afadhali uwe maskini, lakini uwe na uhuru.

Bw. Naibu Spika wa Muda, kama mtu atakunyang'anya utu wako au uhuru wako kwa sababu atakupatia chembe cha mkate, ni afadhali wakati mwingine kutokuwa na uhuru au maskini aliye na uhuru, kuliko mfanyikazi ambaye hana uhuru wake. Ningetaka kusema kwamba, kabla ya kuruhusu wageni wawekeze mali yao hapa, kwanza inafaa tuwachunguzze na kuhakikisha ya kwamba ni watu ambao wanatuheshimu. Kuna wawekezaji Wazungu ambao wanatudharau leo namna walivyotudharau kabla ya sisi kupata Uhuru wetu. Na hata baada ya kupata Uhuru, bado hawana heshima yoyote kwetu. Hawa ndio watu ambao unaona wanafuga mbwa na kuweka walinzi ambao wamefundishwa ya kwamba wakiona mtu mweusi karibu na shamba, ashikizwe mbwa. Akikamatwa, avunjwe miguu.

Bw. Naibu Spika wa Muda, uwekezaji wa aina hii, kwa maoni yangu, hatuuhitaji na unastahili kutupiliwa mbali. Lakini la kushangaza zaidi ni kwamba, mambo kama haya yanaweza kuendelea kuwepo na tuna Serikali. Inaonekana kwamba Serikali haina uwezo wa kuyasimamisha. Ninajua ya kwamba, Waziri mhusika hasa ni Waziri wa Leba, lakini pia Waziri Mdogo wa Usalama, mhe. Mungatana, hata naye anahusika. Wanahusika kwa sababu, wakati wawekezaji wanalisha watu wetu mbwa, usalama wetu ndio unaathiriwa na heshima yetu kama Taifa pia inaathiriwa. Kwa hivyo, kuna haja, hata Ofisi ya Rais kujihusisha na mambo mengine ambayo

yanafanyika katika makampuni kama Del Monte, Thika.

Ningetaka kupendekeza kufanywe uchunguzi maalumu wa kuhakikisha kama yale mambo tuliyoona, na zile picha ambazo tumeona kuhusu maovu yanayotendeka katika mashamba ya Del Monte, kama kweli yako. Na kama hayo maovu yanatendeka, tutafute dawa ya kuyazima. Lakini haifai kuendelea kulia na kusema ya kwamba, tumeletewa viwanda, hawa wageni wametuhurumia na wamekuja kutukuzia mananasi. Wakati mwingine hata unashindwa, kwa kweli, kama sisi hatuwezi kukuza mananasi; eti ni lazima tulete Mmarekani kuja hapa kutulimia mananasi sisi kama taifa, na kama taifa la watu, ni lazima tuwe na kasoro. Lazima tuna kasoro kubwa, kama miaka 50 baada ya Uhuru hatuwezi kulima mananasi. Kama tungeulizwa kuunda chombo cha kutuma kule angani na tushindwe, labda jambo hilo lingeeleweka. Lakini kukuza mananasi hatuwezi kueleweka. Ukitembelea hayo mashamba, utakuta mwenye kufanya kazi katika hayo mashamba sio Mzungu, ni Mwafrika. Sasa unashindwa, kama kweli hatuwezi kukuza mananasi, tuna kasoro kubwa ambayo ni lazima tuifikirie. Kama tunaweza biashara kama hizi, tuzisimamie wenyewe na tuwaambie wenye kututukana waende zao. Potelea mbali!

Bw. Naibu Spika wa Muda, mimi siwezi kuheshimu au kushukuru yeyote eti tumeletewa nafasi za kazi, kama mwenye kufanya hivyo ni mtu ambaye haniheshimu kama binadamu; hana heshima kwa nchi hii, na ni beberu, mkoloni ambaye anaamini ya kwamba Mwafrika anafaa kunyanyaswa, awe na Serikali yake au asiwe na Serikali yake. Kwa hivyo, ninapendekeza uchunguzi ufanywe ili tuambiwe ukweli wa mambo katika hilo shamba la Del Monte na mashamba mengine ambako kunafanyika maovu makubwa; kiasi ya kwamba, hata nimesikia kwamba katika shamba moja kule Naivasha, mwenye kumiliki shamba hilo, ambaye kwa bahati mbaya - na Mungu amuhurumie - ni mtu ambaye amaethiriwa na ugonjwa wa Ukimwi na hana heshima ya kukaa na ugonjwa huo. Sisemi ya kwamba kuna chochote kizuri kwa mtu, hata mwekezaji ama mbaguzi kuwa na Ukimwi, lakini kama mtu anaweza kuwa na Ukimwi na asambazie wafanyakazi wake wa kike kwa kuwapatia pesa ambazo hawawezi kukataa, kwa namna wanavyolipwa mshahara mdogo, na iwe kwamba mtu kama huyu hawezi kusimamishwa kutenda uovu kama huo, tena mtu anaweza kusema kwamba kuna kasoro kubwa siyo tu katika namna tunavyosimamia uwekezaji katika nchi hii; namna tumeshindwa kulinda hadhi ya wafanyakazi, lakini pia tumejikosea heshima yetu wenyewe. Kama dada yangu atalazimika kulala na mtu aliye na ugonjwa kwa sababu ya kulipwa mshahara mdogo, na kwa kukosa mwingine wa kumsaidia, hiyo itakuwa shida kubwa sana. Ninatumaini kuwa Waziri anayesimamia mambo ya wafanyakazi, kwa bahati mbaya haonekani hapa, afikishiwe ujumbe kuwa ana kibarua kigumu.

**The Temporary Deputy Speaker (Mr. Poghisio):** Why are you turning this debate into a Ministry of Labour and Human Resource Development issue?

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ni kwa sababu uwekezaji unahusu mambo mawili.

**The Temporary Deputy Speaker (Mr. Poghisio):** Order! On two occasions, you have asked us to direct debate on this Bill to another Ministry, when the Bill falls under a different Ministry.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, kwa uwekezaji kuendelea, unafaa kuwa na viungo viwili. Kiungo kimoja ni rasilmali ambacho kinahusu Waziri aliye hapa. Kiungo cha pili ni mchango wa mfanyakazi. Hakuna uwekezaji ambao unaweza kuweko bila ya nguvu ya mfanyakazi. Kitu ambacho ninatetea ni kwamba haki za wawekezaji zilindwe na Mswada vya kutosha. Mswada huu haulindi haki za wafanyakazi. Hii ndio sababu ninamtaja Waziri ambaye anasimamia mambo ya wafanyakazi.

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



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

Jambo lingine ninalotaka kuzumgumzia ni tutavyowabagua wawekezaji. Bado sisi tuna kasumba. Ninaogopa kusema hivyo. Mwekezaji akiwa mweupe, tuko tayari kumpa leseni kufanya kazi. Akiwa mmoja wetu, tunaamini kwamba hawezi kufanya kile anachofaa kufanya. Hivi majuzi, kuna kampuni inayoitwa Tetu Coffee Incorporated, ambayo iliomba nafasi ya kuuza kahawa. Ilipofanya hivyo, iliingiliwa kutoka kila upande. Wenye kampuni hiyo waliitwa matapeli na kuambiwa kuwa hawangeiweza kazi hiyo. Waliambiwa kuwa walikuwa wakijaribu kazi ambayo hawangeiweza. Walipigwa kwa maneno na sasa hawasikiki tena.

