

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 5th August, 2004

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the official visit by the Departmental Committee on Administration, National Security and Local Authorities visit to the United States of America (USA) in June, 2004.

(By Mr. Mwenje)

The Report of the Official Visit by the Departmental Committee on Defence and Foreign Relations to the countries in the Great Lakes Region; the Democratic Republic of Congo, Tanzania, Rwanda and Burundi on 2nd June, 2004 to 14th June, 2004.

(By Mr. G.G. Kariuki)

The Annual Report and Accounts of South Nyanza Sugar Company Limited for the year ended 30th June, 2000, and the certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of South Nyanza Sugar Company Limited for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

The Annual Report and Accounts of the Tea Research Foundation of Kenya for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Roads and
Public Works (Mr. Raila) on behalf
of the Minister for Agriculture)*

NOTICES OF MOTIONS

ADOPTION OF ADMINISTRATION\
NATIONAL SECURITY COMMITTEE'S
US VISIT REPORT

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

THAT, this House adopts the Report of the official visit by the Departmental

Committee on Administration, National Security and Local Authorities to the United States of America laid on the Table of the House on 5.8.2004.

ADOPTION OF DEFENCE/
FOREIGN RELATIONS COMMITTEE'S
GREAT LAKES VISIT REPORT

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

THAT, this House adopts the Report of the official visit by the Departmental Committee on Defence and Foreign Relations to countries within the Great Lakes Region; the Democratic Republic of Congo, Tanzania, Rwanda and Burundi, laid on the Table of the House on 5.8.2004.

ORAL ANSWERS TO QUESTIONS

Question No.046

DISMISSAL OF CHIEF SIMON NJOROGI

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

- (a) under what circumstances Chief Simon R. Njoroge was dismissed from duty on 25th January, 2001; and,
- (b) if he could consider reinstating him.

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

(a) Chief Simon R. Njoroge was dismissed from duty on 1st March, 2001, on grounds of gross misconduct. He appealed to the Ministerial Advisory Committee which on 28th March, 2002, upheld the decision to retire him in public interest.

(b) Chief Simon R. Njoroge has the liberty to appeal to the Public Service Commission (PSC), for a review of his case. My Ministry will intercede with the PSC so that, if he so wishes, he can appeal even out of time.

Mr. Wamwere: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for the answer which is an improvement of the earlier one. It is my belief that the Government has the power to redress past injustices and not to confirm them. Having said that, and given that the Assistant Minister has agreed to assist Chief Njoroge in seeking justice, could the Chair permit me to lay some documents on the Table; documents that will help the Assistant Minister in helping Chief Njoroge get justice?

Mr. Deputy Speaker: Mr. Wamwere, the Assistant Minister has said that if the application is received, the office will assist. Now, would you rather not give those documents to him rather than lay them on the table? My advice is that you give him those papers so that he can see how to assist Chief Njoroge.

Mr. Wamwere: Mr. Deputy Speaker, Sir, I want to lay them on the Table just in case anything goes wrong later.

Mr. Deputy Speaker: Very well! Go ahead!

(Mr. Wamwere laid the

documents on the Table)

Next Question, Mr. J.M. Mutiso!

Question No.683

PROMOTION OF "A" LEVEL
TRAINED PI TEACHERS

Mr. J.M. Mutiso asked the Minister for Education, Science and Technology:-

- (a) if he is aware that the Teachers Service Commission (TSC) is planning to promote "A" level trained PI teachers to ATS IV status, which is three grades lower than their untrained counterparts; and,
- (b) if he could assure the House that fairness will be observed in the promotion of "A" level trained PI teachers.

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

(a) I am aware that the Teachers Service Commission (TSC) has promoted "A" level trained teachers to Approved Teachers Scale (ATS) IV, with effect from July, 2003. The teachers who were considered must have passed with one principal and one subsidiary in a science subject and primary two subsidiaries in humanity subjects at "A" level. The subsidiaries, however, exclude the general paper in both cases.

(b) It is not true that TSC has promoted P1 with "A" level three grades lower than their untrained teachers with "A" level counterparts. Untrained teachers with "A" level were graded to S1 in 1996 after in-service training and, thereafter, joined the scheme of service for non-graduate teachers at ATS III status. That is because the S1 grade was abolished. On the other hand, P1 teachers with "A" level were promoted to ATS IV status, in accordance with the existing scheme of service for non-graduate teachers with effect from 1st July, 2003. As such, in terms of their current level, they are lower because they entered the scheme later. The Ministry has ensured fairness in the promotion of those teachers by observing the following:-

All the teachers who met the minimum qualifications as stated above have been promoted. Some of those teachers were also considered for promotion under other categories of teachers. Those categories include long serving teachers whose service exceeded 15 years; those who attended the Satisfactory Completed Teachers Promotion Course (TPC).

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, first of all, let me thank the Assistant Minister for giving a fairly lengthy good answer. The problem of "A" level teachers lies in a very narrow compass. We have "A" level P1 trained teachers and untrained "A" level teachers who were promoted after attending a two-week in-service course. The same teachers were in the same class at "A" level but, later on, after some of them served for two years, the others had the benefit of being untrained teachers. Could the Minister tell this House why the "A" level untrained teachers who went for a two-week in-service course were promoted to ATS1, whereas those who had been trained as P1 "A" level teachers - they trained for two years in college and served on the job for 15 years - were left out by being promoted to ATS4, which is three grades lower?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I answered this Question yesterday and also last week. I do not know how it has found its way on the Order Paper again. But let me add the same thing that I said yesterday. We recognise and admit that there was an anomaly. That happened even before the NARC Government.

An hon. Member: No!

Mrs. Mugo: Yes! We have now promoted those teachers according to the scheme of service. I really wish it was possible to promote them three grades above, to where some of their counterparts are now. But due to constraints of resources, it is not possible to do all those promotions at one go. But we are looking at the scheme to see where those teachers could benefit. We will, as quickly as possible, according to the scheme, promote them to the desired grades.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, I am sure the Assistant Minister did not get the question properly. Mr. J. M. Mutiso explained that there were two people in one class. They did "A" level exams and one went to college to train as a P1 teacher. He trained for two years. The other one was simply employed as untrained teachers and they started teaching together. The untrained teacher was taken for a two-week in-service course and became an S1. The P1 "A" level teacher who trained for two years remains a P1 up to today. The untrained teacher now, as we are talking, is an approved graduate 1, equivalent to somebody with a masters' degree, earning a salary equivalent to that grade. The other one is still a P1 who is promoted along tribal---

Mr. Deputy Speaker: I think that is enough. Now ask the question.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, now that she has got the background, my question is: What plans does the Ministry have to promote the P1 "A" level teacher to be on the same level with the untrained "A" level teacher, salarywise?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I got the question by the Questioner. In fact, I have discussed that matter with him very many times. That is a problem we found in the Ministry.

An hon. Member: No!

Mrs. Mugo: Yes! It happened and we are solving it. The fact is that we are solving a mistake that happened. It is an anomaly. It happened when the freezing of promotions took place. When that freezing took place, teachers were not promoted for many years. But, somehow, because of the wisdom of the Minister who was there at that time, whatever policy---

An hon. Member: It was you!

Mrs. Mugo: No! No! That was long before---

Mr. Deputy Speaker: Madam Assistant Minister, please, address the Chair! Stop addressing the other side.

Mrs. Mugo: Mr. Deputy Speaker, Sir, we know the tricks. Those terms of service came in 1998. Since then, a lot of things happened. Promotions never used to take place. To solve that problem which is not of our making, we have promoted all P1 teachers with effect from 1st July, 2003. We also have a scheme of service in place. We shall use it to promote more teachers. Now, it will be fair because we will use the scheme of service which has been established. Had that been used by the past managers, we would not be in that problem. But now, we are solving it.

Mr. Deputy Speaker: Hon. Members, I know that this Question is important. But I believe that the last Questioner has put it so well and we are pressed for time. So, I will go to the last question by Mr. J. M. Mutiso.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, now that the Assistant Minister has admitted that there is an anomaly, we are only talking about the affected 2,384 teachers, out of a total of 91,554 teachers. If you look at 2,384 teachers and 91,554 teachers, that is a very negligible number. Could the Assistant Minister undertake to give a time-frame when that anomaly will be addressed?

Mrs. Mugo: Mr. Deputy Speaker, Sir, as I said, we are addressing the problem already. But that will depend on the Budget as we go on. If the resources are available, even in the Supplementary Budget, and this House votes in such sums, the Ministry is willing to correct the anomaly.

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

Mr. Deputy Speaker: No! What is our of order, Mr. Angwenyi?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Assistant Minister has said: "If funds are available!" Could I be in order to tell the Assistant Minister that, if they do not address that issue, we will not pass their Budget?

Mr. Deputy Speaker: Certainly, that is out of order!

Question No.644

RELEASE OF FUNDS TO MOSOP UNDER
DISTRICT ROADS COMMITTEE

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

(a) whether he could inform the House how much money has been released to Mosop Constituency under the District Roads Committee, 16 per cent, for the years 2000, 2001, 2002, and 2003;

(b) whether he could state the roads repaired in each of the years, stating for each road the following:-

- the type of repair;

- the contractor who did the job;

- how much was paid for the job; and,

(c) whether he could give the names of the engineers and the titles of the officers who certified each of the contracts for payments.

The Minister for Roads and Public Works (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The money released to Mosop Constituency under the District Roads Committee (DRC), that is, 16 per cent for the years 2000, 2001, 2002 and 2003, is as follows:- For financial year 2000/2001, the money released was Kshs1,650,988.24; 2001/2002, Kshs6.5 million while for 2002/2003 it was Kshs4 million.

(b) For the roads repaired for each year, type of repairs, amount paid for the works and name of contractor, I have given a list. It is a very long one but I have given the breakdown; the financial year, names of the roads, the activity done on the roads, cost and the name of contractors.

Mr. Deputy Speaker: Lay it on the Table.

The Minister for Roads and Public Works (Mr. Raila): I will lay it on the Table, Mr. Deputy Speaker, Sir. The Question still continues.

(c) The Ministry of Roads and Public Works officers certified the payments and have given the 2001 Districts Roads Officer as Mr. W. Masika, District Road Engineer as Mr. R.K. Bett and for 2003; the District Roads Officer as Mr. Otula, the District Roads Engineer as Mr. D.A. Odek and District Works Officers as Mr. R.K. Bett and Eng. Kazenzi.

Thank you.

(Mr. Raila laid the document on the Table)

Mr. Sambu: Mr. Deputy Speaker, Sir, when we passed the Kenya Roads Board Act, Section 17 intended to ensure that there are two agencies; the DRC and the KWS. When we made the Act, we intended that the DRC, by the third year which should be now, should have its own engineer and accountant. Now, the Ministry has allowed the DREs to use the DRC money for running their offices. For example, in the fiscal year that has just ended; 2003/2004, in my

constituency they have used Kshs1.4 million and in Mr. Tarus' constituency, Emgwen, Kshs1.7 million which adds up to Kshs3.1 million. What action will the Minister take to make sure that the spirit of the DRC is as was intended when the Act was passed here; that the DRC is independent from the Ministry of Roads and Public Works? The Ministry controls the "C", "B" and "A" roads.

Mr. Raila: Mr. Deputy Speaker, Sir, I agree with the hon. Member of Parliament that the DRCs are supposed to be independent and the Ministry does not intend to interfere. However, the hon. Member knows that most of DRCs do not have the capacity and that is the reason why our officers offer professional assistance to them. However, the DRCs are supposed to, themselves, be fully in charge and if an officer is found to have misappropriated funds of the Committee, the DRC members are free to inform the Ministry and action will be taken.

Mr. Deputy Speaker: Mr. Bifwoli and then lastly Mr. Sambu.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, you heard the Minister saying that DRCs are not under the Ministry yet they are the ones in charge. This is because they are the ones to award tenders and pay. What plans does he have or is he going to write a circular letter telling these officers to stay away and give technical advice as he has said?

Mr. Raila: Mr. Deputy Speaker, Sir, I have said very clearly that the DRCs are supposed to be independent. They are supposed to take action against any errant officer of the Ministry and inform the Ministry so that action can be taken. What we are saying is that a number of DRCs, up to now, have not developed the technical capacity to do the work themselves without assistance from the Ministry's staff.

Mr. Deputy Speaker: Last question, Mr. Sambu!

Mr. Sambu: Mr. Deputy Speaker, Sir, first of all, may I inform the Minister that these roads which were purported to have been done in all those years have not been done. We saw a grader in Nandi North District for the first time this year when I said that no money would be spend unless it was over my dead body. That is when the grader came!

An hon. Member: Is it?

Mr. Sambu: Yes, it is as serious as that, Mr. Deputy Speaker, Sir. This is because people believe that hon. Members of Parliament control the money yet it is not so. I am, therefore, informing the Minister that all these roads have not been done and I am asking him to send the Anti-Corruption Police Unit to Nandi North District so that we go over the roads and arrest the culprits. However, my question is this: Will the Minister now allow the DRCs; not only those found in Nandi, but all the DRCs to engage engineers and accountants? As I have told you in Nandi they have spent Kshs3 million. Will he allow the engagement of an engineer and an accountant for the DRCs?

Mr. Raila: Mr. Deputy Speaker, Sir, we have opened an account based on what the hon. Member is suggesting. However, the House may wish to also know that in the financial year 2002/2003, a total expenditure of Kshs1,800,510 was incurred against an allocation of Kshs4 million. The balance of Kshs2.1 million was surrendered to the Ministry's Headquarters as unspent funds due to the fact the area hon. Member of Parliament failed to approve implementation of works programme until May 2003.

(Loud consultations)

Mr. Deputy Speaker, Sir, there are usually heavy rains during that month in Nandi and, therefore, it is not possible to spend that money and it was returned to the Ministry's Headquarters.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to create an impression that I refused to allow my roads to be done when, in fact, the DWO, Mr. Kazenzi and

even the current one, Mr. Odek, have refused to take or read minutes of the DRC? Mr. Tarus is the Chairman; he can verify!

Mr. Deputy Speaker: Order, Mr. Sambu! You are on a point of order!

Mr. Sambu: Mr. Deputy Speaker, Sir, is he in order?

Mr. Raila: Mr. Deputy Speaker, Sir, I am talking about his constituency and not Mr. Tarus! I am saying that we gave Kshs4 million for his constituency and over Kshs2 million was returned to the Ministry because he refused to authorise expenditure of that money.

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

Mr. Deputy Speaker: Order, hon. Members! This cannot go beyond that!
Next Question, Prof. Mango!

(Mr. Kosgey stood up in his place)

What is it?

Mr. Kosgey: On a point of order, Mr. Deputy Speaker, Sir. We all know that the Ministry of Roads and Public Works officers on the ground award themselves the jobs, supervise and pay themselves.

(Applause)

Is it in order for the Minister to insist that the hon. Member of Parliament did not identify the roads when the situation on the ground is otherwise? Those officers steal in day light!

Mr. Raila: Mr. Deputy Speaker, Sir, I, in fact, informed the hon. Member here at a *Kamukunji* that if any officer is seen or found in the district misappropriating funds, reports should be sent to my Ministry.

To this moment in time as I am speaking here, I have not received any information from Mr. Sambu or Mr. Kosgey about any officer misappropriating funds.

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

Mr. Deputy Speaker: Order, hon. Members!

Mr. Sambu: There is a letter we have written with Mr. Tarus!

Mr. Speaker: Order! Order, hon. Members! I believe that the Question has been dealt with. Such issues can also be discussed later with the Minister.

Next Question, Prof. Mango!

Question No.584

VANDALIZATION OF SOLAR PANELS
IN BUMALA HEALTH CENTRES

Prof. Mango asked the Minister for Health:-

(a) whether she is aware that solar panels installed in both Khunyangu Sub-District

Hospital and Bumala B Health Centre have been vandalized;

(b) whether she is further aware that the maternity wards in both facilities have been functioning without water since the vandalization of the solar panels; and,

(c) what urgent measures she is taking to ensure the restoration of the service.

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

(a) I am aware that solar panels at Bumala B Health Centre were vandalized. The Ministry is yet to receive investigation report by the police. Solar panels are available at Khunyangu Sub-District Hospital, but not in good condition due to a defective mortar.