Mimi ninaamini kwamba hata sisi tuna watu wajuzi wanaoweza kuwekeza. Ni makosa sisi kufikiri mwekezaji ambaye anaweza kufaulu lazima awe ni Mzungu au mgeni. Ni lazima tuwapatie wawekezaji wa hapa nchini nafasi na tuwasaidie kufaulu. Hata kama hawana uwezo kama vile wawekezaji kutoka nchi za Ulaya na Marekani, ni lazima wasaidiwe ili waweze kupata nafasi ya kuwekeza. Lakini, tukiangalia unyonge wao peke yake na tusiwasaidie, basi tutakuwa na uwekezaji wa kigeni peke yake. Kama uwekezaji ni wa kigeni peke yake, mwishowe, hautaifaa nchi hii kiasi ambacho tungetaka ufae. Kwa hivyo, ningetaka Waziri afikirie namna tunavyoweza kukuza uwekezaji wa kitaifa na wakinyumbani ili uende sambamba na uwekezaji wa kigeni. Nasikitika sana kwamba kampuni ya Tetu Coffee Incorporated ilipigwa teke vile ilivyopigwa. Mimi siwajui wenye kampuni hiyo. Singetaka mtu afikirie kwamba ninawatetea kwa sababu ninajuana nao. Ninawatetea kama wananchi ambao wanastahili kupewa nafasi ya kujaribu kuwekeza. Tusikubali wawekezaji wa kigeni kufanya kampeni ya kuwapinga Wakenya kupitia kwa magazeti, redio na Serikali. Kampuni hiyo ilipigwa mpaka ikawekwa uwoga. Mtu anayetaka kujaribu uwekezaji anafaa kupewa nafasi ajaribu kufanya hivyo, mradi Serikali iwe na usimamizi ambao hautamruhusu kutapeli. Kuwa na maoni kwamba Mkenya hawezi kitu katika uwanja wa uwekezaji ni makosa. Hata kama wenye kuwekeza ni watu walioinuka na wa tabaka ya juu, wanaotaka kujihusisha na mambo ya uwezekaji, wasaidiwe. Tusifanye mambo kama yale tuliyokuwa nayo hapa Bungeni awali. Mtu alipotaka leseni ya kuwekeza katika bishara ya mawasiliano, ilikuwa ni lazima awe na Kshs15 million za kulipia leseni. Wakenya wangapi wanaweza kupata pesa kiasi cha Kshs15 million za kulipia leseni? Wakenya ni watu ambao wameshukarika. Tumeambiwa kwamba tu maskini sana. Wakati leseni ya kufanyia kazi yoyote inawekewa pesa nyingi kiasi hicho, tunachoambiwa ni kwamba milango imefunguliwa kwa wageni peke yake. Wakenya hawezi uwezekaji wanapowekewa vikwazo. Hicho chenyewe ni kikwazo.

Ninaomba kuunga mkono.

**The Assistant Minister for Finance** (Mr. Obwocha): Mr. Temporary Deputy Speaker, Sir, I would like to make very brief comments on this Bill, the Investment Promotion Bill, 2004.

**The Temporary Deputy Speaker** (Mr. Khamasi): Are you giving the official response on behalf of the Ministry?

**The Assistant Minister for Finance** (Mr. Obwocha): No, Mr. Temporary Deputy Speaker Sir. The Assistant Minister for Trade and Industry, Mr. Miriti, will give the official response.

Everyone in this House is aware that we must create an investments climate in this country, so that our people, as well as people from outside, can invest. I want to join my colleagues in congratulating Prof. Maathai for what she has done. I think her winning the Nobel Peace Prize is part of the investment climate that we desire. When we see our own colleagues, who know politics well, quarrelling the way we have been doing for the past two years, we do not make any sense out of their behaviour. There is a limit to which we can push politics. Now is the time to look at the economic recovery of this country.

I had a chance to be a member of the Pan African Parliament (PAP) in South Africa recently. The African Union (AU) Heads of State and Government, in July 2004, gave the seat of the PAP to South Africa (SA). The SA government is in the process of establishing facilities for that Parliament now. Another institution of the AU is the Central Bank of Africa, which has gone to Nigeria. The seat of PAP has gone to South Africa. But the African Investment Bank seat has not yet been allocated to any country. I hope that our country will lobby for the Africa Investment Bank seat to come here. This is important for this country because we will also have a share of our continent's resources. We will have what other people have been enjoying.

Mr. Temporary Deputy Speaker, Sir, there is a bank called the Africa Export and Import Bank (AFRIXIM) based in Cairo, Egypt, whose Finance Director is a Kenyan, yet we have problems in investments in this country. For example, in the Ministry of Agriculture, the Pyrethrum Board of Kenya (PBK) has stocks worth more than Kshs1.5 billion. The AFRIXIM Bank gives money to economic units like this; it finances exports. If the Minister for Agriculture was here, we would tell him to approach this bank as the stocks would be adequate collateral to assist our farmers.

During our tour of South Africa we realised that the country is very developed. Some of us have been to Europe, but that country is more developed than Europe in terms of roads and housing infrastructure. In its policy it has what it calls the Black Economic Empowerment (BEE). This policy ensures that there is no investment carried out unless a minimum of 20 per cent is held by blacks. It is a deliberate policy to empower the blacks in that country. I agree with my colleague who wondered why the hand of our people is missing from investment in this country. Even with liberalisation, we should also control the amount of money that is going out of this country. We need to allow investment opportunities and benefits to our people. The amount of money that has been taken out of this country through liberalisation is too much.

I want to say something about investment in the tea industry. As you know, the Kenya Tea Development Agency (KTDA) used to finance tea factories. However, what is happening now is that if you want to establish a new factory, it requests the other factories in an area to give the initial capital, and then it gets the additional capital from a financier or financial institution. If we are going to ensure that these investments are viable, then our country must protect tea factories. The process and policy of liberalisation is going to destroy the tea industry. Right now, in Nyamira District, and the greater Kisii in general, there is what we call *soko huru*. These are people who come and buy tea on behalf of multinationals from farmers. As you know, the level of poverty is very high, and farmers agree to sell tea on cash terms. They do not know that if they took it to the factory later, they would be paid a bonus at the end of the year. For some of my factories like Kibirigo Tea Factory, whose production last year was 16 million kilogrammes, this year it was only eight million kilogrammes. We are on the downward trend, and this is very dangerous for our own investment.

It is time we looked at some of these policies. Even though we may not discard them, we should modify them to benefit our country. I have not talked to my colleagues in the Ministry of Finance, but if you attended the taxpayers' day and saw the brochure we gave out; in 1995, the total revenue collection in this country was Kshs122 billion. Last year, it was Kshs230 billion, which was more than double the 1995 figure. Where was this money going? This year, due to what this Parliament has done to empower the Kenya Revenue Authority (KRA), in the first quarter we exceeded our target by Kshs8 billion. If we continue like this, we will collect Kshs250 billion during the year. That will be much more than our total revenue collection for last year, of Kshs230 billion. The extra amount is approximately Kshs30 billion.

That is not even the amount of money we normally get from the International Monetary Fund (IMF) and World Bank in a year. For example, this year, we are asking for Kshs21 billion. Therefore, our extra revenue collection exceeded that figure. Why are we going through donor conditions when we can depend on our revenue?

Let us get our expenditure in order. Let us see what development we can do with our improved revenue collection. Our development budget is about Kshs50 billion. If we set aside Kshs5 billion every year, and construction of each factory requires Kshs1 billion, then we will establish five factories in a year. How many factories will we build in ten years? The tea factory that I am talking about requires only Kshs430 million. Therefore, if we budget sensibly, we can do it. It is only that in this country, we budget for what we do not have.

Mr. Temporary Deputy Speaker, Sir, let us look at our priorities against the money that we collect. We have reached a level where we have sufficient money to invest in certain ventures. However, that does not mean that we are going to tell other people not to come to this country. Investors are welcome, including our own people, but we must monitor the investments. The wealth should remain here in Kenya.

The Nairobi Stock Exchange (NSE) has done well, and we want to congratulate Mr. Kareithi who is in charge of it. Many people watch news on television, but when news is over, they change to something else. They do not look at business news. Therefore, they do not see our turnover, which is a reflection of the performance of the economy of this country. We are on the right path! Interest rates on Treasury Bills are between 3 and 5 per cent; the inflation rate is below 10, and the turnover at the NSE is in excess of Kshs100 million a day. If it goes below this mark, then trading results get very miserable. Therefore, it is us who will have to put our things in order.

The other thing I want to say before I conclude my contribution, as I do not want to belabour this issue of investment, is the fact that we give our investments to foreigners. We are being told that the National Bank of Kenya (NBK) should be given to the multinational banks to run it for us. The Kenya Commercial Bank (KCB) is being given to them. When the NBK had a problem, we told the Central Bank of Kenya (CBK) that it should not be sold, and the CBK financed it. The people who had withdrawn all their money from the NBK have returned it, and the bank is now viable. It is making profit. Why should we be told that NBK and KCB should be given to multinational banks? We can sell the shares in these banks to our own people. Our people can own these banks, so that they can go back to the areas that were said to be unprofitable. They will find that those areas are very profitable.

Mr. Temporary Deputy Speaker, Sir, I agree with my colleagues that this is a very important Bill. We need to create an enabling environment for investment. We have talked for too long. Those people who used to say this were very keen and they knew many of these things. They are now on the Government side. Let us not talk again. Let us implement some of these things, so that Kenyans can enjoy the fruits of what we have been saying.

So, I support the Bill. However, there are a few changes we need to make to it. We will bring the amendments during the Committee Stage and look at them. We need to support investment in this country. This country is good. People are saying that the change that we showed in the year 2002 is a living example in Africa. In fact, many of the people here who were in South Africa, were invited by some of the countries down there, like Lesotho. They want to emulate our example. Ours has been a living example for others in Africa. So, why do we not use that goodwill to make sure that this country benefits?

With those few remarks, I beg to support.

**Mr. Kamama:** Thank you, Mr. Temporary Deputy Speaker, Sir, for granting me the opportunity to contribute to this very important Bill.

First of all, I would like to thank the Minister for coming up with this Bill. Investment in this country has eluded us for quite some time, because of poor policies by the previous two regimes. Secondly, I would like to point out that the officers from the Ministry of Trade and Industry are not here. They are supposed to be taking notes. I hope they will refer to the HANSARD and factor in what each and every hon. Member has pointed out, so that this Bill can be fine-tuned for the benefit

of all Kenyans. We do not want a situation where Ministers, at a later stage, will say that they were misled by their officers, because they did not have time to read the documents. We want the officers to come to this House and take notes, especially on important Bills like this one. So, I hope that this will not be repeated.

Investment is a prerequisite to economic development and growth. Without investment, we cannot create jobs for our youth. Without investment, we cannot fulfil the objects of the so-called Economic Recovery Strategy for Creating Wealth and Employment. This Bill will solve most of these problems. As a Member of the Young Parliamentarians Association (YPA) which was formed the other day, I would like to say that we need to give a lot of support to this Bill. We want it passed by this House and assented to by His Excellency the President as soon as possible, so that the youth can start getting jobs. We want jobs to be created in this country. If we want to break the poverty cycle in this country, we should encourage investment, so that people can have extra money to save. If people save for sometime, they will have some money to invest, and we will benefit in very many ways.

Mr. Temporary Deputy Speaker, Sir, there are very important issues that this Bill has overlooked, and I wish to point out a few of them. The time taken for one to get an investment certificate has not been pointed out in very precise terms. We want that time shortened, so that any investor, whether local or foreign, can take the shortest time possible to get investment certificates. It has been pointed out, in many occasions, that investors in countries like South Africa and Egypt take less than 30 days to get investment certificates. In Kenya, one takes more than 68 days to get an investment certificate. We are not being serious. We need to shorten that period to a month or less.

Clause 4(1)(b) says that the minimum amount to be invested is Kshs10 million. This is peanuts, especially for foreign investors. This is the equivalent of about US\$120,000. Somebody should not travel all the way from the United States of America (USA) to come and invest US\$120,000. The minimum amount to be invested should be raised to US\$1 million. The amount of Kshs10 million should be for local investors. So, this figure should be increased to US\$1 million or Euros1 million. Again, we have been told that these people will enjoy tax waivers and rebates, in terms of Value Added Tax (VAT) and Income Tax and holidays. They do not deserve that.

Mr. Temporary Deputy Speaker, Sir, Clause 4(2)(c) talks about taking economic development to the rural areas. If we want to reduce rural-urban migration, we should distribute wealth. We should take investment to the rural areas. As I said on several occasions, Nairobi is extremely congested. All the youth travel from Lokichoggio, Malaba, Oloitokitok and Elwak to Nairobi to look for jobs. We need to create jobs in the rural areas by promoting investment there. When we talk about investment promotion, we should consider regional balancing.

Clause 11(4) is about the review of Authority decision. The offences being provided for by this clause are very lenient. If somebody misleads the authority, he should be imprisoned for five years - not just two years - and fined more than Kshs2 million. We are used to a culture of lies in this country. People are used to lying. If you listen to what people are saying in the Goldenberg Commission of Inquiry, you really wonder whether those people were professionals. So, we should come up with a legislation to punish liars.

Mr. Temporary Deputy Speaker, Sir, Clause 27 talks about the National Investment Council. It reads:-

"The President or the Minister or his appointee will chair that institution."

There is no way the President can advise himself. We want that National Investment Council to be chaired by somebody from the private sector and not by the President or his appointee. We know he can mislead himself or be misled by the Minister.

I want to talk about the minimum number of technical staff that an expatriate or foreign investor can have in this country. We want the investors to have not more than five engineers or

technical staff. When you go to places like Athi River or factories in Thika or Industrial Area, you will see very young unskilled Asian boys who can only communicate in Gujarati. We are very bitter that some Asian boys come all the way from Punjab or Uttar-Pradesh to this city and do jobs that could be done by boys travelling from Nyalenda in Kisumu or from Elwak. We want those people with technical expertise to come to this country. But those with unskilled labour should remain in their mother countries.

Mr. Temporary Deputy Speaker, Sir, let me talk about what we see in the Export Processing Zones (EPZs) and the flower factories. In the EPZs, Kenyans are paid peanuts. They are not getting value for their sweat. They are actually being enslaved by foreign investors. I want to thank Mr. Wamwere because, the other day, he was talking about the minimum wage. We should even set the minimum wage that foreign investors are supposed to give to Kenyans, which should not be less than Kshs15,000. The conditions in those places are horrible. They are very bad. Some of the foremen and supervisors lock most of the staff inside their working areas overnight. So, if that building catches fire, all of them will just perish. The situation is very bad. Those people in charge of labour should investigate that and come up with solutions to that problem.