(b) I am aware that the maternity wards at both Khunyangu Sub-District Hospital and Bumala B Health Centre have not been functioning as water is drawn manually from an institutional borehole nearby. In case of emergencies, patients are referred to Bumala Mission Hospital or Busia District Hospital for further management. An ambulance is also available whenever there is need.

(c) Maternity functions are being offered at Bumala B Health Centre and Khunyangu Sub-District Hospital, respectively. Meanwhile, the Ministry has set aside Kshs165,000 in the current financial year so as to rehabilitate the solar panels at Bumala B Health Centre. At Khunyungu Sub-District Hospital, a Non-Governmental Organisation (NGO), namely, Amkeni, has installed a new pump. Also, the reservoir tank is in the process of being repaired by the same organisation.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, could you consult in low tones?

Prof. Mango: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer he has given. However, the solar panels in question were stolen about five years ago. The Assistant Minister has told the House that the police are investigating the theft. Is he not misleading the House by implying that the police have been investigating the case for five years but, up to now, they have not managed to apprehended the thieves? How soon do we expect the police to apprehended the thieves and charge them with the theft?

Mr. Konchella: Mr. Deputy Speaker, Sir, the first set of solar panels was stolen in October, 1995, and the others were stolen on 19th May, 2003. I would ask the hon. Member to direct the question of the stolen solar panels to the Office of the President, which will deal with it faster than the Ministry of Health.

Mr. Muriithi: Mr. Deputy Speaker, Sir, I think the question of apprehension does not arise at this point in time. Nyeri Provincial General Hospital does not have a theatre or an intensive care unit. When is the Assistant Minister going to raise funds to repair hospital facilities that have been run down?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Ministry of Health can only operate within the available funds voted for it by this House. However, I would like to advise the hon. Member to ensure that the Hospital Management Board prioritises the requirements of the hospital and forwards them to the Ministry, so that we can include them in our annual budget under either the Short-Term Expenditure Framework or the Long-Term Expenditure Framework.

Prof. Mango: Mr. Deputy Speaker, Sir, I think the Assistant Minister is not serious. First of all, he said that the solar panels had broken down due to a defective mortar and that the people can draw water manually from the borehole with buckets. This health centre is supposed to have piped water. It is operating a maternity ward. Is he really being fair to the people of Butula? Secondly, the ambulance he has mentioned has broken down, and whenever it carries a patient, that patient is charged Kshs1,000.

Mr. Deputy Speaker: Could you ask your question, professor?

Prof. Mango: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the ambulance he has referred to is broken down?

Mr. Konchella: Mr. Deputy Speaker, Sir, I am not aware. However, the hon. Member knows that her area is covered by a number of referral health facilities, which are very close to the health centres in question. So, the health centre and sub-district hospital can get ambulance services from Bumula Mission Hospital, Mumias Mission Hospital or Busia District Hospital, which are nearby.

Mr. Deputy Speaker: Hon. Members, Mr. Keter had agreed with the Minister that Question No.154 be deferred, generally. So, the Question is deferred.

Question No.154

IRREGULAR ALLOCATION OF
KERICHO DISTRICT HOSPITAL LAND

(Question deferred)

Next Question, Mr. Wario!

Question No. 296

SAFETY OF LIVESTOCK AT
TERMINAL MARKETS

Mr. Wario asked the Minister for Livestock and Fisheries Development:-

(a) what policy measures he is taking to address safety of livestock for trade and disease control at our terminal markets; and,

(b) when resting grounds for cattle will be provided at all terminal markets.

The Assistant Minister for Livestock and Fisheries Development (Dr. Wekesa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) To ensure safety of traders' livestock and disease control in terminal markets, the Ministry intends to rehabilitate two livestock holding grounds, namely, Livestock Terminal Markets in Kibiko, Nairobi, and Miritini, Mombasa. To support these holding grounds in disease control and management, the Ministry also intends to rehabilitate three livestock quarantine stations in Isiolo, Tana River and Taita-Taveta Districts. This will ensure that only disease-free livestock is sold in these markets, while safety is guaranteed.

(b) My Ministry will continue to carry out awareness and public education on the importance of livestock movement control, disease spread and use of livestock holding grounds, and quarantine facilities in managing disease at the terminal markets. The resting grounds and routes to the terminal markets, including water pumps, are in a very poor state, and need to be rehabilitated. My Ministry, therefore, intends to carry out these activities through the ASAL-based Livestock Development Support Programme, which is expected to commence this financial year, beginning September, 2004. It is also expected that the rehabilitation of these facilities will be completed within the next three years.

Mr. Wario: Mr. Deputy Speaker, Sir, I have been to Kibiko and Miritini. These are not terminal markets; they are holding grounds. There is no stock route or holding ground that is

operational today. However, we are selling our livestock in Njiru and Kiamaiko in Nairobi, and Uwanja wa Ndege in Mombasa. My question is not about revival of stock routes and holding grounds, but rather about the expansion of terminal markets. What is he doing about the expansion of terminal markets?

Dr. Wekesa: Mr. Deputy Speaker, Sir, as I have said, the Ministry intends to rehabilitate the holding grounds from September this year. Funds are available and we are only waiting for the staff to be on the ground.

Mr. ole Metito: Mr. Deputy Speaker, Sir, when will the Ministry repossess holding grounds countrywide that were grabbed by individuals during the previous regime?

Dr. Wekesa: Mr. Deputy Speaker, Sir, the issue of repossessing holding grounds that were used by the Veterinary Department and grabbed land, in general, in this Republic involves the Ministry of Lands and Housing. It is not a simple matter. Currently, we are not looking at the issue of repossessing holding grounds. However, we intend to find alternative grounds and use the ALDP money to make sure that the livestock traders and their livestock are properly handled.

Mr. Boit: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member who asked a question said that there are people who grabbed land. I want to challenge him to table the names here right now. He knows them and he has said that people grabbed land. Could he table the names?

Mr. Deputy Speaker: Did Mr. ole Metito specifically say that there are people who grabbed land?

Hon. Members: Yes!

Mr. Deputy Speaker: What do you have to say, Mr. ole Metito?

Mr. ole Metito: Mr. Deputy Speaker, Sir, land grabbing in this country, especially during the last regime, is an obvious case.

Mr. Boit: Can he substantiate?

Mr. ole Metito: Mr. Deputy Speaker, Sir, I do not think I need to substantiate the obvious.

Mr. Wario: Mr. Deputy Speaker, Sir, in (b), the question was: "When will resting grounds be provided at all terminal markets for cattle?" The Assistant Minister is talking about the ASAL Livestock Development Project (ALDP), which does not exist. How can an ASAL project which is in the producer area benefit the terminal markets in Nairobi and Mombasa?

Dr. Wekesa: Mr. Deputy Speaker, Sir, this ASAL Programme targets 22 districts in this Republic, and most districts in the Coast Province will benefit. Therefore, Mombasa is catered for. I want to inform all hon. Members from the ASAL districts that the Ministry is taking this issue very seriously. We will make sure that the ALDP money will be used properly to rehabilitate these facilities.

Mr. Billow: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered the question, and it is very important. Is he in order to say that Mombasa is in an ASAL area? The question is: When will resting grounds be provided for Mombasa and Nairobi? These are not in the ASAL areas. Could he, please, answer the question?

Dr. Wekesa: Mr. Deputy Speaker, Sir, I do not want to repeat myself, but for clarity, I want to state very clearly that part of these funds will be used to rehabilitate the Mombasa and Nairobi terminal markets. In fact, these are the major terminal markets that we have in the country. We may have to establish other terminal markets.

Mr. Deputy Speaker: Hon. Members, let us now move to Questions by Private Notice. We are pressed for time and, therefore, we have to move very fast. I do not know whether we will finish our business today.

QUESTIONS BY PRIVATE NOTICE

DEATH OF MR. MICHAEL KITHUKA MUTUNGI

Mr. Ndile: Bw. Naibu Spika, ninaomba kumuuliza Waziri Katika Ofisi ya Rais Swali Maalum lifuatalo.

(a) Je, Waziri anajua ya kwamba Bwana Michael Kithuka Mutungi alishikwa na kujeruhiwa na maafisa wa Huduma ya Wanyama wa Pori (KWS) mnamo tarehe 26 Aprili, 2004, kabla ya kupelekwa kwenye kituo cha polisi cha Kibwezi?

(b) Waziri anafahamu pia kwamba mnamo tarehe 5 Mei, 2004, mhathiriwa huyo alilalamika kuwa alikuwa mgonjwa?

(c) Waziri anaelewa kuwa mnamo tarehe 9 Mei, 2004, Bwana Kithuka alifariki katika kituo hicho cha polisi?

(d) Ni nini kilisababisha kifo cha mtu huyo?

The Assistant Minister, Office of the President (Prof. Kibwana): Bw. Naibu Spika, ninaomba kujibu.

(a) Ndio, ninafahamu kwamba Bw. Michael Kithuka Mutungi alishikwa na maafisa wawili wa Huduma ya Wanyama wa Pori mnamo tarehe 26, Aprili, 2004, huko Chyulu National Park. Alipelekwa katika kituo cha polisi cha Kibwezi.

(b) Ndio, ninafahamu kwamba mhathiriwa huyo alilalamika kwamba hakuwa anajisikia vizuri na hakupelekwa hospitalini mara moja. Hatua ya nidhamu ilichukuliwa kwa maafisa wote waliokuwa kazini tarehe 5 Mei, 2004, na mkuu wa kituo hicho cha polisi kwa kukosa kuchukua hatua ya haraka.

(c) Ndio, ninafahamu kuwa tarehe 9 Mei, saa kumi na dakika thelathini na tano, mhathiriwa alipelekwa katika hospitali ya Makindu akiwa mahututi ambapo alifariki saa kumi na moja.

(d) Kulingana na upasuaji wa maiti ya marehemu, kifo chake kilisababishwa na kujeruhiwa kichwani na shingo. Uchunguzi bado unaendelea ndio tuweze kujua ni nani alihusika na hayo majeraha.

Mr. Ndile: Bw. Naibu Spika, ninamshukuru Waziri Msaidizi kwa hilo jibu lake. Lakini amesema kuwa walipofanya uchunguzi, waligundua kuwa Bw. Kithuka alikufa kutokana na majeraha ya kichwa na shingo. Bw. Kithuka hakuwa na shamba. Alikuwa anachuchumaa tu katika eneo hilo. Alishikwa kule Chyulu akikata miraa na maafisa wa Huduma ya Wanyama wa Pori. Maafisa hao walimwambia kwamba walikuwa wamemkamata mara nyingi na kumwonya. Walimpiga kwa kutotii maagizo yao. Waziri Msaidizi amesema kuwa ni watu wawili ambao walimua marehemu Kithuka. Ni uchunguzi upi mwingine Waziri Msaidizi anataka kufanya isipokuwa kutoa amri watu hao washikwe au aturuhusu sisi, Wakamba, tuwashike? Tuko na mishale ya sumu na tunaweza kuwanasa.

Prof. Kibwana: Bw. Naibu Spika, nimesema kwamba maafisa wawili wa Huduma ya Wanyama wa Pori walimshika Bw. Michael Kithuka Mutungi. Upelelezi unaendelea kuthibitisha kwamba maafisa wawili hao ndio walimjeruhi.

Dr. Galgalo: Mr. Deputy Speaker, Sir, the Assistant Minister is taking us for a ride. This man was arrested by these officers when he was in good health. A postmortem report showed that he died from injuries on his head and neck. Definitely, he could not have inflicted those injuries on himself while in police custody. This means that the officers are the ones who inflicted the injuries on him. How long does it take the Assistant Minister to establish who inflicted the injuries on the victim and yet he was in police custody?

Prof. Kibwana: Bw. Naibu Spika, nimesema kwamba polisi wanapeleleza maafisa wawili ambao walimkamata Bw. Mutungi, ili kujua walimfanya nini. Jambo hili liko mikononi mwa polisi

na tutapata jawabu hivi karibuni.

Mr. Ndile: Bw. Naibu Spika, ninaamini yale ambayo Waziri Msaidizi amesema. Lakini wale maafisa ambao wanasimamia Kibwezi wamepiga watu wangu na kuwaumiza. Umesikia wakisema hapa Bungeni kwamba shamba ambalo wanakata miraa lilikuwa la mababu zao. Je, Waziri Msaidizi atachukua muda gani kuhakikisha kwamba hao watu wameshikwa pamoja na maafisa wake ambao hawakumpeleka Bw. Mutungi hospitalini?

Mr. Kosgey: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to shout so loudly as if he is in Kibwezi?

Mr. Deputy Speaker: Ninafikiri alitaka kusikika na amesikika!

Mr. M. Maitha: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House by saying that investigations are going on when we know that one year has elapsed since that person was killed?

Prof. Kibwana: Bw. Naibu Spika, nimesema kwamba bw. Mutungi alifariki tarehe 9.5.2004. Kwa hivyo, Bw. M. Maitha amekosea katika hesabu yake. Labda hakufaulu katika hesabu katika kidato cha nne.

(Laughter)

Mr. M. Maitha: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. M. Maitha, could you sit down? Sit down, Mr. M. Maitha. Continue, Prof. Kibwana!

Prof. Kibwana: Ahsante sana, Bw. Naibu Spika. Kwa hivyo, kwa sababu majina ya maafisa hao wawili wa huduma kwa wanyama wa pori (KWS) yako katika Occurrence Book (OB), tumesema kwamba wachunguzwe kabisa kwa sababu tunaona kwamba kiini cha shida hii kiko hapo.

IN-SERVICE TRAINING PROGRAMMES FOR PUBLIC SERVANTS

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

(a) How many public servants have been selected to pursue in-service training programmes in the Financial Year 2004/2005 locally and abroad?

(b) What are the names and districts of origin of the selected public servants?

The Assistant Minister, Office of the President (Mr. Shitanda): Mr. Deputy Speaker, Sir, I would like to reply.

(a) No public servant has been selected to pursue in-service training programmes in the Financial Year 2004/2005 locally and abroad because the requests for nominating the public servants for training was sent to Ministries on 13th June, 2004. The deadline given to Ministries for submitting their nominees was 30th July, 2004, and that was last week. The Directorate of Personnel Management is in the process of compiling the names of the nominees received from the Ministries in readiness for selection based on the funds available.

(b) Since no selection has been done, the names and districts of origin of the selected public servants cannot be known.

Mr. Ojaamong: Mr. Speaker, Sir, the Office of the President circular was issued on 13th June this year and the number of people who were supposed to be selected or nominated for overseas training per Ministry were five. Those for in-service training programmes locally were

supposed to be ten. Considering the fact that from 13th June to date, the Ministries have been unable--- Could the Assistant Minister now confirm that, that shows that there is incompetence in his Ministry to nominate those people? This is because five names could take him even less than 30 minutes. What is causing the delay?

Mr. Shitanda: Mr. Deputy Speaker, Sir, I think the Member is a bit misinformed because when that circular was sent out as is customary every year, the Ministries normally nominate candidates for both local and overseas colleges--- According to that circular, we have 25 vacancies for overseas training. The vacancies will be spread out in all the Ministries, depending on the recommendations from those Ministries. We have, so far, received 180 applicants from the Ministries and we are in the process of going through them. For local colleges, we have 735 vacancies in Government Training Institute (GTI). Similarly, we are going through the list to determine the officers who will join the colleges depending on the recommendations of the various Ministries. So, I do not know where the hon. Member has got the figure of five officers and his deadline of 13th June from.

Mr. Deputy Speaker: Mr. Ojaamong, I will give you a chance to ask the last question!

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I have a copy of the circular here. For the benefit of the Assistant Minister, I will lay it on the Table so that he can see the number. What measures has the Ministry put in place to ensure that there will be fairness so that the candidates are picked from all corners of our Republic?

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

Mr. Shitanda: Mr. Deputy Speaker, Sir, the Directorate of Personnel Management bases its selection on the recommendations of Ministries and, therefore, the spread of vacancies to districts does not arise. This is because we make selection based on what has been recommended to us by the Ministries.

STATUS OF GOVERNMENT BORROWING IN THE LAST SEVEN YEARS

Mr. Munya: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) How much money has the Government borrowed from international donors in the last seven years?

(b) How much money has the Government spent in repaying loans from the international donors over the same period?

(c) What is the Minister doing to reduce our country's over-dependence on donor financial support?

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

(a) The Government of Kenya borrowed Kshs188 billion or US\$2.4 billion from international donors in the past seven years.

(b) The Government has repaid within those seven years, Kshs229.6 billion or US\$2.9 billion from the same international donors. So, it can be seen that this country has the capacity to pay its debts. In fact, we cleared those debts in seven years. If they were to be apportioned, we would clearly see that they have been repaid.

(c) The following are the measures that the Government has undertaken in order to reduce over-dependence on donor financial support.

(i) The Government has restructured its tax policy administration, thereby expanding the revenue base. This has increased available local financial resources to sustain growth of public services.

(ii) Within the available resources, the Government has given financing priority to specific sectors which can significantly impact on our economic growth.

(iii) Efficient use of our scarce resources and minimising on wastage.

(iv) The Government has formulated a privatization programme in respect of state corporations. This will raise the much needed revenue. As you know, privatization will be achieved by the enactment of the Privatization Bill which is already pending before this august House.

Mr. Munya: Mr. Deputy Speaker, Sir, if you look at the amounts of money that we have borrowed within the last seven years and the amount we have given back, more resources are flowing outside this country to the donors than we are receiving. If you look at their investments and the capital transfer that they take every year, we give them more money than we receive. Yet, we are overburdened by conditionalities and the policies that this donors give us. Is the Assistant Minister considering looking for other alternative areas, for example, borrowing money from the Arab world and the Asian countries whose terms are better instead of relying on the IMF and World Bank?

Mr. Obwocha: Mr. Deputy Speaker, Sir, indeed, it is true that there are more resources flowing out from this country to the donors. This is basically so because this money was borrowed over the years from 1963. So, we have no option. However, for the second part of his question, when we go for loans, we go for the cheapest. As the prominent lawyer knows, the cheapest loans are from the Breton Woods Institutions.

Mr. Kosgey: Mr. Deputy Speaker, Sir, could the Assistant Minister give the House a breakdown of this borrowed and repaid money country by country, institution by institution and year by year?

Mr. Deputy Speaker: If it is a lengthy one, I suggest you lay it on the Table if it is available.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I have that information. I can provide it to the House year by year. However, in summary, Kshs104 billion was bilateral and multilateral. An amount of Kshs49.6 billion was from the commercial banks, while Kshs26.84 was from debt rescheduling and Kshs7.62 was guaranteed to State corporations. That makes Kshs188 billion borrowed over the years. But if the hon. Members wants I can give him the breakdown from 1997 to 2004, year by year.

Mr. Kagwe: Mr. Deputy Speaker, Sir, the issue of debt forgiveness is alive today in the world financial arena. What is Kenya's position with regard to the fact that we be forgiven some of the debts we incurred in the past? How much are we participating in the whole process of discussing Third World debt forgiveness as a nation?

Mr. Obwocha: Mr. Deputy Speaker, Sir, Kenya is deeply involved. In fact, in 2002, the Kenyan delegation comprising of the Attorney-General was in Prague to take part in the talks of trying to reschedule the debt.

Mr. Munya: Mr. Deputy Speaker, Sir, the Assistant Minister is arguing that the IMF and the World Bank give loans on the best terms, and yet, there is no single country that has depended on the IMF and the World Bank that has come out of debt. However, we have examples of countries like Malaysia that have broken away from the IMF and the World Bank and succeeded

economically. So, is he telling this House that we will continue going deeper into debt? What specific plans does he have of getting this country out of debt, so that we can be on our feet?

Mr. Obwocha: Mr. Deputy Speaker, Sir, I am not saying that we will depend on the World Bank and the IMF forever. What I am saying is that they offer the cheapest loans. But for any country to get out of the quagmire we are in, like the Asian Tigers, it needs economic discipline. So, we, as the people running the economy of this country, must get down and discipline ourselves, so that we can get out of this. In fact, the total debt as at last year, stood at Kshs708 billion. But, as I speak now, we have reduced it to Kshs663 billion. This is the total debt both external and internal.

Mr. Deputy Speaker: Very well. Now, hon. Members if you look at your Order Papers they say the Motion for adjournment will be moved not later than 5 p.m. Therefore, the reason why we are a little bit rushing is because we still have some Ministerial Statements and other business to do. So, I am afraid we will not finish all the Questions. So, I will allow maybe one or two Questions only up to 3.45 p.m. because we will go to the Committee Stage and we must finish the business of the Committee and start the Motion on adjournment at 5.00 p.m. I want to appeal to Ministers to, please, be brief on their answers.

Question by Mr. C. Kilonzo!

FUNDS FOR KYAANI/MUTYAMBOO
PRIMARY SCHOOLS

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

(a) Is the Minister aware that Kyaani and Mutyamboo Primary Schools have not received any more money under the Free Primary Education?

(b) Is he further aware that parents are now moving their pupils away from these schools?

(c) What is the Minister doing to ensure that these schools receive monies immediately?

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

(a) I am aware that Kyaani and Mutyamboo Primary Schools have not received Free Primary Education funds amounting to Kshs408,048 and Kshs278,851 respectively.

(b) I am, however, not aware the parents are withdrawing their children from the schools. I have confirmed from the District Education Office, Machakos that the pupils are attending school regularly.

(c) The Ministry has established that the schools had been allocated funds, but the money was erroneously disbursed to wrong accounts. This anomaly has been rectified and the payments have been processed with cheques ready to be released to the schools. In fact, they have been released today.

Mr. C. Kilonzo: Mr. Deputy [Mr. Speaker, Sir, I want to thank the Assistant Minister for her very good answer. However, it has taken almost one year and eight months for the Ministry to realise that problem. Could she ensure that this problem will not be repeated again?

Mrs. Mugo: Yes, Mr. Deputy Speaker, Sir. I really do apologise. However, what happened is that there are seven schools known by the same name, that is, Kyaani. So, the money kept going to the wrong account. For the other school, the digits were changed by the bank and the school was not aware. So, the money kept on coming back to the Ministry. I do apologise and promise that it will not happen again.

Mr. Deputy Speaker: Very well. Next Question, by Ms. Mwau!

PREGNANCIES AMONG SCHOOL
GIRLS IN RONGAI CONSTITUENCY

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

(a) Is the Minister aware that 28 girls from six primary and two secondary schools in Makongeni Location, Rongai Constituency were recently discovered to be pregnant?

(b) What steps is the Minister intending to take to address this matter?

(c) What action will the Minister take against those responsible for the pregnancies?

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

(a) This is a very sad situation. I am aware that there are 37 and not 28 girls from six primary schools in Makongeni Location, Rongai Constituency who got pregnant between the years 2002 and 2004. All the pregnancy cases were amongst primary school girls and there were no cases reported amongst secondary school girls.

(b) The Ministry through the Provincial Director of Education office had constituted a panel to investigate pregnancy and dropout cases in Makongeni Zone to address the matter. The panel had concluded and presented its recommendation for implementation through Provincial Panel Report of 22nd and 23rd July, 2004.

(c) The suspects responsible for the pregnancies were mainly the sisal estate workers who among them were school dropouts from the affected schools. There was no single mention of a teacher involved or implicated as had been reported in the dailies. The panel of investigators has recommended that the Provincial Administration should take up the matter to deal with those held responsible. We have also intensified counselling in schools. There is a programme of counselling to sensitize students, teachers and parents.

The other problem is poor housing in the estates. The office of the Provincial Director of Education is also influencing the managers of the estates to improve housing, so that girls are safer.

Ms. Mwau: Mr. Deputy Speaker, Sir, I thank Madam Assistant Minister for that answer. But she has not mentioned what the children of those school girls will wear or eat! She has only talked about the Provincial Administration. Where does the Department of Children come in? Does the Ministry have a policy about "children giving birth to children?"

Mr. Deputy Speaker: That is a very loaded question! Madam Assistant Minister, try to answer it!

Mrs. Mugo: Mr. Deputy Speaker, Sir, on the education side, we have a programme of rehabilitating those girls back to school, if the parents are willing. The programme is on-going and girls do take advantage of it. There is also the Children Department which, I believe, the able Member of Parliament for that area and other leaders are doing something. The parents are also encouraged to assist. You will appreciate that there is not so much the Ministry of Education, Science and Technology can do in that matter.

Capt. Nakitare: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that those school girls are being counselled. Who are the counsellors for those children? Are they parents or teachers?

Secondly, is the Assistant Minister---

Mr. Deputy Speaker: Order, Capt. Nakitare! You should ask one question at a time!

Proceed, Madam, Assistant Minister!

Mrs. Mugo: Mr. Deputy Speaker, Sir, we had a programme of counselling not only in the schools where pregnancies have occurred--- It is an on-going programme. We even have an in-

training programme for the teachers who undertake counselling. As I said earlier, we encourage parents to take an interest and counsel their children, especially on the dangers of HIV/AIDS and pregnancies. It is an approach by the community, teachers, parents and the Ministry.

Mr. Deputy Speaker: Last question, Ms. Mwau!

Ms. Mwau: Mr. Deputy Speaker, Sir, you can see this Question has a lot of interest. What action is the Ministry going to take against those responsible for impregnating those girls?

Mrs. Mugo: Mr. Deputy Speaker, Sir, in a few cases where teachers have been responsible for the pregnancies, we have interdicted or dismissed them, amongst other disciplinary measures. However, when it is outside our jurisdiction, the parents as well as the Provincial Administration must take action and ensure that the offenders are charged in court. We have many cases, but before we take action, the teachers enter into agreements with the parents to pay money at the end of every month. So, they reverse their complaints. So, we need many hon. Members to educate parents and sensitise them on the need to be involved in the welfare of their children. In that case, those offenders are outside the school's jurisdiction.

Mr. Deputy Speaker: Very well. Last Question by Private Notice! Mr. Boit!

SALE OF ALCOHOL IN KNH

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

(a) Is the Minister aware that police have been fully licensed to sell alcohol in the middle of Kenyatta National Hospital (KNH)?

(b) Is she further aware that the targeted consumers/customers are patients, staff (doctors, nurses and other paramedics) and the students (from KMTTC and University of Nairobi's School of Medicine)?

(c) What is the Ministry doing to stop that business?

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

(a) I am aware that there is a police canteen at the Kenyatta National Hospital operating within Cap.254, Laws of Kenya; Food Hygiene Regulations 3(2) of the Food Drugs and Substance Act as a food outlet, and not licensed to sell alcohol. However, the canteen was closed in July on public health grounds and it is yet to reopen upon fulfilling health requirements as provided for in the recommendations.

(b) Parts (b) and (c), therefore, do not arise.

Mr. Boit: Mr. Deputy Speaker, Sir, sale of alcohol has been going on at KNH. I have been a member of the Board in that hospital and I am surprised that the Assistant Minister is talking about food. Is he talking about food laced with alcohol which makes patrons in the canteen drunk? We have evidence of students from Medical Training College who have committed suicide after getting drunk and jumping from storeyed buildings. We also have evidence of students from the university who have been raped. We have *raias* who have been molested because of drunkenness. Doctors, nurses and pharmacist delay there at night and get drunk as a result of visiting that canteen. The question is: Will that canteen be opened to sell alcohol again?

Mr. Konchella: Mr. Deputy Speaker, Sir, no. But it is in the interest of the hon. Member to note that the Food, Drug and Substance Act does not allow or license the sale of alcohol in the canteens. We have instructed those operating the canteen that, once it is renovated, they will only provide meals. No alcohol shall be sold in any premises within the hospital.

Mr. Boit: Mr. Deputy Speaker, Sir, recently, one Minister invaded land belonging to KNH.

The Minister was trying to bring militancy by allowing people to go and develop the area where the Minister for Health and KNH had banned sale of illicit alcohol. Does it mean that the Ministry of Education, Science and Technology is superior to the Ministry of Health?

Mr. Konchella: Mr. Deputy Speaker, Sir, if the hon. Member is talking about the squatters who were there before, the area has now been cleared and the hospital's perimeters fence is free of illicit activities that were taking place before.

Mr. Deputy Speaker: Hon. Members, I seek the indulgence of Dr. Ojiambo, Mr. Koros and Mr. Jimmy Choge to defer their Questions. I know they are Questions by Private Notice but, due to time constraint, we cannot go beyond that. Therefore, they will be deferred generally. I hope they will be addressed in the very near future.

EXPULSION OF ORPHANS FROM
NYUMBANI CHILDREN'S HOME

(Dr. Ojiambo) to ask the Vice-President and Minister for Home Affairs:-

(a) Could the Minister inform the House why the following orphans; John Rashid, Meshack Ndirangu and Susan Wairimu were thrown out of Nyumbani Children's Home in 2003?

(b) Is the Minister aware that Susan was consequently gang-raped while sleeping on the roadside in Karen Shopping Centre?

(c) Are those children still on Antiretrovirals (ARVs) wherever they are?

(Question deferred)

NON-PAYMENT OF FARMERS BY KCC

(Mr. Koros) to ask the Minister for Co-operative Development and Marketing:-

(a) Is the Minister aware that farmers who delivered milk to the Kenya Co-operative Creameries have not been paid for the last three months?

(b) When will the farmers be paid?

(Question deferred)

CONTRAVENTION OF TRADE DISPUTES ACT

(Mr. Choge) to ask the Attorney-General:-

(a) Is the Attorney-General aware of a complaint lodged by the Secretary General of Banking, Insurance and Finance Union on 19th July, 2004, against the Commissioner General of Kenya Revenue Authority on the contravention of Section 45 of the Trade Disputes Act?

(b) What action has the Attorney-General taken on the matter?

(Question deferred)

Mr. Deputy Speaker: Now, Mr. Vice-President and Minister for Home Affairs, please, proceed!

MINISTERIAL STATEMENTSNOMINATION OF MEMBERS
TO HOUSE COMMITTEES

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, the following Members have been appointed to serve in the Committees as follows:-

PUBLIC ACCOUNTS COMMITTEE

The hon. Kirugi M'Mukindia
The hon. Kembu-Gitura
The hon. Ms. Adelina Mwau
The hon. Norman Nyaga
The hon. Ekwe Ethuro
The hon. Koigi Wamwere
The hon. Uhuru Kenyatta
The hon. Charles Keter
The hon. Billow Aden Kerrow
The hon. Joseph Kipchumba Lagat
The hon. Zebedeo Opore

PUBLIC INVESTMENTS COMMITTEE (PIC)

The hon. Kingi J.K. MP
The hon. Munya P.G. MP
The hon. Gitau K. MP
The hon. Muchiri G.G. MP
The hon. Wamunyinyi W. MP
The hon. Oparanya W. MP
The hon. Bahari A.A. MP
The hon. Abdirahman H. MP
The hon. Sang K.M. MP
The hon. Muturi J.B. MP
The hon. Angwenyi J.N. MP

LIBRARY COMMITTEE

The hon. Musila D. MP
The hon. Munya P.G. MP
The hon. Kihara J. MP
The hon. Mukiri M. MP
The hon. Mbau E.P. MP
The hon. Maitha M. MP
The hon. Nakitare D. MP
The hon. Sudi K.S. MP
The hon. Moroto S. MP

The hon. Boit W. MP
The hon. Mwanicha O.S MP

SPEAKER'S COMMITTEE

The hon. ole Kaparo F.K.X. MP - Chairman.
The hon. Mwiraria D. MP
The hon. Dr. Murungaru C. MP
The hon. Gachagua J.N. MP
The hon. Wanjala R.B.S. MP
The hon. Ethuro E. MP
The hon. Kenneth P. MP
The hon. Mwenje D. MP
The hon. Ndambuki G. MP
The hon. Salat N. MP
The hon. Wario A. MP
The hon. Kilonzo K. MP
The hon. Leshore P.S. MP

STANDING ORDERS COMMITTEE

The hon. ole Kaparo F.K.X. MP - Chairman.
The hon. Musila D. MP
The hon. Khamasi D. MP
The hon. Mwangi O.K. MP
The hon. Muite P. MP
The hon. Wamwere K. MP
The hon. Wambora N. MP
The hon. Maore M. MP
The hon. Dr. Godana B. MP
The hon. Dr. Keino E. MP
The hon. Keter C. MP
The hon. Omingo J.M. MP

CATERING COMMITTEE

The hon. ole Metito K. MP
The hon. Kingi J.K. MP
The hon. Kihara J. MP
The hon. Ms. Mwau A. MP
The hon. Nderitu A. MP
The hon. Kimeto A.K. MP
The hon. Twaha F.Y. MP
The hon. Haji A.M. MP
The Clerk of the National Assembly
The Chief-Serjeant-at-Arms

POWERS AND PRIVILEGES COMMITTEE

The hon. ole Kaparo F.K.X. MP- Chairman.
The hon. Kombo M.N. MP
The hon. Kembi-Gitura MP
The hon. ole Metito K. MP
The hon. Mbau E. MP
The hon. Muchiri G.G. MP
The hon. Mohammed H.M. MP
The hon. Koros D.K. MP
The hon. Magugu A.K. MP
The hon. ole Ntutu S. MP
The hon. Manoti S.K. MP

Under various Departmental Committees there will be replacement of hon. Members as follows:-

DEPARTMENTAL COMMITTEESAGRICULTURE, LANDS AND
NATURAL RESOURCES

The hon. Arungah J. MP
The hon. Gachagua J.N. MP

HEALTH, HOUSING, LABOUR AND
SOCIAL WELFARE

The hon. Ngozi J.A. MP

EDUCATION, SCIENCE AND TECHNOLOGY

The hon. Prof. Oniang'o R.K. MP

FINANCE, PLANNING AND TRADE

The hon. Oparanya W. MP
The hon. Wambora N. MP
The hon. Kanyingi S.K. MP
The hon. Onyancha J.O. MP

DEFENCE AND FOREIGN RELATIONS

The hon. Poghiso S. MP

ADMINISTRATION OF JUSTICE
AND LEGAL AFFAIRS

The hon. Bifwoli W. MP
The hon. Mukiri M. MP
The hon. Omingo J.M. MP

PENSIONS APPEAL TRIBUNAL

The hon. Wetangula M. MP

PENSIONS MANAGEMENT COMMITTEE

The hon. Michuki J. MP
The hon. M'Mukindia K. MP

PARLIAMENTARY SERVICE COMMISSION

The hon. Khamasi D. MP

Mr. Deputy Speaker: Hon. Members I will only allow five minutes for Ministerial Statements.