When you talk about flower farms, they have created quite a number of jobs. But let me tell you that the conditions there are bad. The workers are actually being fumigated. The chemicals used in flower farms are very bad and, therefore, most people are suffering from cancer. Cancer cases are rising because of the pesticides, herbicides and fertilizers being used in those farms. The conditions in flower farms are horrible. We need to look into that issue critically and help our people.

I would also like to talk about the situation in the Industrial Area in Nairobi. When you travel from Kibera to town, you see very young and strong men going to those factories on a daily basis. They are actually given manual or casual jobs. Asians are no longer employing our youth in the factories. They give them casual jobs and pay them Kshs70 per day. They pay them on a weekly basis. They no longer create employment in this country. They are creating misery and poverty in this country. We need to look into that. When you talk to those young men, they cannot think beyond their noses. They only think of food and nothing else. We need to look into their plight. The Minister for Gender, Sports, Culture and Social Services should come up with a policy to solve youth problems in this country. So, generally, this Bill has noble objectives. I am very sure that if the provisions of the former Act, that is the Investment Promotion Centre Act, were also integrated in this Bill, this country would be better off in terms of creating an investment environment for all investors; whether foreign or local.

Lastly, I want to say that this Bill has many foreign components. It is like we have concluded that Kenyans cannot invest their money in this country. Many of those components refer to foreigners and experts. As we know, the Central Bank of Kenya is fond of borrowing money from us, when it cannot balance the Budget. So, we are also good investors. So, local components should be factored in. The local investors should also be given incentives. The Bill talks about foreign investors. We are tired of those fellows because they have brought misery to this country.

With those few remarks, I beg to support.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, to the extent that this Bill seeks to provide a legal framework within which investments could be promoted, it is a step in the right direction. But the first point that must be made is that, it does not matter what we say in a statute; it does not matter what rhetoric we indulge in; the name of the game is confidence. If we are going to have investments, people must have confidence in the country where they are going to invest; whether they are from outside or from within. Confidence is something which is elusive; and something that we should work towards achieving.

Mr. Temporary Deputy Speaker, Sir, let me, first of all, make a few pertinent points on the Bill itself. The first one is that, although I heard the Assistant Minister for Finance talk about tax

holidays, I have not seen any provisions in this Bill for tax holidays. Yet, that is the most attractive incentive for investments. I believe that the Assistant Minister for Trade and Industry is taking notes. I suggest that the Authority which will be established under this Bill be given statutory powers in conjunction with the Ministry of Finance or the Kenya Revenue Authority (KRA) to give tax breaks to any investor who gets an investment certificate. That is a glaring omission. It should not be left to inferences. The Authority should be given that specific statutory power.

Mr. Temporary Deputy Speaker, Sir, secondly, I would like to echo what has been said. In Clause 4(b), an investment of Kshs10 million has been provided for. I want to suggest that this figure be left there for local investors. They should also get incentives to invest. For the local investor, the threshold should remain at Kshs10 million, but for foreign investors, who are also given the right to bring in expatriates with almost automatic renewals of work permits, surely a threshold of Kshs10 million is absurd. I would suggest that thought be given to raising the threshold. If a foreign investor is going to get a certificate, then the minimum should be US\$1 million or more. This is because foreign investors have a lot of benefits that the local investors will not enjoy.

The other general point that I want to make is that you hear talk that we will bring in some Indians and give them 99-year leases in the agricultural sector. Why? What do we not know about Arid and Semi-Arid Lands (ASALs)? As Kenyans, and especially the NARC Government, we must learn to think outside the box, if we are going to resuscitate the economy of this country. We must be prepared to embrace a very innovative and radical style of management of our economy and public affairs, if the economy is going to take off. It is the first million which is difficult to make. Once you have made the first million, the rest of it follows as a matter of course. So, if the economy of Kenya can take off, we will attract local and foreign investors. We should not think that we will enact this sort of statutes and be able to attract investors. This will not happen. We must come up with our own innovative and radical programmes for the resuscitation of the economy.

Mr. Temporary Deputy Speaker, Sir, the first point that I would like to make is that, when you are thinking about resuscitating an economy, which had almost collapsed, that is not the time to think about balancing the Budget. You cannot balance the Budget and resuscitate the economy. If the objective is to resuscitate the economy, you must forget about the Budget deficit. Let the Budget deficit grow. The Government is the biggest engine of economic growth when it spends money. We must revive the infrastructure. We must build roads and take electricity everywhere. So, the Government should lead in taking electricity everywhere, tarmacking the major roads and making the other side roads motorable. Infrastructure requires the Government to spend money and let the Budget deficit widen.

As we speak, the Budget deficit of the United States of America stands at US\$412 billion and they are not worried about it. The situation was the same after the depression in 1930s. They did not worry about the Budget deficit. So, we must not listen to the World Bank, the International Monetary Fund (IMF) or the donors telling us that we must balance our Budget. That is an academic exercise. Of what use is a balanced Budget when you do not have enough food to feed your people and your infrastructure has collapsed? The Government should forget about balancing the Budget and concentrate on the resuscitation of the economy and the rebuilding of the infrastructure. If you subsidise the cost of electricity, you will be able to lower the production cost for our manufacturing industries, so that they can become competitive. As long as the cost of energy is what it is today, our manufactured goods will never compete.

Mr. Temporary Deputy Speaker, Sir, the buses going to Uganda are usually fully parked with women and girls because it is cheaper to go and buy clothes and shoes from Uganda and come and sell them in Kenya. They are making profits. We should ask ourselves why this is so. As long as the cost of energy is what it is, our manufacturing industry will never compete. The Government should lower the cost of energy immediately. It should be subsidised. Let the Budget deficit grow.

As soon as the manufactured goods become competitive, then you will start attracting money and having an income. When income starts coming in, that is the time to start addressing the issue of balancing the Budget. If you continue to peg the cost of energy where it is, you will never balance even that Budget, because you will not have real actual income inflowing into Kenya. So, Government should stop worrying about the Budget deficit and lower the cost of energy. The other benefit in lowering the cost of energy is irrigation. If you lower the cost of irrigation, you will be able to grow more coffee, flowers and other crops.

When I talk about thinking outside the box, these are the ideas that the Government should be refining and implementing. For what reasons do you want to bring in Indians and give them leases in the ASAL areas? You will just create a source of tension. All we need is to invest money in harvesting rain water everywhere in this country. We should create more dams. We know how to farm and our people are very hardworking. If you were to harvest rain water in Bundalangi, Ukambani, Mombasa, Garissa and Tana River and take electricity there, so that our people can engage themselves in irrigation, you will not probably be talking about Western Province being the maize and wheat basket. You will transform the entire area and grow anything that you want; for example water melon. You will be able to turn the region between Nairobi and Mombasa into a grain basket for this country. Let us think outside the box. Let us invest money in harvesting rain water, supplying electricity to the rural areas, making the roads motorable and leaving the rest to our people.