Proceed, Mr. Munyao!

BAN ON *OMENA* FISHING IN LAKE VICTORIA

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, part of the mandate of the Ministry of Livestock and Fisheries Development is to facilitate development, management of fish resources within the country's borders of economic exclusion zones in a sustainable manner, for the benefit of economic development in the country. The industry supports over 60,000 fishermen with close to 600,000 dependants. In addition, the sector earns the country over Kshs4 billion annually in foreign exchange.

Mr. Deputy Speaker, Sir, some hon. Members of Parliament have been concerned about the suspension of *Omena* fishing and trading during the months of April to July. I shall, therefore, take this opportunity to enlighten hon. Members who have raised the issue about *omena* fishery in Lake Victoria.

Lake Victoria commercial fishery is based on three main types of fish species namely: Nile Perch, Tilapia, especially the Nile Tilapia, and fresh water Sardine, commonly known in Kenya as *Omena*. Scientific research has shown that these species of fish and many other indigenous species in Lake Victoria breed highly during the rainy season. The rainy season in Lake Victoria Basin starts around the month of April and continues sometimes up to August every year.

Mr. Deputy Speaker, Sir, Fisheries statistics also reveal that fish stocks in Lake Victoria have been declining over time. This has been the case because of enormous fishing pressure exerted on Lake Victoria's fish stocks through uncontrolled fishing and the use of illegal fishing gears and methods. The situation has been viewed as very serious because if no management intervention is put in place, Lake Victoria fishery could face imminent collapse.

The fishermen realised this grave danger and demanded that measures be taken including closed seasons and areas, to reverse the precarious situation. In June 2001, a stakeholder meeting convened by my Ministry, was held in Kisumu. Hon. Members of Parliament were also invited to

participate in the meeting. The decision for the annual closed season measure was reached among other measures. The closed season for *Omena* has, therefore, been observed since 2002. This fishery management measure was imposed under Section 5 of the Fisheries Act, Cap.378, the Laws of Kenya to also protect juveniles of major commercial fish species. This was done vide a Gazette Notice No.7565 of 2001.

Since the closed season for *Omena* was introduced, catch statistics reveal increased quantity and quality in terms of size when fishing resumes. The fishermen fetch better market prices for their good quality *Omena* and the fishery benefits from reduced juveniles of other fish species harvested, which in turn increases stocks of commercial species.

This trend is envisioned to improve the future catch landings of the important commercial fish species from Lake Victoria, resulting in improved incomes to the fishers and increased foreign exchange earnings through more exports of fish and fishery products.

I, therefore, call upon hon. Members to join us and the fishermen in achieving these goals.

OUTBREAK OF FOOT AND MOUTH DISEASE IN MWINGI DISTRICT

The Minister for Livestock and Fisheries Development (Mr. Munyao): Mr. Deputy Speaker, Sir, part of the mandate of the Ministry of Livestock and Fisheries Development is to control and eradicate major livestock diseases with a view to increasing animal production, facilitate marketing of livestock and their products and improve public health through the control of diseases.

Concerns relate to major diseases that impinge directly on production through deaths and also disrupt international trade in livestock and livestock products. These include Rinderpest, Contagious Bovine Pleuropneumonia, Food and Mouth disease, Lumpy Skin, Rift Valley Fever, African Swine Fever, Newcastle, among others.

To deal with this problem, my Ministry has maintained disease surveillance throughout the country. In the month of July, 2004 clinical signs in the semblance of foot and mouth were detected by the surveillance teams in the areas of Mwingi Central, Kyuso, Seikuru, and Momoni Divisions of Mwingi District. Samples were taken for Foot and Mouth disease testing at the Embakasi Laboratory and the results were confirmed as Type "O" on 16th July, 2004.

In fulfilment of the requirements for disease control emergency measures, the Ministry, thereafter, imposed quarantine on 24th July, 2004 to cover the four divisions, which led to the closure of livestock markets and restriction of livestock movements. This was necessary in order to prevent the spread of contagious diseases to other parts of the district, and to allow the Ministry to carry out further effective immunization cover along with the necessary disease surveillance in adjacent areas. The District Veterinary Officer reported to the district steering group on 27th July, 2004, which approved the use of Kshs255,000 to buy vaccines for the control and outbreak containment process, which is now going on.

The emergency vaccination is expected to start on 15th August, 2004.

Mr. Deputy Speaker: You must be finishing now, Minister.

The Minister for Livestock and Fisheries Development (Mr. Munyao): We are even looking forward to putting in Kshs750,000 for this month's vaccination against foot and mouth disease and its causal conditions. We are asking all farmers in Mwingi to bring their animals for vaccinations in great numbers, because in this way, we will be able to control the outbreak. We are aware that it is not good to close markets, particularly now that there is famine, and people from the area can only help themselves through their animals. So, we are looking forward to full co-

operation, and my Ministry is moving there at full speed to try and clear all the diseases. The same outbreak has been found and reported in Maragua, Mwingi, Nandi North, Bomet, Trans Mara, Mombasa, Laikipia, Nyandarua, Murang'a, Ijara, Meru South, Meru North, Marsabit, Kirinyaga, Isiolo, Nairobi and Thika. Mr. Deputy Speaker, Sir, during this time, I will also visit your area and make sure that the disease is fully controlled.

Thank you, Sir.

Mr. Deputy Speaker: Thank you, Minister!

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Poghio) took the Chair]*

THE CONSTITUTION OF KENYA REVIEW (AMENDMENT) BILL

The Temporary Deputy Chairman (Mr. Poghio): Order, Members! We are now in the Committee of the Whole House.

(Clauses 2, 3 and 4 agreed to)

Clause 5

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 5 be amended as follows:

(i) By deleting Sub-section 27(1) and inserting the following words in place thereof:-

"Within ninety days after this section comes into operation the National Assembly shall:-

(a) Debate the Draft Bill as adopted by the National Constitutional Conference on 15th March, 2004, and a report by the Constitution of Kenya Review Commission.

(b) Submit to the Attorney-General, the Draft Bill and recommendations only on contentious issues as identified and recommended by the Parliamentary Select Committee on Constitution Review for approval by the National Assembly".

(ii) Sub-section 27(2) be deleted.

(iii) Sub-section 27(3) be deleted.

(iv) Sub-section 27(4) be renumbered as Sub-section 27(2) to read as follows:-

"In considering the Report and the Draft Bill, the National Assembly may undertake consultations to initiate, facilitate and promote a national consensus on contentious

issues as recommended by the Parliamentary Select Committee on Constitution Review and approved by the National Assembly".

(v) Sub-section 27(5) be amended and a new Sub-section 27(3) be inserted to read as follows:-

"Within 30 days after the National Assembly submits the Draft Bill to the Attorney-General, the Attorney-General shall publish the proposed new Constitution based on the Draft Bill and amendments as approved by the National Assembly".

(vi) Sub-section 28(1) be amended by deleting the words "in consultation with the Commission".

(vii) Sub-section 28(2) be amended by deleting all the words after the word "Constitution".

Sub-section 28(3) be deleted and the following new Sub-Section 28(3) be inserted.

"The proposed new constitution shall be ratified by a simple majority of the votes cast in the referendum".

(viii) Inserting a new Sub-section 28(7) as follows:-

"The Commission shall facilitate and coordinate civic education in the referendum".

(ix) Sub-section 28(4) be amended by deleting all the words immediately after the word "shall" and inserting the following words:-

"within 14 days promulgate and publish the text of the new Constitution in the Gazette".

(x) Sub-section 28A(5) be amended by deleting the letter (b) after Sub-section (4).

(xi) Sub-section 28B(4) be amended by deleting "one" and insert "five" in place thereof.

(xii) Sub-section 28C(1) be amended by;

i. Deleting "three" and inserting "five" in place thereof.

ii. Deleting "selected" and inserting "appointed" in place thereof.

(xiii) Sub-section 28D(1) be amended by deleting the words "and determine the correct result".

(xiv) Sub-section 28E be amended by deleting the words "on a priority basis" and inserting thereof the words "in any event within 45 days".

(xv) Sub-section 28F be amended by deleting all the words after the word "final".

(xvi) Sub-section 28J(a) be amended by deleting all the words after the word "commission" to the end.

(xvii) Sub-section 28J(b) be amended by deleting the word "Commission's".

THAT, Clause 5 be amended by inserting the following new Sub-section 27(1)(c):-

"Every recommendation to the Attorney-General for amendment to the Draft Bill on the contentious issues shall be by consensus or must be supported by the votes of not less than 65 per cent of the Members of the National Assembly, present and voting".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

(Clause 6 agreed to)

Clause 7

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 7 be amended as follows:

- (i) Sub-section 33(1) be amended by deleting the word "ninety" and substituting with the word "thirty".
- (ii) Sub-section 33(3) be amended by inserting the words "to relevant Ministry" after the word "transferred".
- (iii) Sub-section 33(3)(a) be amended by deleting the words "appropriate bodies" and substituting with the words "relevant bodies".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 7 as amended agreed to)

Clause 8

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 8 be amended as follows:
Section 33A be deleted.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 8 as amended agreed to)

Clause 9

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 9 be amended as follows:
Section 34(b)(3) be amended by inserting the words;
"and the Parliamentary Select Committee on Constitution Review" after the word
"Commission".

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 9 as amended agreed to)

(Clause 10 agreed to)

New Clause 11

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Principal Act be amended by inserting the following new Section 37;
"The National Assembly may, upon a request by the Parliamentary Select Committee on Constitution Review, extend the time prescribed under the Act by such period as it may deem appropriate".

Ms. Ndung'u: On a point of order, Mr. Temporary Deputy Chairman, Sir. I just wish to inform you that the New Clause, Section 37, as read is not what was agreed, and that this is a typing error. We had agreed that the "National Assembly may, upon the request---"

The Temporary Deputy Chairman (Mr. Poghio): Order! That was not a point of order!

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Principal Act be amended by inserting the following new Section 37;
"The National Assembly may extend the time prescribed under the Act by such period as it may deem appropriate".

(Question of the amendment proposed)

(Question of the New Clause proposed)

(New Clause read the First Time)

(Question, that the New Clause be read a Second Time, proposed)

Dr. Galgalo: Mr. Temporary Deputy Chairman, Sir, this new clause shifts the responsibility of giving Kenyans a new Constitution to this National Assembly. That is the implication. What is the merit of that?

Mr. Samoei: Mr. Temporary Deputy Chairman, Sir, we agreed in the Parliamentary Select Committee on Constitution Review that the extension of time on any of the times we have provided-- We had provided that the National Assembly would do certain duties in 90 days, some bodies would do others in 30 days and others in 14 days. We have said that in the event that a certain function is not performed within the time limit, the National Assembly reserves the right to extend that time.

(Applause)

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Chairman, Sir, for purposes of clarity, could we say "The National Assembly may extend the time prescribed under any provision of the Act," because there are several provisions which have got time lines? That is for purposes of elegance. Some of us are lawyers, you know.

An hon. Member: So what?

The Temporary Deputy Chairman (Mr. Poghisio): Order! Order, hon. Members! There is really no problem with that. If you want, you can bring an amendment to that effect.

*(Question, that the New Clause be read
a Second Time, put and agreed to)*

(The New Clause was read a Second Time)

*(Question, that the New Clause be
added to the Bill, put and agreed to)*

(Schedule agreed to)

(Title agreed to)

Clause 1 agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Constitution of Kenya Review (Amendment) Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE CONSTITUTION OF KENYA REVIEW (AMENDMENT) BILL

Mr. Poghisio: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Constitution of Kenya Review (Amendment) Bill and approved the same with amendments.

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. Angwenyi seconded.

(Question proposed)

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, I will be very brief. Now that we have amended this Bill, it is incumbent upon this House to provide leadership, which it should have done from the beginning. Those of us on this side of the House accepted these amendments because we felt we have let down the country. From now on, let us have mutual trust for the benefit of this country.

(Applause)

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I also want to go on record by saying that this House has been very mature, and what we are doing is truly for the good of this country.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank this House for taking up the leadership of this country to guide in the preparation of our new Constitution. I also wish to thank the Members of the Constitution Consensus Group who brought up the Bill that has been approved today.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we must ensure that this House bends backwards to address the interests of the minority.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Angwenyi! That is enough. Do not open debate!

Ms. Mbarire: Mr. Temporary Deputy Speaker, Sir, I wish to congratulate the House for passing this very important Bill. I want to urge the Members of Parliament to kindly put the interests of the young people in this country, whose future depends on a new Constitution, first, before their own personal interests.

(Applause)

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, I also wish to join my colleagues in congratulating the House. It is good that we rise to the occasion every so often. For too long, we have let Kenyans down. But for once, we have risen to the occasion and we are with Kenyans. We are about to go for a long holiday to apologise to every Kenyan, but I am glad that we can report good things.

(Applause)

Mr. Samoei: Mr. Temporary Deputy Speaker, Sir, I humbly want to say that I am happy that this House has passed the proposed Bill, together with the amendments that were proposed by my Committee, and all the other amendments that we negotiated between Members of my Committee and other Members of this House.

I want to single out the Minister for Justice and Constitutional Affairs, hon. Murungi, for the give-and-take exercise that he became part of. I also wish to single out the Members of this House for the patriotism they have shown.

I think this House can now reclaim its place and steer and provide leadership to this process.

(Applause)

The Minister for Roads and Public Works (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I think it is in order and proper to record our thanks to the Chairman of our Parliamentary Select Committee (PSC). When he was elected some people described him as an activist, but he has shown that he is a true nationalist. I also want to thank all the other Members of the Committee, who have demonstrated the spirit of patriotism by agreeing to give and take, so that we reach this stage.

In conclusion, I want to say that we want this team spirit of co-operation to drive this process from now henceforth. Very soon the Attorney-General will bring an amendment to Section 47 of the Constitution, so that we give birth to this new Constitution as quickly as Kenyans desire it.

(Question put and agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Constitution of Kenya Review (Amendment) Bill be now read the Third Time.

Let me also take this opportunity to thank all the hon. Members of the House who voted in unison to support this Bill. I would especially like to thank the Chairman of the PSC and Members of that Committee, who worked for many long hours to work out a consensus on the amendments we have passed. I would also like to thank the Members of the Parliamentary Consensus Building Group, without whom this Bill would not have seen the light of day.

Today we are opening a new chapter in the history of this Parliament. We have always said we want to give Kenya a new dawn. I see us opening the new dawn for Kenya with the adoption of this Bill today. Let me appeal to hon. Members once again that as we move into the more difficult task of agreeing on the contentious issues that the same spirit of give and take do prevail, so that we can give Kenyans a chance to have a new Constitution as soon as possible.

With those few remarks, I beg to move.

The Assistant Minister for Foreign Affairs (Mr. Wetangula) seconded.

(Question proposed)

The Minister for Lands and Housing (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I wish to thank all hon. Members for recreating history. I ask that the same spirit that has brought us to this point continues to prevail. All Members of the PSC, including those who may not have been happy with the process so far, should join us, so that we can be one thing as we go to be with our people during recess. I would particularly like to ask that we be united from now onwards.

Mr. M. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir, for this very brief opportunity to contribute to this Bill. I would like to take this opportunity to acknowledge that this is, indeed, a dramatic moment in the history of the country. I suspect that because of the unanimity that has taken place, there is potential now for producing a new Constitution. I would like to inform hon. Members and the country at large that for the first time in the history of the country, we actually have a law on referendum. This new Constitution will be going to a referendum. There is potential for political leaders in the country to continue going out there and confusing the public about what we will do. I plead with politicians, leaders and others that as we head towards the new Jerusalem, as I call it, we speak with one mind, so that we produce a new Constitution for this country. This will ensure that we move to other things.

With those few remarks, I beg to support.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, I have heard hon. Members talk about this consensus as being the first one. For those who have not been in this House for long, I would

like to remind them that in 1997 we did the same thing. We withdrew a Bill on this same constitutional review from this House and went for consensus building. When the review process got stuck, it was this House which provided leadership. That was the first time we created the PSC. This is the third time we are reaching a consensus. I want to emphasise the value of consensus, the spirit of collaboration and dialogue.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Ms. Mwau: Mr. Temporary Deputy Speaker, Sir, I take this opportunity to thank the PSC and both sides of the House for agreeing to pass this important Bill. I would plead with the House to demonstrate the same spirit of consensus when we come to talking about the contentious issues in the Bomas Draft.

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

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker: Hon. Members, we will now move on to the Motion of Adjournment.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE
NEXT NORMAL SITTING DAY

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, this House now adjourn until Tuesday, 5th October, 2004.

Hon. Members did not take a few weeks in June to go on a recess as they normally do. As a result of that, they became very quarrelsome. They became petty or very frivolous. In fact, the quality of debate deteriorated a great deal.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! May we please have some order? I can see a lot of hon. Members on their feet. It is out of order to be on your feet. Could we now ask the Vice-President and Minister for Home Affairs to continue.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, I was saying that the quality of debate in the House has deteriorated a great deal. On this, I do not spare a lot of us on the Front Bench. A lot of Questions went unanswered. The Questions that were brought here sometimes were really terrible. Ministerial Statements that were requested were never given on time. The Back Benchers themselves never came to ask their Questions. They

started arguing with the Chair, sometimes insulting him. They defied the Chair in every respect. They gave the Chair a great deal of problems. Even some of the Chairmen of Departmental Committees had delighted in summoning Ministers. The respect for institutions, particularly in this House, seems to have disappeared completely. To me, this is a sign of fatigue. I want us to go on recess today so that we may charge our batteries and clear cobwebs that are in our minds. We want to remove malice, hatred, tribalism and everything negative that seems to have been invading us. Let us be Kenyans.

Mr. Deputy Speaker, Sir, we want to try and spare a thought for the poor, the hungry, the AIDS orphans, those in prisons, the destitute and the disadvantaged. It is very important that we remember that we in this House, are the lucky ones because we get regular income, while there are people out there, who do not see food everyday. Let us go and serve our people. Let us also try to reduce unemployment and start building our economy. With the Kshs5 million that we get for the roads, the Kshs6 million from the Constituency Development Fund (CDF) and the money we are also getting through the Constituency AIDS Control Committees (CACCs), all these, if utilised properly, we will be able to serve our people.

Mr. Deputy Speaker, Sir, let us visit each other during recess so that we can bond and understand each other. Let Mr. Mungatana invite Mr. Raila, so that he can prepare a dish of crocodile meat, so that they can eat together. In a similar manner, let Mr. Khamisi, bring around Mr. E.K.Maitha, the "Hurricane", so that they can have *Mnazi* together.

(Applause)

Let us come back to this House when we are totally refreshed and give Kenyans the new Constitution that they want.

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

Mr. Kenyatta: Mr. Deputy Speaker, Sir, I rise to second this Motion of Adjournment because this has been the longest sitting of this House, I think, since the history of Independent Kenya. We have sat for 80 continuous days as the Chair told us the other day. I think hon. Members of Parliament are, indeed, entitled to their first true break since the inception of the Ninth Parliament. It is the first true break because as we are all aware, last year, all the breaks were dedicated to the making of a new Constitution, and all hon. Members were reporting directly to the Bomas of Kenya. As a result, the next two months, will be the first time that hon. Members of Parliament will really have time to spend, not only with their constituents, but also as Mr. Awori has mentioned, visiting one another in different parts of the country.

Mr. Deputy Speaker, Sir, last year as I said, a good deal of our time in recess was spent at the Bomas of Kenya as we tried to hammer out a new Constitution for the Republic of Kenya. Today, as we close, we close having passed a Bill that has allowed us now to once again provide leadership as a House to the review process. I hope that as hon. Members go on recess, they will, indeed, educate their constituents that the purpose of this Bill is not for Parliament to mutilate the work that was done by delegates at the Bomas of Kenya, but rather, to try and hammer out a consensus on a number of issues which had not been resolved by the close of the Bomas talks. It is, indeed, my hope that the spirit of consensus will prevail in this House once we return and we begin working on that most important document.

Mr. Deputy Speaker, Sir, it is important for me also to mention that the last period has also seen, in my opinion, and I think in the opinion of many Kenyans, a great number of issues that have been of concern to the people of this Republic. The issue of corruption is something that we hope this Government, especially during this period, will begin to address seriously because it was during

this particular session that we have heard rumours of corruption. Even our development partners, as well as Kenyans have been up in arms and concerned about the ugly head of corruption that seems to be rearing its head once again. It is, indeed, my hope that the Government will not only speak about trying to root out corruption from our society, but we will, indeed, see action. As I have said previously, action should not just be on corruption of yesterday, but also on corruption of today.

Mr. Deputy Speaker, Sir, many promises were made by this Government on the day they took office and, indeed, during the election campaign. However, a lot of those pledges have yet to be fulfilled. We hope that during this particular recess, the Government will begin to get its own act together. Hundreds of Kenyans are, indeed, waiting for those 500,000 new jobs.

Mr. Deputy Speaker: Mr. Kenyatta, your time is up!

Mr. Kenyatta: Thank you, Mr. Deputy Speaker, Sir. I had a lot to say. However, with those few remarks, I beg to second.

(Question proposed)

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I would like at the very outset to support this Motion. Indeed, the recess is very hard earned and deserved by hon. Members. As other hon. Members said here, we have sat for a very long stretch without really taking the short break we normally do. That in itself is a demonstration of the fact that this House has been extremely serious in deliberating on matters of national importance.

However, the most important thing is the fact that today we will adjourn after passing a very important Bill. That is the Constitution of Kenya Review (Amendment) Bill. Indeed, it is a well known fact that for a very long time, this House had been involved in the issue of the Constitution making process to the extent that, indeed, the people of this country were almost split. I would like to commend all hon. Members for agreeing that, indeed, we must pave a way forward to make sure that in due course, and fairly soon, the Constitution will be deliberated and the Kenyan people will have another Constitution, which will unite us; a Constitution that every person, irrespective of his or her status, will say: "Yes, this is a Constitution that gives me protection."

Mr. Deputy Speaker, Sir, we have got into a serious situation where, indeed, after what happened in Bomas of Kenya, it appeared as though the Constitution would never be addressed properly. This House has risen up to its responsibility of providing leadership as far as the matter of the Constitution is concerned. So, we will be able to carry some good message to our people.

Secondly, we are going on recess after passing the Budget. We will be in a position to tell our people what exactly has been factored into the Budget, as far as the delivery of services is concerned. Yesterday, the Minister for Finance assured us that the money for Constituency Development Fund (CDF) is going to be available. I have no doubt at all that what the Minister for Finance said will be done. So, we are going to do something. For the first time, we are going to have a very interesting session. We will go out there to meet our people and implement the projects which we, as leaders, would have put as priorities.

Mr. Deputy Speaker, Sir, there is one thing that I would like to say here, and it concerns my own Ministry. Hon. Members may have seen that of late, our schools, both primary and secondary, have faced all kinds of terrible incidents. Unnecessary activities have taken place in secondary schools. Some classrooms and dormitories have been burnt while, in some schools, students went on a terrible rampage. In our primary schools, an extremely shameful state of affairs has taken place; something that we should be ashamed of. That has to do with defilement of young girls. Some girls in schools have been impregnated. Even much worse, there was defilement of infants!

Now that we are going on recess, I would like to ask hon. Members to preach the message to our people, that we must be the protectors of our children. That is because something terrible is happening. We must come out clearly, squarely and unequivocally condemn the awful acts of defiling the girl-child. We must air that concern strongly and openly.

Mr. Temporary Deputy Speaker, Sir, another point that I would like to put forth regards the situation in our secondary schools. Hon. Members should find out what is happening in our secondary schools. We have found out that the problem is leadership and transparency.

With those few remarks, I beg to support.

Mr. Poghiso: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to support this Motion. We all deserve this particular adjournment. I would like to congratulate all my colleagues and wish each one of them peace for the period that we are going on recess. I must congratulate hon. Members for working that long. Something is coming up in this House. When we are determined to do the work that we have come to do, we do it very well. So, hon. Members should go away fully satisfied that they have performed their duty.

Mr. Deputy Speaker, Sir, last weekend, we all mourned the passing away of the wife of the retired President. At the funeral service, I saw something that would help to unite this nation. I would like to thank hon. Members from both sides of the House who went there. I saw people concerned about their former President. This country can make use of their retired President. This country can support his work. We should give him support to do what he can. That way, he may continue to use the experience and the wisdom he has. I urge all of us not to make it hard for our former leaders to work. We want to build our leaders so that, even when they retire, they do some work for this country. I would also like to remind hon. Members that we are experiencing famine in some parts of this country. There is so much hunger in some parts of this country. In West Pokot, the District that I come from, the situation is very bad. I just came from there and the situation is very bad. I thank hon. Members for giving money to support that very genuine course.

Mr. Deputy Speaker, Sir, I encourage hon. Members to use their recess time to visit West Pokot and other areas that are experiencing famine. I am not saying that you will necessarily be asked to give anything in your personal capacity! Just come and encourage those people, so that they can see that their leaders have not abandoned them. I thank all those who have contributed towards alleviating the problem of famine. As a parent and a person who has grown up in those areas, the hunger that we are suffering from has been there for many years. That hunger is going to be there again and again, unless this House has a clear policy to take care of the situation. The Government must understand that over 60 per cent of this country is arid and semi-arid. It should provide expressly for development projects, irrigation and income-generating activities, so that those people do not continue to beg for food. My appeal now is to the Minister in charge of Special Programmes--- He said that he will visit various districts during recess. He has already drawn his list and he has only picked a few districts. I hope that does not mean that he does not necessarily care about the other districts which are suffering, and he is not visiting them. I would like to say that some of the information coming from the districts may show that those districts are not suffering as much as the other districts. But I want to assure you that those who are hungry would require food in all the districts, as has been indicated.

Mr. Deputy Speaker, Sir, finally, I wish my colleagues God's blessings, good health, healthy families and constituents. For a moment, I do not think we have really understood what we have done. We have put the constitution review process back on track. During the recess period, we can talk about what we have done, so that our people may understand. That way, we can end the controversy surrounding it.

With those few remarks, I beg to support.

Mr. Deputy Speaker: I am persuaded to give Mr. Munyao a chance.

The Minister for Livestock and Fisheries Development (Mr. Munyao): The Chair knows that I have got an appointment.

Mr. Deputy Speaker, Sir, I wish all of you well over this recess period. This time, we have really worked together harmoniously. We have shown that we can create one nation, one people. The entire world envies Kenya. In Africa, it is only Kenya which has undergone such processes. It is great pride. You have just come from South Africa and Italy, and you saw the value of Kenyans. Previously, we felt ashamed to call ourselves Kenyans. But, today, we are very proud to call ourselves Kenyans. Those are the kind of things that we would like to see, and they can only be built by this House. I urge our Ministers, as they move around the country, to talk with one voice. The issue of appearing divided is not good. We must go together, support Government policies and work together for one Kenya because this is what Kenyans expect us to do.

Mr. Deputy Speaker, Sir, I only want to say one thing; that this country is divided into 210 constituencies. If each constituency does what we would like to do, we would have the entire Kenya doing what we expect. I am saying this particularly now with the confidence that the Minister for Finance will release the money for the Constituency Development Fund (CDF) for last year; the Kshs6 million and the other Kshs10 million and we are sure that several other monies are going to be released. I am making an appeal, and I am sure that Mr. Wario will support me in this because we are both livestock farmers. Each Member of this House should at least commit Kshs1 million out of his own CDF towards maintenance and resuscitation of cattle dips. To run a cattle dip is so easy; all you need are acaricides and normal repairs which at times cost between Kshs30,000 and Kshs40,000. With this amount of money, you can run a cattle dip. If each hon. Member only commits Kshs1 million out of our Kshs6 million this year to run our cattle dips in our constituencies, all cattle dips in our areas will be maintained properly and this will give us healthy animals.

We know that our budgets are not enough to support all what we would want to do everywhere. However, my Ministry will be set to do much more in all the areas but I am making an appeal, more so, to hon. Members who come from the 22 districts; the ASAL areas, let us rear healthy animals which will find better markets elsewhere. We are assured that our meat is the best and if we do better to support our livestock, we will be able to sell our best in all other areas.

I am also calling upon some hon. Members, in some areas like Turkana and Wajir, to come up and support the Government policy of piloting abattoirs. This is because we need them fairly strong. In Lokichoggio and several other areas we have done it. Could we come out and do it in these other areas?

As I finalise, I am happy that I am talking to my colleague who listens and who hears very much; Mr. Raila, the engineer who is maintaining roads in these areas. It is true that we have been given the District Roads Committees (DRCs) money which is 16 per cent but the 24 per cent has been held by the Ministry. Could he now release this money to the DRCs so that our roads can be repaired? It is so shocking that the other day we went to check how much we owned in Makueni District and we found that the money was about Kshs3 million. How would 16 per cent culminate to Kshs5 million and 24 per cent go below Kshs5 million?

(Laughter)

Could we have this money raised?

With those few remarks, I support this Motion.

Mr. Kombe: Ahsante Bw. Naibu Spika kwa kunipatia nafasi nami nipate kuchangia Hoja

hii. Pema si japo pema, ukipema si pema tena! Wakenya walikuwa na matumaini makubwa wakati chama cha NARC kilipochukua hatamu za uongozi wa nchi hii. Matumaini hayo zaidi yalikuwa juu ya kuanzishwa au kubuniwa kwa Hazina ya maendeleo katika maeneo ya uwakilishi Bungeni. Bado tunatarajia kuitumia hazina hiyo kwa maendeleo katika sehemu zetu za uwakilishi Bungeni. Jambo la kusikitisha ni kwamba baadhi ya viongozi, wakiwemo mjomba Awori, walizunguka kote nchini wakitangaza kwamba: "Wabunge wamepata Kshs6 million na pia wanatarajia kupata Kshs20 million na tayari waulizeni Wabunge wenu Kshs6 million hizi wamezifanyia kazi gani kama hamwoni mambo yoyote yanayoendelea kwenu". Ni jambo la kusikitisha kwa sababu pesa hizi bado hazijafika katika sehemu hizi za uwakilishi Bungeni. Hakuna hata Mbunge mmoja ambaye amepokea pesa hizo lakini tayari Bw. K. Maitha, Waziri, sasa amezunguka akitangaza jambo hili. Alikuwa katika sehemu yangu ya uwakilishi Bungeni kutangaza kuwa tayari niko na Kshs6 million mfukoni mwangu. Je, ziko wapi pesa hizi? Hilo ni jambo la kusikitisha ilhali tumezipangia kwamba tutazitumia kwa maji; watu wana kiu lakini mpaka dakika hii hakuna hata ndururu ambayo imepatikana.