Mr. Temporary Deputy Speaker, Sir, let me give one example of horticulture. Most European nations are extremely wealthy and, therefore, their purchasing power is very high. They are obsessed with their health. That is what they worry about. So, they are addicted to eating cabbages and greens of certain varieties. The market in Europe is insatiable as far as a large variety of greens is concerned. They are so obsessed with those greens, just like Africans are obsessed with the goat meat. You will find Africans suffering from gout, but they would rather swallow medicines and continue eating the goat ribs. In Europe, they are addicted to greens. The market is insatiable. We are only eight hours to Europe by air. Why can the Government not come up with a radical programme focusing on a wide variety of these green cabbages? That is what they want in Europe.

Today, when we listen to the vernacular radio stations, we hear women in Kirinyaga and Murang'a complaining about being exploited by the middlemen; that is the Asians. Why can we not come up with a programme to support our farmers to grow these cabbages? We should bring in extension officers to help them to identify the high-yield seed varieties of these cabbages.

The tax on jet fuel in Kenya is one of the highest in the world. Many planes will only re-fuel in our airports, if they must, otherwise, they would rather re-fuel somewhere else because the tax is very high. Suppose the Government was to call all the airlines to a meeting and tell them: "Out of the Kshs1,000 tax that we are collecting from you, from today onwards, we shall be collecting only Kshs250. The other Kshs250 will be given as rebates to the airline for every tonne of cargo of green vegetables which they take to Europe, as an incentive." Then, the balance of Kshs500 will go to that *mama* in the rural area who grows cabbages. By the way, when it comes to these green vegetables and cabbages, one can grow them even on half an acre. Women who grow them have no need to keep their money in Europe. That can revolutionalise this country a lot. The market is there. We just need policies and tax incentives. They need to be assisted as far as marketing is concerned. I am convinced that these green vegetables and cabbages can overtake coffee, tea and flowers in terms of foreign exchange earning. This is the thinking outside the box that I am talking about. There are very many other ideas that we can think about.

If we need to do this, we should, first of all, encourage our own people to invest in the economy of this country. We should have policies that target local investors. I am not suggesting that we should not even target foreign investors. But, remember, it is us, in the end, on whose

shoulder the responsibility of developing this country lies. We do not want our people to forever be employees.

We do not want economic policies that are just looking at multinationals to come and invest. When will our people be owners of capital? Are we forever going to be condemned by short-sighted policies to continue being workers and never owners of capital? We must come up with policies that will make our own people owners of capital. This can be done. It is just a question of planning.

At the moment, we are encouraging Chinese to come into the country. However, let us have regulations to control their inflow. Yes, we want them as tourists. No question about that! But we have to be very careful because before we know where we are, we might end up having five million Chinese in this country. This might cause problems without any questions. So, let us regulate their inflow. Our people should come first and the others second. So, let us have programmes that are well-thought-through; then, this economy can take off. That is what we want to see. A statutory Act itself is not simply going to encourage investment promotion.

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

**Prof. Mango:** Mr. Temporary Deputy Speaker, Sir, let me add my voice to what has been said about investments in this country. Charity begins at home and, for a long time, we tend to look at foreign countries for solutions to our own problems. We need to start off by creating home-grown Kenyan entrepreneurs. We talk about the *Jua Kali* sector, but those people do their business by trial and error. We need to give them entrepreneurial skills. We need to train them on how to start and run a business by doing simple things like bookkeeping. From there, they will move on.

Mr. Temporary Deputy Speaker, Sir, those traders need to access credit facilities. In the rural areas, someone comes to you and says: "*Mheshimiwa*, lend me Kshs50,000 to start a business." That shows they have no access to credit facilities. Therefore, the NARC Government needs to start micro-financing projects and move around rural areas and facilitate any Kenyan with entrepreneurial skills.

We grow a lot of farm produce. We should be adding value to whatever we grow. We have seen juices from South Africa being sold in our markets. Those juices are made from oranges and other fruits which we grow locally. I am told that those juices are manufactured in the backyards of residential houses in South Africa. We need to encourage Kenyans to manufacture such things and add value to the fruits that we grow in this country. Many a time, when you go to market places, you will find mangoes rotting away. That is because the local people cannot add value to those mangoes. If you go to a market like Kakamega, you will find pawpaws and avocados rotting away. Why do we not have a factory there to add value to those pawpaws and avocados? We do not need someone from abroad to come to tell us what we need to do with those fruits.

Mr. Temporary Deputy Speaker, Sir, many of our people have many ideas, but they cannot be translated into goods. It is high time we had a think-tank group that will help Kenyans to become entrepreneurs. Most Parliamentary Committees here have visited Korea and the Far East. I do not think those countries have any more magic than what we have locally.

We have many trees and natural herbs that are medicinal. I have seen many foreigners come here and carry a lot of them to make medicines in their countries. Why can we not encourage herbal medicine to grow into a pharmaceutical industry. It will encourage people to grow those herbs and earn money. It will also encourage our pharmaceutical industry to grow. Before the western medicine came, our people managed diseases. Malaria and many other diseases have always been with us and yet, we survived. But, now, we think we have chemicals to add to our systems. We need to look at local investments in terms of natural pharmaceutical products. The chemical products remain in our bodies--- For example, if you take drugs for high blood pressure, the chemicals will eventually accumulate in your kidneys and cause kidney failure. On the other hand, if you take natural herbs, they tend to disintegrate in your body system. So, it is one way of encouraging our



local entrepreneurs to come up with local products.

Mr. Temporary Deputy Speaker, Sir, we Kenyans contribute towards foreign investment. It is high time we came up with laws that insist on joint ventures instead of individuals investing in the country and then taking off. If we have joint ventures, Kenyans will also benefit. There will be transfer of technology and we will acquire entrepreneurial skills to run the various enterprises when the foreigners relocate. We should find a way of discouraging individual investment by foreigners.

With regard to natural products Kenya, for a very long time, has been the biggest producer of pyrethrum. It is from pyrethrum that we obtain the most effective pesticides. Foreigners normally manufacture synthetic pyrethroid. Mosquitoes develop resistance to such pyrethroid very fast, which is not the case with natural pyrethroid. Therefore, Kenya grows a plant which can make us come up with an exclusive industry for the production of natural pyrethroid and other pyrethrum products. We need to identify areas where we have potential for economic advantage and maximise on those areas. It is unfortunate that we have been looking up to the West as our messiah. We need to look at our local potential for the purpose of developing our own homegrown products.

Mr. Temporary Deputy Speaker, Sir, Kenya is an agricultural country. Agriculture, therefore, needs to be developed to become a major area of investment in the country. However, we have neglected agriculture to the point of becoming beggars. From agriculture, we can produce anything we want and create jobs thereby developing our country. We have neglected this sector for a very long time. My colleague talked of Bidco Oil Company moving over to Uganda. We share the same climatic conditions with Uganda. We should encourage palm oil production in our country so that we can enhance the palm oil industry in Kenya. That way, we will be able to create jobs in the farms and factories. We will also come up with products which we will sell and generate income. We need to focus on agriculture and identify what best we can do as a country to create jobs.

Rural-urban migration needs to be tamed. Of course, it is as a result of the non-existing infrastructure in the rural areas. We have neglected the rural areas. There is no electricity in most rural parts of our country and so young men and women move to where there is light. The Ministry of Energy needs to supply power everywhere in the country so that whoever wants to venture in the *Jua Kali* industry can do so easily. The rate of unemployment is rising because we do not have electricity in most parts of the country. Therefore, young people just loiter around for lack of anything to do. It is high time we addressed the issue of infrastructure, particularly energy, for job creation.