Wakati wa kujibu Hoja hii, ningemuomba mjomba Awori aeleze Wakenya kwamba hizi pesa hazijapata kufika kamwe katika sehemu hizo za uwakilishi Bungeni ili tusionekane kwamba sisi ni walaghai.

Vilevile, ningetaka kukariri hapa kwamba Waziri wa Barabara na Ujenzi atilie maanani mambo fulani. Kuna sehemu nyingine ambazo tangu mvua ya *El Nino* madaraja yamebomolewa. Hakuna lolote limepata kufanyika katika sehemu ya Magarini! Barabara kutoka Marafa kwenda Garashi mpaka hivi sasa haipitiki ilhali tulitarajia hayo yote yangepata kufanyika baada ya Serikali ya NARC kuchukua hatamu za uongozi.

Vile vile, hata ijapokuwa tunaenda; maanake inaelekea kwamba tunaenda, ni muhimu ifahamike kwamba tunahitaji sehemu zetu za uwakilishi Bungeni ziweze kutiliwa maanani.

Pamoja na hayo yote, ninaipinga Hoja hii ya kwenda nyumbani maana hakuna pesa za kuendeleza maendeleo sehemu zetu za uwakilishi Bungeni.

Mr. Deputy Speaker: The time keeper is not---

An hon. Member: She is strict on time!

Mr. Deputy Speaker: Very well! I want to move from the Front Bench. Let us go to the Back Bench; one person and then I will come back to the Front Bench. Eng. Muriuki!

Eng. Muriuki: Thank you, Mr. Deputy Speaker, Sir, for giving me the chance to say a few words in support of this Motion.

Hon. Members will be aware that there was an intended amendment to this amendment to vary the time of going for recess from today to next week. However, I am not going to move that amendment for reasons which I am going to give here now.

We are due for a break; after having worked quite hard for several months. However, all hon. Members will recall that the last time this Motion of Adjournment came up, we opposed it because the people who were supposed to work on the CDF had been dilly-dallying for quite sometime. Since that time, a lot has been done and, only two days ago, we had a mini-crisis here where myself in my capacity as the Chairman of the Constituency Development Fund Committee had my doubts as to whether there is seriousness in disbursing these funds. The reason why hon. Members feel very embarrassed about going on recess without these funds is because the CDF is the only funding in this country where *wananchi* are centrally involved in planning. If they go to their respective constituencies without the funds and especially the Kshs6 million per constituency, which has been lying in an account in the Central Bank of Kenya for over three months, they will be asked "Where is the money?" For the projects which they deliberated in their various locations they will be asked: "What happened to the projects which we had planned and which we are waiting

for?" and which hon. Members are waiting to take part in supervising their implementation.

Only today, we got double assurance, that the Kshs6 million, will, in fact, be disbursed by latest coming week on Wednesday. However, as for the source of that assurance, I am not qualified to give it. Therefore, I would very kindly, with the indulgence of the Chair, ask His Excellency the Vice-President and Minister for Home Affairs to be allowed to give that assurance.

With those few words and with the assurance from His Excellency the Vice-President, I would support.

I am requesting because if---

Mr. Deputy Speaker: Order, Eng. Muriuki! Is time up?

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

Is your time up, Eng. Muriuki?

Eng. Muriuki: No, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, hon. Members! Why have you misled me by standing up?

Eng. Muriuki: Mr. Deputy Speaker, Sir, as a Backbencher, I am not qualified to state the source of that assurance. Maybe the Vice-President and Minister for Home Affairs could give that assurance.

Mr. Deputy Speaker: Order! Have you finished, Eng. Muriuki?

Eng. Muriuki: No, I have not finished, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, Eng. Muriuki! Could you conclude your contribution? You cannot, in the middle of your contribution, ask somebody else to stand up and do something else. Could you wind up?

Eng. Muriuki: Mr. Deputy Speaker, Sir, I was very humbly asking for assurance because, as a Backbencher, I am not qualified to give that assurance. So, I was asking if the Chair could, very kindly, allow the Vice-President and Minister for Home Affairs to give that assurance to the House.

Mr. Deputy Speaker: The Vice-President and Minister of Home Affairs has already spoken on this Motion. He cannot speak again. If there is another Minister who has that assurance, he can give it to the House when I give him the opportunity to contribute to the Motion.

Mr. Biwott: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

As usual, this is the time for us to go for recess, first, because we are tired. Secondly, the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) need to function. In the forthcoming recess, it will be very important for hon. Members to go to their constituencies and assess the famine situation and poverty level, so that they can contribute more effectively in the decision-making process for the implementation of the Constituency Development Fund (CDF) projects.

Mr. Deputy Speaker, Sir, we have approved the appointment of Justice Aaron Ringera as the Director of the Kenya Anti-Corruption Commission, and his team. Therefore, the fight against corruption will be intensified. The most important thing for us, especially in the Opposition, is the fact that this was the team that was appointed under the previous regime. Therefore, those who have been hammering the previous regime should also realise that their decisions then are similar to the ones that have now been arrived at. It is for every hon. Member, as a leader, to ensure zero tolerance to corruption. This recess will enable hon. Members to educate their constituents as to what zero tolerance to corruption entails.

With regard to the constitutional review process, we have seen today how far the spirit of

dialogue and consensus-building can take us. It can promote unity and bring about harmony to the country. As I said earlier on, this is the third time that this House has provided leadership in as far as the consensus-building process is concerned, especially on the constitutional review process. When we had a problem with the initial Constitution of Kenya Review Bill, because the Ufungamano Group was not happy about it, it was this House which, under the leadership of Prof. Saitoti, who was then the Vice-President and Leader of Government Business, decided to withdraw it, in order to go to Bomas to see how we could work together, as Kenyans, to arrive at a consensus and conduct the constitutional review process together. We did not complete the process there. We came to the Attorney-General and then, eventually, to Safari Park. After that we had a process, which was supposed to be automatic. When it was automated, it got stuck. When it got stuck, the initial idea of establishing a Parliamentary Select Committee was mooted here. The Mover of that Motion at that time was Mr. Raila, who subsequently became the Chairman of the Parliament Select Committee. The Committee steered the process and took us to Bomas I, Bomas II and Bomas III. At Bomas II and Bomas III, there was some problem occasioned by lapse of time. Subsequently, Mr. Muite took over the chairmanship of the Select Committee to the conclusion of the process at Bomas.

Once again, today, we came together, because the constitutional review process got stuck again due to what we call consensus.

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

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

Mr. Deputy Speaker: Hon. Members, note that each one of you will have only five minutes to contribute to this Motion. Please, time your contribution!

The Minister for Roads and Public Works (Mr. Raila): Thank you very much, Mr. Deputy Speaker, Sir. I rise to support the Motion because, as those who have spoken before me have said, hon. Members deserve a recess having sat here for very many days.

While contributing to this Motion, Eng. Muriuki wanted to get assurance that the Government is, indeed, going to disburse the CDF money. On behalf of my colleague, the Minister for Finance, I would like to give an assurance to the House that the Government is, indeed, going to honour its obligations and make payments to the CDF. Already, the Minister has said that the Kshs6 million is ready and available. He said that those hon. Members who have already opened accounts, those accounts are going to be credited with the Kshs6 million immediately. According to the Minister, only 78 hon. Members have opened accounts so far, but he has said that, as soon as accounts are opened, they will be credited with the Kshs6 million. The balance of Kshs20 million will be paid quarterly. So, I hope that, that assurance will satisfy Eng. Muriuki, and he will, therefore, desist from moving his proposed amendment.

Mr. Deputy Speaker, Sir, I would like to join my colleagues who have spoken before me in congratulating the House, and particularly Members of the Select Committee on the Constitutional Review, for bringing a Bill here, which has been unanimously passed by this House. I said some time back that at times of crisis, the House needs to rise up and give leadership to the country. Today, we have given leadership to the country by showing a united front to lead this process to its conclusion. The road for the constitutional review process has been long and tortuous for Kenyans. It has taken a very long time, but we are happy that we have now reached a very crucial and critical stage, which should see a new Constitution for the country in the not too distant future.

I also want to join my other friend who has spoken very passionately about the famine that is ravaging many parts of this country. I also want to thank hon. Members for coming up and making contributions to the famine relief initiative.

Mr. Deputy Speaker, Sir, finally, Mr. Munyao has spoken about the 24 per cent. This money

has not been paid in the past because there were projects which were on-going in various parts of the country which needed to be completed. Most of these projects cut across districts. They go beyond one single district. It was, therefore, important and necessary for us, as a Ministry, to retain a certain amount of money to be able to make payments for those projects which were on-going. I want to assure the House that this money will be paid in the course of this financial year.

I would also like to urge the hon. Members not to shy away from reporting the officers of this Ministry who are doing business in the districts. I gave notice to members of my staff that those who have got their own companies need to either wind them up and become full time civil servants, or resign from the Civil Service and become full time contractors. There are no two ways about this. We are not going to compromise. If an hon. Member has any evidence to show that a member of staff of the Ministry of Roads and Public Works is doing business with the Government, I will be happy to receive that report and I will take immediate disciplinary action against those officers.

The Kshs5.5 million is not sufficient for the needs of our constituencies, but that is what is available at the moment. We would like that money to be used solely for the purpose for which it was passed by this House. We do not want them to become contractors. We want them to become oversight officers on the ground to assist the District Roads Committees (DRCs) in doing their work.

Finally, Mr. Deputy Speaker, Sir, I would like to urge hon. Members to take this opportunity to go and work very hard in their constituencies. I want to wish everybody well during the recess.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Dr. Murungaru): Thank you very much, Mr. Deputy Speaker, Sir. I would like to join all the hon. Members who have congratulated the House in its entirety for the maturity it has shown and the sense of leadership that it has demonstrated in the last one month by passing crucial Motions and Bills in this House. It has demonstrated that the House is at the forefront in the efforts to fight corruption. Yesterday, hon. Members came together, as leaders of this nation, and put in place the Kenya Anti-Corruption Commission (KACC). This was the kind of gesture that Kenyans, and the whole world, have been waiting for; to show that we are serious in trying to rid our nation of this malady of corruption.

Mr. Deputy Speaker, Sir, in this last sitting, there are a number of important Bills and Motions that we have not passed. I hope that when we go on recess, we shall reflect on them and when we come back, we shall be invigorated and we shall be one in purpose, so that we can fulfil the mandate that Kenyans have elected us to do. I hope that the divisions and the cracks are now a thing of the past.

My responsibility in the Government is to make sure that Kenya is a secure country. My responsibility is to make sure that the *wananchi* go about their day-to-day activities in a secure and save environment. In this regard, let me remind my colleagues that the Government has introduced a comprehensive reform programme in the police force. We want to transform our police force into a world class police service, which is people-friendly, conscious of the rights of the people that it serves and which knows and understands that its primary responsibility is to provide security to Kenyans. However, in this effort, there are resource constraints, as I mentioned during the presentation of the Vote of my Ministry. The budget for security, and also for the Provincial Administration was reduced by nearly Kshs2 billion. This is a major challenge. However, I would like to assure the country that, in spite of those budgetary constraints, we will do our very best. We will make sure that we stretch the few shillings that have been allocated by this House for security to the limit to ensure that the provision of security is not compromised.

Mr. Deputy Speaker, Sir, I am proud to say that we have seen the positive effects of these police reforms. In the last seven months, incidents of banditry and cattle rustling in this country

have gone down by 80 per cent. Those are actual police statistics. Incidents of ordinary thuggery in the streets of Nairobi, for example, mobile phones theft, have gone down tremendously. These are positive things and I wish to request hon. Members to positively encourage the police officers. We should commend them when they do something good and criticise them constructively when they are not doing well.

In addition to what is happening in the police force, we are also retraining the members of the Provincial Administration. We are retraining assistant chiefs and chiefs. Let us try to turn our Provincial Administration into a positive instrument of the Government, so that it can help even hon. Members to interface more effectively with the people they represent. It is a useful institution, if we use it properly.

In conclusion, Mr. Deputy Speaker, Sir, let me once again thank the hon. Members for the support they have given to the Government Business. In this way, we will be able to deliver services to the *wananchi*. I believe that, that is what we are all in this House to do.

With those remarks, I beg to support.

Mr. Moroto: Ahsante sana, Bw. Naibu Spika, kwa kunipatia fursa hii ili nichangia Hoja ambayo iko mbele yetu.

Ningetaka kuunga mkono wenzangu ambao wametangulia kusema kuhusu kazi nyingi ambayo tumefanya tangu tulipoanza mwaka huu mpaka wakati huu. Tumejaribu kutafuta jambo ambalo linaweza kufanya Wakenya wanawiri kimaisha. Wakenya wanafaa kuwa kitu kimoja. Wakati Wakenya walichagua Serikali yao, Serikali iliwaahidi kutekeleza ahadi mbalimbali. Ningetaka kuchukua nafasi hii kusema kuwa katika kazi ambayo tumefanya katika Bunge hili, Serikali imetekeleza wajibu wake kusaidia watu wetu. Lakini Upinzani haujatekeleza jukumu lake. Katika Bunge la Nane, Upinzani ulisukuma Serikali kutekeleza wajibu wake. Jambo hili ndilo liliwafanya Wakenya kupigia kura chama cha NARC.

Mr. Wario: Jambo la nidhamu, Bw. Naibu Spika. Umemsikia Bw. Moroto akisema kuwa Upinzani hautekelezi jukumu lake. Sisi tulifanya kazi yetu mpaka tukakomboa Serikali. Ni sawa kwake kusema hivyo?

Mr. Moroto: Bw. Naibu Spika, mimi niko katika Upinzani. Jambo hili limefanya Serikali igawanyike mara mbili. Ni lazima kuwe na watu ambao watahakikisha kuwa Serikali inafanya kazi yake. Upinzani ambao ulipatiwa jukumu hilo umelala. Wakenya wanauliza kama kuna chama cha upinzani cha KANU. Pengine viongozi wa Upinzani ni watu ambao hawajui shida na wanakubaliana na Serikali kwa kila jambo. Kwa sababu ya muda, ningependa kusema hivi, ili nisianze kuongea zaidi juu ya watu hao ambao hawajui kazi ambayo wanatakiwa kutekeleza katika Bunge hili.

Bw. Naibu Spika, Serikali ilianzisha masomo ya bure. Mpaka leo tuko na shida kubwa ya waalimu. Ningependa kumfahamisha Waziri anayehusika kwamba ile idadi ambayo alitaja juzi, wilaya za West Pokot na Tukana, na sehemu za ASAL ziliachwa nyuma kielimu. Tunauliza Serikali ijaribu kuongeza waalimu katika sehemu hizo wakati huu.

Jambo lingine ni kwamba kuna pesa ambazo Serikali inatoa kwa elimu ya msingi. Kuna shule ambazo zilianzishwa mwaka huu na hasijapata hata senti moja. Kwa hivyo, ninaiomba Serikali ihakikishe kwamba shule hizi zimepata haki zao.

Ningependa kumalizia kwa kugusia juu ya Katiba. Leo, tumepitisha Mswada na tutaenda kuwaonyesha wananchi kile ambacho wanatakiwa wafanye. Kupeleka huu ujumbe kwa watu ili waamue ni kitu gani wanahitaji ni kazi kubwa. Kwa hivyo, ningependa kuiomba Serikali iharakishe ili tuende kwa watu, jambo hili liletwe hapa haraka, na tulimalize ili watu wapate Katiba ambayo wanataka. Ijapokuwa tunafahamu kwamba kazi kubwa ilifanywa katika Bomas of Kenya, na watu wengi wanatarajia Katiba hiyo ingepitishwa vile ilivyo, sijui ni nini ilifanya tena ianze

kuzungushwa na kuletwa hapa. Hata hivyo, Bunge hili limepitisha Mswada huo. Ninawaomba wale ambao wanahusika wafanye haraka, ili watu wapate Katiba mpya.

Nikimaliza, ningependa kuongea juu ya Wizara ya Maji. Ukienda sehemu kavu kama vile wilaya ya West Pokot na Turkana, utakuta kwamba kuna mzozo mkubwa. Watu wanahamia hata Uganda, na wafugaji wanaanza kuuana kwa sababu ya ukosefu wa maji. Ningeiomba Serikali ihakikishe kwamba kila sehemu kuna maji, ili watu hao walishe mifugo yao na walime.