Mr. Temporary Deputy Speaker, Sir, along Lake Victoria, we have the fishing industry. This industry does not benefit people living along the lakeside. Part of the problem is lack of infrastructure; like electricity. If we had electricity there would be filleting plants. The fishermen would land their fish and we would add value to that fish so that whatever leaves the lakeside has more value than what is happening now. Along with that, we should also consider fish farming as one way of promoting investment.

A few months ago, I was in the United States of America and I went to a place where they were breeding fish on hectares of land. The fish industry creates jobs. We only think about fish from the lake. We have neglected the fishing industry along the Coast. We have left it to other people to can and sell it back to us. Fish is a totally free natural resource which we have in our oceans, but we are not doing much about it. We have neglected it yet it is one industry that could create jobs, income for the country and also reduce our malnutrition. But we do not seem to be addressing that. We tend to neglect and concentrate on land which we are not doing much to improve.

Turning to the tourism industry, we have concentrated on the Coast and where we have wildlife. It is another kind of investment that could create jobs in most parts of this country. We need to look at it afresh and see how we can maximise profits in the tourism sector. For example, during winter, there are lots of old people in Europe who would like to come and enjoy the sun in

Africa. They may not want to live in the Five Star hotels. They may just want to come and live in rural Kakamega or Isinya and just enjoy the traditional food. In so doing, they will come and create jobs. We need to diversify our tourist industry instead of just concentrating along the Coast. We need to spread it all over the country and be innovative. We should not just think of wildlife. There are other attractions too which could attract foreigners to this country.

Our universities have a lot of brainpower, but we are not utilising these natural products. Universities are supposed to be the creators of information and knowledge. That knowledge should be translated into products which can create jobs and wealth for this country, if we do proper investment in the human resource.

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

**Prof. Mango:** With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Prof. Mango, when the debate on this Motion resumes you still have got 13 minutes.

Hon. Members, if you look at your Order Paper, we do have a Motion of Adjournment at the end of the normal sitting day pursuant to Standing Order No.18(1)(2). I will now call upon a Government Minister to move the Motion of Adjournment.

### **MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.18**

#### **UNSATISFACTORY REPLY TO QUESTION ON INSECURITY IN SUBUKIA**

**The Temporary Deputy Speaker** (Mr. Khamasi): Will a Minister, please, move that the House do now adjourn?

**The Minister for Lands and Housing** (Mr. Kimunya): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

**The Assistant Minister for Trade and Industry** (Mr. Miriti) seconded.

**Mr. Temporary Deputy Speaker** (Mr. Khamasi): Very well! Mr. Wamwere, you may now move your Motion.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ninaomba kupendekeza Hoja ya kuelezea ni kwa nini sikutosheka na jawabu ambalo nilipewa kwa Swali langu kuhusu ukosefu wa usalama katika eneo la Subukia. Katika Swali langu--

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Wamwere! Hon. Members, if you refer to Standing Order No.18 under which we have to discuss this Motion, you will find that each hon. Member is restricted to speak for only ten minutes and the Mover is restricted to speak for 20 minutes. However, our tradition has been that if the Motion is popular, we normally agree that each hon. Member contributes for only five minutes while the Mover is given ten minutes to move the Motion, so as to give a chance to as many hon. Members to contribute as possible.

If that is your wish, we will adopt the same so that we debate this Motion under those rules. Mr. Wamwere, you have got ten minutes within which to move your Motion. Every hon. Member who will contribute to it will be given five minutes.

*(Applause)*

**Mr. Wamwere:** Ninakushukuru, Bw. Naibu Spika wa Muda. Nilikuwa ninasema kwamba ni kweli kwamba katika eneo la Subukia usalama umezorota sana. Nilipouliza Swali langu hapa, nilitaka msaada kupunguza uhalifu ambao umeenea na kusababisha vifo 17 katika miaka miwili

iliyopita. Nilitaka Serikali ituambie ni watu wangapi walikufa katika kipindi hicho, na ninasikitika kwa sababu Serikali iliwataja watu wanne pekee, ambao vifo vyao vimetangazwa sana na vyombo vya habari. Lakini ninafahamu kwamba kuna vifo vya, kwa mfano, Binti Wambui Gitonga aliyekuwa amemaliza masomo ya shule ya upili na alikuwa anasubiri kujiunga na chuo kikuu. Kifo chake kilitangazwa sana na vyombo vya habari. Kuna msichana mwingine ambaye hadithi yake ilikuwa katika magazeti jana. Msichana huyo, ambaye anaitwa Grace Wairimu Ngori, alikufa kwa uchungu kwa kubakwa na kutopata matibabu. Kijana mwingine ambaye alikuwa mwanafunzi wa Chuo Kikuu cha Egerton pia aliuawa. Kwa jumla, tumepoteza watu 17. Sijui kama kuna haja ya kutaja majina yao. Alikuwa anaitwa Ochieng', Grace Wairimu Ngori, Anne Wangari Kanini, Peter Muchunu Joseph, James Munene, Francis Karemi, Stephen Kithure Wanjoro, Philip Karewa, Peter Mahinda, Bw. Mwikali, Hannah Mbuki, Erastus Njoroge Gaichuhie, Cyrus Ndung'u Njoroge, Njeri Joice na kuna wengine ambao walishambuliwa, lakini hawakufa, bado wako hai. Lakini wengine wako katika hali mahututi.

Bw. Naibu Spika wa Muda, kuna visa vingine ambavyo kidogo ni vya kutisha. Kwa mfano, huyu James Munene alipouawa, bibi yake pia, pamoja na bintiye walinajisiwa. Na kila mwanamke au msichana ambaye yumo katika orodha hii, kabla ya kuawa, alibakwa.

Jambo lingine ambalo ningetaka kugusia ni kwamba, sisi watu wa Subukia tunaamini kwamba ulinzi katika nchi hii umekuwa wa kutolewa kwa msingi wa ubaguzi. Tunasema hivyo kwa sababu, ingawa wenye kutushambulia hawaji kama jeshi la watu 100, wanakuja kwa vikundi vidogo vya watu wanne, na wanaporipotiwa kuwepo karibu, hatuoni hatua zikichukuliwa za kuhakikisha kwamba wametiwa mbaroni. Kwa mfano, hatuoni kundi la polisi la Flying Squad likiitwa ili liliwasake wala helikopta za polisi zikitumiwa kuhakikisha kwamba wamekamatwa na hatuoni hata kikosi cha GSU wala kile cha Anti-Stock Theft kikitumiwa kusaka hao majambazi. Pia nina hakika inajulikana kwamba, kituo cha jeshi cha Lanet kiko katika eneo la Subukia, na mtu anaweza anapigwa ng'ambo ile ya barabara, ilhali hao wanajeshi wako ng'ambo nyingine wakiwa na silaha, vyombo vya kuwasiliana na watu chungu nzima ambao wangine wao wanastaafu hata kabla ya kupigana vita vyovyote, lakini hawawezi kusaidia. Wanatazama tu watu wakipigwa na wakora.

Bw. Naibu Spika wa Muda, tunasema kwamba hapa pana ubaguzi kwa sababu tumeona majuzi wakati mke wa Gen. Kibwana alipotekwa nyara, tuliona vile polisi, wanajeshi, GSU na helikopta za polisi zilipotumiwa. Walifanya ile kazi ambayo haijaonekana, na kabla ya siku moja, wenye kuhusika walikamatwa. Ningependa kusema kwamba, hakuna mlipa kodi ambaye ni muhimu kuliko mwingine. Na imani yetu ni kwamba, tunastahili kupewa usalama sawa na ule uliopewa mke wa Gen. Kibwana. Lakini hali ya kujihisi kwamba wewe ni raia mdogo, kana kwamba tunaishi katika shamba la wanyama ambako wanyama, wengine ni sawa kuliko wengine, haistahili. Lazima tupewe usalama sawa na watu wengine.

Pia wakati nilipouliza swali, nilidai kwamba Subukia imekuwa sehemu ambayo inatawaliwa na majambazi badala ya kutawaliwa na Serikali, na mhe. Waziri akabishana. Lakini ni vigumu kuamini

kwamba kuna Serikali kama majambazi wanaweza kuanza kazi yao thenashara ya jioni na wamalize thenashara ya asubuhi bila polisi kuonekana, na pahali hapo pasemekane ya kwamba kuna Serikali.

Bw. Naibu Spika wa Muda, katika eneo la Subukia, hasa baada ya kifo cha huyu James Munene, majambazi walimwambia bibi yake kwamba auze maharagwe na atumie pesa hizo kwa shughuli za mazishi lakini watarudia pesa hizo zingine. Tuliwaambia polisi kwamba majambazi wamesema watarudi, lakini Serikali haikuchukua hatua yoyote ya kuhakikisha kwamba majambazi hawakutimiza ahadi yao. Baada ya wiki mbili, majambazi walirudi katika nyumba ile wakidai pesa zile, na wakadai kumnajisi yule mama ambaye bwana yake alikuwa ameuliwa kwa mara ya pili. Kama jambo kama hili linaweza kufanyika pahali, pahali hapo hapana Serikali! Serikali inajulikana

kwa nguvu zake. Serikali ambayo haiwezi kutumia nguvu zake haiwezi kusema ipo!

Bw. Naibu Spika wa Muda, katika eneo langu, majambazi wanajulikana. Kuna wakati walisaka magari kwa muda wa saa tatu; kutoka 8.00 p.m., hadi 11.00 p.m. Walipanga magari haya kando ya barabara kana kwamba hakuna Serikali. Walifanya hiyo kazi yao mpaka wakaimaliza na wakaondoka. Huwezi kuwaambia watu wa Subukia kwamba Serikali imeshindwa kuwapa usalama. Ningependa kusema kwamba usalama ni haki ya watu wa Subukia na watu wa Kenya nzima, wala si hisani ambayo tunaweza kupewa au kunyimwa. Ningetaka kusema kwamba wakati mwingine, sisi hukosa kupewa huduma hii kwa sababu hatuna Waziri katika Serikali anayetoka Subukia. Kama tungekuwa na Waziri anayetoka sehemu hiyo, mambo yangekuwa tofauti. Kila eneo la Bunge katika nchi hii haliwezi kuwa na Waziri katika Serikali. Wale wanaoishi katika eneo letu hulipa kodi. Ni lazima wapewe usalama. Hawawezi kunyimwa usalama kwa sababu hawana viongozi katika ofisi kubwa. Serikali ni lazima ijue kwamba inatupora, inatutapeli, inatupunja na kutunyanyasa. Ninasema hivi kwasababu hakuna mtu mwingine aliye na jukumu la kutupa usalama isipokuwa Serikali. Hiyo ni kazi ambayo tunaitolea kodi. Tunatoa pesa za kodi ili tupewe usalama. Usalama ukikosekana, Serikali itakuwa inatupunja na kutukosea. Hatuwezi tena kusema majambazi ndio walio na shida peke yao. Tunaamini kuwa unyonge wa Serikali ni moja ya sababu sehemu yetu imekosa usalama.

Si lazima niulize Swali hapa Bungeni ili watu wa Subukia, na Wakenya kwa jumla, wawe na usalama. Jukumu moja kubwa la Serikali ni kuwapa watu usalama. Kama Serikali haiwezi kuwapa watu usalama, inafaa kuacha kukusanya kodi au ijiuzulu ili Serikali nyingine ichukue mamlaka na kutupa usalama! Wakati mwingine yaonekana kwamba matatizo hayawezi kutatuliwa. Tumekuja hapa Bungeni, tumepiga magoti na kuomba matatizo yatatuliwe. Kama si kazi ya Serikali kutatua matatizo ya wananchi, kazi yake nyingine ni gani? Serikali itasema ina kazi nyingine gani kama si kutoa huduma? Kuuliza Maswali kwa Wabunge ni kujaribu kuwasaidia Wakenya. Lakini, hakuwezi kuwa ndiko tegemeo la wananchi. Wakati mwingine tunapouliza Maswali hapa, matokeo huwa ni ubishi mtupu.

Jambo lingine ni kwamba ningependa kuiomba Serikali isichukue kilio chetu kama sauti ya vyura inayosemekana kwamba haiwazuii ngo'mbe kunywa maji. Sauti ya vyura wa Subukia inaweza kumzuia ngo'mbe aitwaye NARC kunywa maji! Tusipopata huduma hii, wakati Serikali itakapokuja kwetu, tunajua tutakachofanya. Tunaomba mambo yasifike kiwango hicho.

Tunaomba tupewe polisi ambao watatoka katika makabila yote.

**The Minister for Health** (Mrs. Ngilu): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor has just finished giving his contribution. However, I wanted to know if it is in order for him to refer to the Government as *ngo'mbe*. How can a Government be like a *ngo'mbe*?

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, kuna kitu kinachoitwa "methali". Methali haichukuliwi kikawaida. Methali niliyoitumia husema, "sauti ya vyura haiwazuii ngo'mbe kunywa maji." Hofu yangu ni kwamba Serikali ya NARC pengine inafikiria kutumia methali hii kwetu. Pengine Serikali ya NARC inataka kutuambia, "Nyinyi pigeni kelele, na mtakuja kukoma." Ninaionya isifikirie kufanya hivyo, kwa sababu vyura walio Subukia ndio walio katika kila sehemu ya nchi hii. Wanaweza kumzuia ngo'mbe kunywa maji.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the question of lack of security in Subukia is the situation across the entire country. It is a matter of extreme worry. Very few Kenyans are able to have a good night's sleep because of worry about security.

Mr. Temporary Deputy Speaker, Sir, let us be honest that *wananchi* are angry when they hear that there are Ministers with upwards of 15 police officers when they do not have security. In fact, personnel in police stations are being depleted as most officers look after a few of us! I urge the Government to re-think the issue of security.

The Departmental Committee on the Administration of Justice and Legal Affairs had a chance to summon the Commissioner of Police; Maj-Gen. Ali. What he said to us was horrifying! When we questioned him about the dismissal of 57 senior police officers, he said that if we want him to restore security in this country, he needs to be given a go-ahead to dismiss at least 50 per cent of the entire police force!

*(Applause)*

The balance of 50 per cent should be re-trained because a majority of the them, the officers who should be providing security in divisions, are in cahoots with robbers. They share in what robbers steal. We, therefore, need to give him a free hand.