Bw. Naibu Spika, ninaunga mkono Hoja hii.

Mr. Deputy Speaker: Well, I will give two chances to the Government side this time round! Mr. J. Nyagah and Prof. Anyang'-Nyong'o will contribute to the Motion in that order!

The Assistant Minister for East African and Regional Co-operation (Mr. J. Nyagah): Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion. We should prepare ourselves to go home after a very long period here in Parliament; since we were elected 18 months ago. We spent a lot of time at the Bomas of Kenya and here in Parliament. So, we have really not had a proper holiday. We have not paid attention to our constituencies. We are going to our constituencies for the first time, without the Bomas of Kenya and other things which interfere with the work which we are supposed to do for our people. So, I wish everybody great success as we go to our constituencies.

In my case, I think it is good for the Government to be given the two months break to sort out the many things which are outstanding. For example, in the next few weeks, the Government will recruit teachers in this country. I think we need to give it time and freedom to recruit teachers. Some of our districts, which fall under ASAL areas, such as the one where I come from, we have only been allocated 15 teachers, who are not enough in a district which is short of close to 300 teachers. So, I want the Government, when it will recruit the teachers, to pay attention to my district.

We also want to leave the Government free for the next two months to sort out its relationship with the donors. As we know, the relationship between our Government and the donors has been strained in the last few months. We hope that by giving it two months off from everyday pressure, some of the outstanding issues will be resolved, overcome and addressed for the sake of the people we represent.

I hope that in the next two months we will be on recess, the Office of the President, as the Minister has confirmed, will pay greater attention to security so that our people can walk freely and live knowing that the Government looks after them. I hope that in the next two months, the Government will be left free to concentrate on feeding our people. As we know, we have a serious problem of famine in this country. It is clear to me that when we go on recess and leave Mr. Karume and his team at the Office of the President, they will identify the areas faced by famine and quickly move in to help them. In the process, they should not forget districts such as mine which require food. Mbeere District requires a lot of food. As I keep saying in this House, it is often easy to remember the big communities which have big problems. The Government should not forget that we also have serious food problems. I hope that the relevant Minister will spend the next two months addressing the problem. He should visit my district. It is good to visit Turkana District and Ukambani. He should also visit us, so that he can see for himself the problems that we face. I hope the Minister for Water will spare time, in the next two months, to visit our districts and constituencies. I invite the Minister for Water, Ms. Karua, to visit Mbeere District and see for herself the problems we experience so that she can help us solve our long-term problems, especially famine.

It is my hope that as we go on recess, we will have time to address the political issues which have given us problems in the last 18 months. It is important for Kenya to remain united. I hope that

the recess will enable us to visit each other and understand the problems each community or Member of Parliament has, so that Kenyans can understand them in the next two months. It is important, as leaders of this country, to unite our people. You should not think that, because I disagree with you on an issue, we are permanent enemies. I am saying that we should not go back to the days when one could not address things because he or she was afraid. We should address issues so that we can unite our people in order for them to feel that there is good leadership. This House must provide that leadership. Going home, visiting each other and co-ordinating projects are things on which we have no choice but to practise them, so that we can have a united nation.

Mr. Temporary Deputy Speaker, Sir, with those few words, I support the Motion for the Adjournment.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I beg to support the Motion. Actually, I should have spoken before Mr. J. Nyagah because I was his best man at his wedding and senior to him at high school.

As we go on recess, there is one thing I would like to remind the House. Kenyans in the last analysis would want better food, health, education, roads and clothes. Kenyans will not enjoy those things, unless our economy grows, and our economy will not grow, unless we invest. Most Members of the Cabinet and, indeed, the Assistant Ministers, have been crisscrossing this country and the world, at large, asking investors to invest in this country. I can see we are not doing very badly but we can do better, especially, if, as hon. Members have realised, our roads are improved, we have electricity, water and the cost of doing business in this country goes down.

Our most important investors are our own people; that is, our farmers, traders, industrialists and workers. Kenyans are known to be hardworking people. Therefore, we, in the Government, must help them realise fruits of their labour. We must give all kinds of incentives to those Kenyans, of whatever colour, race or ethnic origin, who want to invest in this country and promote economic growth. Let us not, at any one time, have a fetish about land when our people want to use it for economic development.

We have had a lot of stalled projects in this country. Therefore, we need Kenyans to put money and energy in them for us to grow. That is why I was very saddened recently when there was a very unfortunate debate in this country on whether or not Spectre International, a company that is associated with one of us in this House, should or should not put into production some pieces of metal which had been lying idle for many years in Kisumu, and on which a lot of public money had been spent. In 1994 I was the Chairman of the Public Investments Committee (PIC) and I recommended that Kenya Molasses Plant be sold to any investor, even if it is for one dollar. This is because a piece of metal lying idle there is useless to this country. A piece of land lying idle, is useless to this country. It is only when it is productive that it is useful for the economy of this country. I must bear the responsibility that in 1995 or 1996 when we were meeting at the Nairobi Club with Mr. Raila, the late Joab Omino and Mr. Ojode, it is I who proposed to Spectre International to look for a strategic partner and invest in that company so that it could be productive. This is because I knew that only when there is capital in that enterprise that it can be useful to Kenyans. So, I was prepared to advise the Kenyan Government to sell it even for a dollar. That is what usually happens to an idle asset. You sell them symbolically so that they are put into production and produce wealth.

So, I would urge Kenyans to think of the national interest. The national interest is much more important. Even that provincial headquarters lying idle in Kisumu should be given to some private sector entrepreneur to turn it into offices and give four floors to the Government to use them as offices. The rest can be productive. This is because lying there year in, year out, it only gathers more debt and cost when it will be repaired in the end. So let us try to be imaginative about

investment. Our people in this country have the imagination and entrepreneurship to turn dead capital into living capital, we should give them all the support, especially if they are Kenyans.

So, as we go into recess, let us think about it and rise above petty politics and realise that the national interest is the most important.

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

Mr. Wario: Asante, Bw. Naibu Spika, kwa kunipa fursa hii. Nimesimama hapa kuiunga mkono Hoja hii kwa sababu tumechoka. Mwaka mmoja na miezi minane iliyopita tumekuwa tukikimbia kati ya sehemu tunazowakilisha Bungeni na hapa Bunge. Ni muhimu twende tukapumzike ili tukirudi tuweze kuendelea na shughuli za kuunda Katiba mpya.

Sote tuna furaha kwenda nyumbani kupumzika. Hata hivyo, kuna watoto na wazazi wao wanaolia kwa sababu wapendwa wao walitekwa nyara na wako mikononi mwa adui. Hili ni jambo la kusikitisha; kwamba ingawa sisi tunafurahi kwenda nyumbani kujiunga na familia zetu, Serikali haijapata suluhisho kuhusu Wakenya waliotekwa nyara nchini Iraq. Leo wake wa waume hawa ambao walitekwa nyara hawana cha kutegemea katika maisha yao. Jambo la kusikitisha sana ni msimamo wa Waziri wa Mambo ya Kigeni. Yeye amewapotosha Wakenya kuhusu janga hili. Kabla ya sisi kwenda nyumbani, Waziri Mwakwere, kama anajiheshimu, angejiuzulu leo asubuhi!

Bw. Naibu Spika, hivi juzi tulishuhudia waasi wa Serikali ya Sudan na viongozi wao, wakikubaliana kufanya kazi pamoja. Waasi hawa wamepigana vita na Serikali yao miaka nenda, miaka rudi. Hata hivyo, waliamua kushirikiana na Serikali na kuamua kufanya kazi pamoja. Bunge hili leo limeshikana mikono na kupitisha Mswada wa Katiba mpya. Matatizo ya kisiasa, kijamii na kiuchumi yanayokabili nchi hii, suluhisho ni Katiba mpya. Hata hivyo, natumai Katiba mpya haitatumiwa kuwadhulumu wanyonge au walio wachache katika nchi hii.

Ni kweli sisi tuko tayari, kama Upinzani, kufanya kazi na Serikali iwapo itafanya kazi kwa haki na kupunguza ufisadi. Juzi nilitoa mfano wa mwewe ambaye anapomnyakua kifaranga wa kuku hutafuta mahali pazuri ili aweze kumla. Siku hizi kuna watu ambao wana tabia ya kunyakua mali ya umma hadharani. Hata afadhali mwewe ambaye hutulia mahali pamoja baada ya kumchukua kifaranga wa kuku. Hawa hawakai mahali pamoja. Kwa hivyo, langu ni kuwahimiza viongozi Serikalini kushirikiana nasi ili tuweze kupiga vita ufisadi pamoja.

Nataka kuzungumza juu ya swala la elimu. Mimi ninawakilisha jamii ya wafugaji. Mbinu ya elimu tuliokuwa nayo si mbinu ya kuwafaidi watu wa jamii ya wafugaji. Serikali imepiga hatua na kuanzisha elimu ya msingi ya bure. Hata hivyo, kuna upungufu wa walimu. Watoto wetu hawajawahi kufurahia elimu hii kwa sababu walimu ni wachache. Ninaiomba Serikali kuajiri walimu wengi ambao watawafunza watoto wetu.

Nashangaa kuona katika Bajeti ya mwaka huu, kuna kiasi cha Kshs2.7 billion kwa minajili ya kulipa deni la National Bank of Kenya ndiyo Serikali ili iweze kufufua shirika la Kenya Meat Commission (KMC). Sioni haja ya kubuni tume ambayo haikutengewa pesa katika Bajeti ya mwaka huu. Serikali inatucheza shere sisi wafugaji wa mifugo. Ningependa kusema kwamba KMC isipewe kipau mbele. Kipau mbele chetu ni jinsi ya kutatua maradhi ya mifugo. Tungetumia hizo Kshs2.7 billion kupigana na maradhi ya mifugo na wala sio kufufua KMC.

Bw. Naibu Spika, wafadhili na wawekezaji ni watu ambao wanapenda kubembelezwa kama watoto. Wakati huu wamepiga darubini na kuona kuna ufisadi katika Serikali hii. Kwa hivyo, ni jukumu letu kuthibitisha kuwa hakuna ufisadi ikiwa tunataka kupata misaada yao.

Bw. Naibu Spika, kabla sijamaliza mchango wangu juu ya Hoja hii, eneo langu la uwakilishi Bungeni halijawahi kuona bendera ya taifa kwa muda wa miaka 13. Waziri wa Usalama wa Nchi ni kana kwamba ameweka pamba masikioni mwake. Lakini nitamueleza mpaka siku ya kiana kwamba kata sita katika sehemu yangu ya uwakilishi Bungeni hazijawahi kuona bendera ya taifa kwa muda wa miaka 13. Kama Serikali haitapeleka bendera ya taifa, basi waniruhusu kutafuta

bendera nyingine!

Kwa hayo machache naiunga mkono Hoja hii.

Mr. Deputy Speaker: I will give a chance to Mr. Wetangula, and then Mr. Githae in that order!

Hon. Members: *Ai! Ai!*

Mr. Deputy Speaker: Hon. Members, there is still a lot of time to contribute! You are all going to speak!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this Motion.

It is time we all agreed to go to our constituencies and be with our people. We have been here long enough and there is a lot of work to be done. Within my constrain of five minutes, I want to say just three things.

First, I want to urge Ministers, especially those responsible for utility Ministries like those of Water, Energy, Public Works, Roads and Health to take the opportunity of this recess to visit the whole country. They should see and appreciate the needs of our people, and factor them in future budgets. They will know there are areas which need their attention.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, secondly, the country is experiencing drought and famine. It appears that when we talk about drought and famine, the focus goes to Arid and Semi-Arid Lands. Many of us represent constituencies, areas and districts which are not ASAL, but they also suffer serious food shortages. When there is a food shortage like now, the Government, through the Provincial Administration, should take food aid to all districts and divisional centres. Families suffering from shortage of food, whether they live in ASALs or not, need to be assisted. I say this because in Bungoma District, where I come from, there are many families that are going without food. We have total rain failure. We have crop failure and people are suffering. Let those responsible not think that famine is ravaging only Ukambani, Kilifi and ASALs. Our areas also need support.

Mr. Temporary Deputy Speaker, Sir, I also want to touch on the issue of schools. Recently, I saw an advertisement in the newspapers announcing that the Government is going to recruit more teachers. In my district, it looked like a joke in bad taste! We have a shortage of 2,000 teachers in Bungoma District! Yet, the Ministry of Education, Science and Technology is allowing recruitment of only 183 teachers. That is 183 teachers against a shortage of 2,000! It is a bad joke! We want to know how the Ministry is going to cover the deficit of teachers in many schools in this country.

Mr. Temporary Deputy Speaker, Sir, as we go home, I want to encourage my colleagues, especially those across the Floor, that the days when Members of the Opposition used to go home to battle with police are gone. Now, you must go home, sit with your people, talk to them, appreciate their needs and see how best to help them.

Equally, I want to urge every Member of this House to go back home and see that the funds that we are allocating, whether for bursary, roads, Local Authorities Transfer Fund (LATF) through councillors, Constituency Development Fund (CDF) and others, are accounted for, used transparently and achieves the purpose for which they were intended.

Mr. Temporary Deputy Speaker, Sir, of late, we have seen an upsurge of problems and

strikes in schools. Children in schools have become defiant and destructive. I want to urge the Ministry of Education, Science and Technology, together with the Office of the President, to check whether that restlessness has anything to do with the escalation of unlawful use of drugs and alcohol in schools. If that is the case, then that needs to be checked. It beats logic for a child of 14 or 15 years to wake up one morning, and set his school, school bus or dormitory on fire! Those are things that we need to investigate and see whether there are pressures that we are exerting on our children that are causing that restlessness. We should also check whether the restlessness is as a result of drug and alcohol abuse.

Mr. Temporary Deputy Speaker, Sir, finally, we all talk about attracting foreign investments. I hardly hear any Member in this House encouraging local entrepreneurs to move around the country and invest. You hardly hear anybody telling Manu Chandaria to move from Industrial Area in Nairobi and invest in Bungoma, West Pokot or Eldoret. Let us not be hoodwinked to believe that the only viable investment is foreign. We must support and encourage our local entrepreneurs. It is disheartening to hear that Kenyans are moving to invest in Uganda and Tanzania.

With those few remarks, I beg to support.

Hon. Members: Githae! Githae!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Members! That was already ordered! Mr. Githae, please proceed!

(Laughter)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support the Motion that the House should adjourn.

One hon. Member of this House asked what he is going to do during the recess. I would like to tell him what he can do. There is so much that one can do. The following are the facts:-

Number one, 95 per cent of Kenyans depend on maize and maize meal for their diet. Secondly, there are very few areas that are suitable for maize-growing. Those areas are around Kitale, Eldoret and Uasin-Gishu. Those are the facts!

I am saying that, unless we, as leaders, tell our people the truth, however bitter or unpopular it is this country will not develop I think it is our responsibility as leaders to tell our people the truth. The truth is: Unless we go back to our traditional crops; the ones that are suitable for many areas in this country, we will not be able to eradicate famine in this country. This year, we have more than 29 districts---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. The other day, the Assistant Minister said that we should eat rats! Now, he is saying that we should change our habits of eating! Does that include rearing of rats?

(Laughter)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I do not need to answer that. We need to go back to our traditional crops which used to do well in this country. They were yams, cassava--- Let me tell one hon. Member who does not know that you can get very nice porridge and *ugali* from cassava! We also used to grow millet and finger millet in this country. There was very good *uji* and *ugali* from that crop. We also used to grow sorghum in this country. You can get very good *uji* and *ugali* from

sorghum.

I am saying that it is high time we went back to growing traditional crops, so that we can eradicate famine in this country. We used to have things like arrow roots, sweet potatoes and bananas. You can get *uji* and *ugali* from bananas! It is very sweet! It is something that I have eaten!

Mr. Temporary Deputy Speaker, Sir, I have also been saying that, unless we change our ways of storing food stuffs--- The maize and wheat which we are going to get from other countries was harvested more than ten years ago. In this country, we sell what we harvest immediately. Unless we change that, I do not see us eradicating famine.

We are so lucky to have a President who loves this country and its people. We are lucky to have a President who has given us democratic space. We can go round our constituencies without fearing being harassed. We can go round telling our people the many things that the Government has achieved. The Government has started the war against corruption and it is going on. Public servants are also required to declare their wealth. That is also something we can tell our people. We can also tell our people about constituency bursaries and CDF. We understand we will have the CDF money by next Wednesday.