I commend the current Commissioner of Police for his discipline. He is trying! However, he needs to be given adequate funding and, above all, a free hand to restructure the entire police force, especially by sending home those who must go home. The issue of security has nothing to do with compassion; *eti ni mtu wetu! Hiyo tusahau!* Let us give him a free hand to streamline and retrain the police force. In fact, the first priority of any government is the security of its people. When you sit at home at 8.00 p.m. and your wife is still outside, you start worrying and telephoning her. When the mobile says: "*Mteja hapatikani*", you do not even concentrate on anything, because you do not know what may happen to her. This is an issue that requires very urgent attention. This Government should prioritise the early restoration of security. It is true that it may be trying but 95 per cent of security work remains to be done. We know that the police now have new vehicles. However, we should give the new Commissioner of Police a free hand to completely restructure the police force, and see whether *usalama* will return to this country.

Where there are outrageous issues like Subukia, why does the police and the Government not come up with a proactive policy? They could take the General Service Unit (GSU) there for a couple of months to wipe out crime and investigate the Officer Commanding Police Division (OCPD). This is because where nothing is happening, and robbers are the ones in charge, there is somebody senior somewhere, either the OCPD or Officer Commanding Police Station (OCS), working in cahoots with robbers.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): We will take an example from Mr. Muite. People should contribute for three minutes, so that we can have two more people before we call upon the Assistant Minister to do his bit.

**Mr. Kimathi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to something that I am an authority in. The Government can borrow a leaf from me!

It is very disturbing that this country is the only one in the commonwealth that arrests police officers for doing good work. We want police officers to work in conjunction with other uniformed men and women, including the Provincial Administration officers, who are part of the security network everywhere in Kenya. There are no two ways about this issue! We, leaders, must stop being selfish. The police officers work for 24 hours in a day despite the little salary they earn. I commend the NARC Government for increasing their salaries. However, money is not the only issue. I object to the arbitrary arrest and dismissal of police officers in the name of restructuring the police force. Being an authority in security matters, I must advise. If we fill up this country with trained combatants, who are jobless, we will make Kenya look like Baghdad. We have seen what happened in the Judiciary. Nobody is an angel. When Jesus said:-

"Let the one among you, who is without sin be he first to throw a stone at her. Again, he bent down and wrote on the ground. And in response, they went away one by one, beginning with the elders. So, he was left alone with the woman before

him."

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order, hon. Members! You know, each hon. Member has only three minutes to contribute to this debate. So, let us have very few interruptions.

**Mr. Kimathi:** Mr. Temporary Deputy Speaker, Sir, I would like everybody, including those in the Government, to understand that there is insecurity in Kisumu and in the North Eastern Province. The other day, North Eastern Province was attacked by people from Ethiopia. We should have demonstrated our security might. The Government should have deployed security officers there to assist the people.

I would like to correct my brother, Mr. Wamwere. Even if one is killed outside a military barrack, I would like to assure him that Kenya Army personnel cannot touch a Kenyan. The Army is an external defence force. They are not supposed to touch Kenyans. Under the United Nations (UN) charter, the Army is an external defender of the country. The Administration Police, the General Service Unit, the Kenya Police, and all other domestic forces can protect us.

We do not need to sack police officers. The Commissioner of Police is only one. He cannot work like God. He cannot be everywhere. We cover the---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Kimathi! Your time is up!

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Mrs. Kihara, you have only three minutes and then I will call upon the Government responder to reply.

**Mrs. Kihara:** Mr. Temporary Deputy Speaker, Sir, it is evident that there are so many illegal firearms in the wrong hands in this country. First of all, I would like to thank the Government, particularly the Commissioner of Police, for upgrading Naivasha to a police division. We now have an Officer Commanding Police Division (OCPD). However, the division is still understaffed, and there is little they can do. Also, there are police stations which do not have vehicles. Therefore, the question of police patrols is not there, and the Government should look into this issue.

Crime is so rampant in Naivasha. Crimes are committed all the time and all over. So, the Government has to wake up and upgrade every police station. We have a full police station at Mai Mahiu, which, again, has become very bad. The Government should look into the issue of illegal firearms and work out on how to arrest people in possession of the firearms and confiscate them.

With those remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, it is now time for the Government responder to reply.

Mr. Assistant Minister, you have five minutes!

**The Assistant Minister, Office of the President** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I would like to donate one minute to Ms. Mwau. I will also donate one minute to my favourite hon. Member, Mr. Kalembe Ndile and then, I will continue.

**Ms. Mwau:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank Mr. Mungatana for giving me one minute.

Mr. Temporary Deputy Speaker, Sir, insecurity in this country is affecting women much more than men. In every robbery that is perpetrated, a woman is afraid of being raped. We read in the newspapers, everyday, about children, grandmothers and mothers being raped. If you are

carjacked and your car is taken away, you will be left for dead after being raped. So, the Government must take urgent measures to ensure that women are protected. The police force needs to be checked because it is causing insecurity. The other day, they saved a girl and raped her while in police custody. Everyday, we read about girls and mothers who are raped. I am supporting this Motion but, remember, insecurity has a gender perspective.

**Mr. Ndile:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii. Hili ni jambo muhimu sana na linapaswa kujadiliwa. Serikali hii imejaribu sana na imenunua magari mapya aina ya Toyota Land Cruiser, ambayo yanaweza kufanya kazi vizuri. Hapo mbeleni, kulikuwa na magari aina ya Mahindra na polisi walikuwa hawawezi kufuata wezi. Lakini sasa, nashindwa ni kwa nini bado kuna hiyo shida. Sisi kama nchi lazima tuige mfano wa wenzetu. Ukienda katika nchi ya Uganda, hakuna vizuizi barabarani. Mimi ni mtu wa chini na huwa naonega na watu. Ukienda kwetu, utapata kwamba kutoka uwanja wa ndege wa Jomo Kenyatta hadi Kibwezi, kuna vizuizi barabarani zaidi ya ishirini. Unashindwa hao polisi wanafanya nini! Hapo mbeleni, kuna polisi mmoja alikuja kwangu akaniambia: "Nataka unisaidie kuingia Traffic Police." Kwa nini wanataka wasaidiwe? Kuna wakati walikuwa wanalipa Kshs120,000 kuingia Traffic Police. Kwa hivyo, ni lazima watu wetu wachunguzwe. Wakati mwingine, wanawaacha wezi na kukimbizana na wenye kusafirisha makaa.

Kwa hayo machache, naunga mkono.

**The Temporary Deputy Speaker (Mr. Khamasi):** Mr. Mungatana, you have two and a half minutes!

**The Assistant Minister, Office of the President (Mr. Mungatana):** Mr. Temporary Deputy Speaker, Sir, first, I would like to state that I share with this House the sentiments that have been expressed. I would not be the first person to stand here and say that the Government has eradicated insecurity in this country. But, I would be the first person to say that, in as much as I admit that we still have a problem, the current Government has put in various measures, some of which are basically structural. Structural measures take time to yield results. There are so many issues which have been raised today, reflecting the mood of the people within the country. But because of time constraint, I would not be able to say everything here. I propose, and that is in our plans, that we should have a retreat to discuss the question of security and also brief Members of all the things that we are doing, and welcome diverse opinions on what we need to put in place to make this country a better place.

Mr. Temporary Deputy Speaker, Sir, as for Mr. Wamwere, I can give him my personal assurance. We will sit down with him and put in place immediate measures to improve the situation in Subukia. Our Government is committed to making this country a secure place. We are restricted by the fact that we do not have sufficient finances, but we are determined to win this war! We shall win it no matter what happens!

*(Applause)*

## ADJOURNMENT

**The Temporary Deputy Speaker (Mr. Khamasi):** Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 9th November, 2004, at 2.30 p.m.

The House rose at 7.00 p.m.