The main problem that we have is that of leaders not telling Kenyans the truth. We need to tell Kenyans the truth. There is a saying that I would like us to adopt. The Chinese say that they eat everything that flies except an aeroplane. The Koreans say they eat everything with legs except tables.

Mr. Temporary Deputy Speaker, Sir, the Japanese say that they eat everything under the sea except a submarine. I think those are some of the truths we should tell our people so that we can move forward.

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

Mr. Chepkitony: Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion on Adjournment. We are all very happy, eager and anxious. We are looking forward to going home because since we came to this House, we have not had that opportunity to go back to our constituencies to stay with our constituents and participate in the development activities. We have not had a chance to see the problems that face them and come up with solutions to assist them. This is the right opportunity. Since we came back, we have been so busy with the National Constitutional Conference (NCC) at Bomas of Kenya and the activities of this House. I think we have done a lot in this House. We have passed vital Motions and Bills.

We in the Opposition have also played an important role although one of the speakers said that the Opposition has not done much. We have done a lot and I must admit that we are a responsible and constructive Opposition. We are not a destructive Opposition like the previous Opposition. We are constructive, forward-looking and we only support what is right for this country and oppose what we think is not right for this country. That is the role the Opposition is supposed to play. We do not oppose just for the sake of it. All of us are interested in ensuring that all parts of this country are developed and taken care of by the present Government. There is no time we shall have two Governments running the affairs of the country. We have only one Government at a time and it is the Government for everybody; for those who voted for and against it. In this regard, I would like to challenge the Government to really treat every area of this country equally. When it comes to allocating the resources of this country, they should be given out equally and equitably so that no particular part complains that it is being marginalised. This country belongs to all of us and we need to support each other.

Now that we are going back to our constituencies, we should realise that there is drought all over the country. I am happy that hon. Members have agreed to contribute Kshs50,000 each towards helping the famine-stricken families. I hope that the Committee that has been charged with the

responsibility of disbursing the money will consider all the affected areas and distribute the money and other donations equally. Famine is not only affecting the Arid and Semi-Arid Lands (ASALs), but all parts of the country. Even people who live in areas of high rain potential and are highly populated still do not have enough land.

Mr. Temporary Deputy Speaker, Sir, another issue that I would like to request the Government to grant our people is to allow the *shamba* system. Next year we shall have a big shortage of food because this year we have not allowed non-resident farming and it is going to hit *wananchi* who have been relying on these areas to grow their crops and tree seedlings. I would like to urge the Minister in charge to visit the forested areas and compare the growth of trees this year and last year when the *shamba* system was still being practised. Under the *shamba* system, the tree seedlings thrive very well. However, when you grow the seedlings under grass, they are eaten by rats and they dry up. Nothing comes out of them and it is a waste of time. So, we need to go back to the *shamba* system.

We have areas that fall under the ASAL areas and yet they have been deregistered. My district, Keiyo, is one of these areas. The whole of Keiyo Valley is an ASAL area, but it has been declassified. I would like to urge the Minister responsible for this to reconsider this area. We are not benefitting from any ASAL programme at the moment. Recently, the Minister for Health ordered the dispensaries to be charging a fee of Kshs10 and health centres Kshs20. Already there is a negative impact in the dispensaries and health centres because there is no money that is raised through cost-sharing.

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

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Thank you, Mr. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Motion.

This will be the first time we will be going home after the National Constitutional Conference at Bomas of Kenya. I would like to urge my colleagues that as we go home, we should preach to our constituents the need to uphold the unity we have demonstrated in this House especially in the last few days and weeks. It is very important to give our people a sense of peace and leadership. We need to show them as their leaders, who they voted for so enthusiastically in the year 2002 that, we are truly out to serve them and not our own interests. I hope, wherever we shall go, we shall be preaching peace and unity. We shall be preaching the need for us to talk with each other so that we can have a consensus on whatever we are discussing. It is not surprising that we should not agree on some issues. In this country we have about 42 different communities which I normally call "micro-nationalities". Every community is very distinct. We have different cultures, customs and languages that actually make us a nation.

We came together through a historical incident when the British put us all together. But now that we are together in this 21st Century, we need to understand that when we are not united, we cannot make it. We need to unite. It is not enough to unite as Kenyans given the 42 different communities that make up our nation, but we also need to work towards strengthening the East African Community. If we cannot agree as 42 communities of Kenya which have lived together for almost a century, can you imagine how much more complex it will be when we try to build the East African Community? We leaders need to teach our people that in unity we shall have strength. It is very important to join the East African Community as a very strong and united nation.

Mr. Temporary Deputy Speaker, Sir, one of the ways we can promote unity amongst us is through speaking our languages. I was very happy that at the National Constitutional Conference one of the Chapters that was added to the draft Constitution was on culture. One of the most important aspects of culture is language. I hope that one day this Parliament will be able allow hon. Members to speak in their own mother tongue. The other day we were proposing that this House

should allow the use of sign language for the deaf and dumb. I wondered that if one cannot speak English or Kiswahili; majority of Kenyans do not speak either languages, then, one is worse off than a deaf and dumb person because this Parliament does not address you.

Many of our people do not understand English and Swahili, and I hope that the Minister for Education, Science and Technology will one day make it a requirement that every child, when he goes to school, will not only learn English and Swahili, but also his own mother tongue and one other mother tongue of a different community. I believe that this will go a long way in breaking the divisive bridges that we create between ourselves. It is amazing that for a Luo, Kamba and Kikuyu child to communicate, they have to do so in English, which is a foreign language. I wish that, for example, Kikuyu children would be able to speak in Luo, Kamba or Kalenjin. I do believe strongly that if we emphasised this aspect of our education, we would be able to create a more cohesive society, identify with each other much more strongly than we do today, and I hope that the Minister for Education, Science and Technology will pay heed. We talk about it all the time, but he never implements it. So, I hope that as we go out into our communities, we shall, indeed, be one.

Thank you, Mr. Temporary Deputy Speaker, Sir.

I beg to support.

Maj-Gen. Nkaiserry: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I also stand to support this Motion of Adjournment.

First of all, I would like to take this opportunity to thank the Mover for moving this Motion that we go home to rest and visit those people who elected us. We go home so that we can serve our employers, because the constituents are the people who have employed the Members. We really need to go home and take home the message of development.

Mr. Temporary Deputy Speaker, Sir, I am also happy that on the eve of this recess, Parliament has provided leadership in two very critical areas; the first being the constitutional review process. Today, we have set history; that this House has come out united so that Kenyans can have a Constitution which is beneficial to all the citizens.

Secondly, I would also like to thank this House for providing leadership in taking development to the grassroots. In this regard, I would like to commend Eng. Muriuki and, of course, the Ministry of Finance, for providing or bringing out the Constituency Development Fund (CDF), which we have been assured has already been established and that the money will be credited to the account which has already been opened. So, it is really important that as we go on recess, we will be able to go home and work in order to actually ensure that this money, which the Government has set aside for us to develop our constituencies, will be put into proper use. So, this recess has come at a very right time.

Mr. Temporary Deputy Speaker, Sir, I would like to mention a few other things. During the recess, I would like to urge the Government, especially the Minister for Water, to visit the driest places in Kenya to see for herself that we need water, especially in Kajiado District and, particularly, in Kajiado Central, where I come from.

Secondly, the Minister for Education, Science and Technology has implemented the Free and Compulsory Primary Education Programme. I would like to urge the Ministry--- I would like the Minister to listen; that we needed the free primary education, but we needed him to move in and provide infrastructure and, of course, teachers. For example, in Kajiado District, we have a shortage of 380 teachers.

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Mr. Wamwere, what is

happening there? We want to see only one Member on his feet!

Maj-Gen. Nkaiserry: Thank you, Mr. Temporary Deputy Speaker, Sir. The Minister for Education, Science and Technology should provide infrastructure so that our children can learn. I have said that we have a shortage of 380 teachers. For us to have quality education, we must have teachers to teach children. For instance, you have just posted only 56 teachers in the whole of Kajiado District, and we would like to have 380 teachers, so that they are commensurate with the number of children.

Mr. Temporary Deputy Speaker, Sir, we have already allocated a tremendous amount of money to the Ministry of Roads and Public Works. We needed the amount allocated for district roads development to be raised from Kshs5 million to, at least, Kshs15 million to enable us to construct some culverts or bridges. Otherwise, that amount will only be for grading of roads.

I would like to mention something very important; vaccines for livestock. The amount of money which was allocated for reviving the Kenya Meat Commission is over Kshs2 billion. We would like half of that money to be used to develop a vaccine for East Coast Fever.

Finally, I am member of the Departmental Committee on Defence and Foreign Relations, and we have introduced Parliamentary diplomacy in this region. I am glad to report to this House that the Kenya Parliament has taken the initiative to bring together the parliamentarians of this region, so that we can push for peace in our region.

With those few remarks, I beg to support.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to catch your eye.

I would like to support this Motion because I think it is useful for us to, at least, break from the normal business of this House and go home to do other things. I would like to advise our Government on one thing. This time round, as we go on recess, we want to make a difference. I want us to make a difference in such a way that there will be no harassment of Members as it used to happen in the previous years. We want to see the policemen being useful and supportive to Members, and attending those meetings which Members are holding to enlighten their constituents about constitution-making. Mr. Temporary Deputy Speaker, Sir, I would also like this Government to take note that this is not the time for obvious public mismanagement, as has been the case before. Previously, when Parliament went on recess, it was a time for the Government to go crazy, do as they wish and do things that are not acceptable to parliamentarians just because they are not in the House to raise the issues up or to blow the whistle.

Mr. Temporary Deputy Speaker, Sir, insecurity still exists in our country, particularly in Shinyalu Constituency. I wish hon. Murungaru was here to listen to me. Shinyalu is an area where insecurity has gone through the roof, and it is not contained at all. It is necessary that this matter be dealt with, because thugs have literally gone haywire; literally slashing people indiscriminately. These thugs are not being arrested, and we are spending so much money on security.

Mr. Temporary Deputy Speaker, Sir, I was surprised to hear the Minister for Planning and National Development, hon. Prof. Anyang-Nyong'o and the Minister for Roads and Public Works, hon. Raila, and other Ministers, speak as if they were not in Government. I think they should have spoken as being in Government and told us what they are going to do about certain sectors in their Ministries. They spoke as if they were like me, hon. Angwenyi or my friend, hon. Capt. Nakitare here. They were not speaking like Government Ministers. They were saying, "We want the Government to do A,B,C,D." Which Government, when they are serving the same Government? It is them to tell us what they are going to do for us.

Indeed, I am not, by any standards, saying they are not doing much. It is them to tell us what they are going to do, not to come and stand here and say, "We want the Government to do A,B,C,D."

Mr. Temporary Deputy Speaker, Sir, the roads are still in a bad condition. In Shinyalu Constituency, for example, we did not have rains. Now, somehow, the rains are setting in, in that part of the country and they have now started washing away the roads. So, it is necessary that we consider very seriously how we can work on the roads.

I want to state here categorically that the engineers in the districts are still a thorn in the flesh. They are not utilising roads money properly. It is important that the Ministry of Roads and Public Works addresses this. It is not good for the Minister for Roads and Public Works to come here and tell us those are things gone by. It is true, even in my own district, that the roads money are still being mismanaged by the roads officers in the districts. It is important to address that matter.

Lastly, I want to congratulate the Minister for Education, Science and Technology. I am not sure he is here, but I would like to tell him that he has done a good job. In fact, the monies that the primary schools are getting now in the whole country, is a phenomenon that has never happened before.

(Applause)

There is plenty of money around! But what we need to do is to make sure that there is proper management of this money. I still want to congratulate the Ministry because they are bringing some headmasters to book; those who have been mismanaging money. We would like to see more of this because previously, parents used to contribute money and it never went anywhere.

With those few remarks, I beg to support.

The Assistant Minister for Planning and National Development (Mr. Lesrima): Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to contribute to this Motion of Adjournment.

I want to begin by thanking my colleagues in the House for the hard work, for their demonstration of independence of mind and for their recognition of the fact that we are in this House because we are elected by the people and not by Members of Parliament. I think that is now being accepted. Personally, I was elected by 19,098 people. Sometimes, I get the feeling that some of us in this House think or believe that they elected me. I was elected by the Samburu people and I want to speak as the Member of Parliament for Samburu West.

Mr. Temporary Deputy Speaker, Sir, although this is my maiden speech as an Assistant Minister and a Member of KANU, I speak with a very heavy heart. This is because, as we go into recess, I go into mourning. My people have been killed by gangs of criminals on two occasions. In June, this year, two people were killed and 100 head of cattle taken away to Baringo District. I went to cool down my people. At that time, I was an ordinary Member of Parliament. I told them the Government would take action. No action has been taken. On Monday night, this week, again, two of my people were killed in the same village, and 720 head of cattle driven into Baringo District. There is mobilisation but it is not adequate.

Mr. Temporary Deputy Speaker, Sir, what upsets me is the nature and behaviour of certain departments. When we have an incident of this kind in Isiolo, helicopters are mobilised instantly. When we have an incident like this in Marakwet, helicopters are mobilised immediately.

Mr. Temporary Deputy Speaker, Sir, hon. Prof. Maathai says we are a nation of 42 tribes. But it looks like the nation of Samburu is subordinate to the other nations of Kenya.

I want to commend the officers on the ground. They are trying their best. But there is a disconnection between the operations on the ground and the bureaucracy at the centre. In Nairobi, we are told everything is fine. On the ground, the people do not have the logistics. As I speak now, I do not know the whereabouts of 30 Samburus who followed the cattle rustlers with bare hands and spears.

Mr. Temporary Deputy Speaker, Sir, where is the Anti-Stock Theft Unit (ASTU)? Where are the police helicopters that carry VIPs around? Where are the military helicopters? Is it possible for this Government to restore faith in our people by taking swift and proper action in dealing with criminals? We, the people of Samburu, did not have guns in 1996. But we have been pushed to the wall until we have acquired some. We do not want to go there, and I am appealing to my people not to go to war; to be patient. There is still some very little hope that this Government may just do something. The long-term solution, of course, is infrastructural development.

With those remarks, I beg to support this Motion for the Adjournment.

This recess period is not going to be a rest for me, but a period of mourning.

Mr. Shakombo: Asante, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii nami pia niunge mkono Hoja hii ya sisi kwenda kupumzika.

Lilikuwa ni jambo wazi kwamba wengi wetu, ingawa tulikuwa tunajikaza, lakini alama za kuonyesha tumechoka zilikuwa zinaonekana. Hii ni kwa sababu katika mijadala ambayo inaendelea, na vile watu wanasukumana hapa, ilikuwa hakuna shaka wanataka kwenda kupumzika.

Kwa hivyo, ningependa kuwaambia wenzangu kwamba, twende tukapumzike na tukahudumie wale matajiri wetu waliotuleta hapa ili tupate tena kurudishwa Bungeni.

Jambo lingine ambalo ningetaka kutilia mkazo ni kwamba hizo fedha za maendeleo katika sehemu za uwakilishi Bungeni; ni imani yetu kwamba yale tuliambiwa jana na Waziri wa Fedha na yale tumeambiwa leo na Makamu wa Rais wa nchi hii yatatimizwa katika wakati huu wa wiki ijayo. Hii ni kwa sababu kuna misemo mingi huko sehemu za uwakilishi Bungeni kwamba pesa zilitoka zamani na ni Wabunge wengine ndio hawataki kueleza watu wao kwamba ziko wapi. Hayo maneno yanatuletea aibu na pia wakati mwingine watu wetu huwa na shaka na sisi kwamba pesa zimekuja na hatuzitumii na wala hatuwaonyeshi. Kwa hivyo, ni muhimu sana kwa Wizara ya Fedha ihakikishe kwamba chochote ambacho kimezuilia pesa hizi kiondolewe na pesa zije tukae na watu wetu na tuwaonyeshe kwamba kweli yale maneno ambayo Serikali hii imesema ndio haya na ni tofauti na Serikali iliyopita.

Kitu cha tatu ambacho ninataka kuzungumzia ni juu ya Wizara ya Afya. Mimi ninatoka Wilaya ya Mombasa ambako kuna watu wa aina mbali mbali na ni wengi sana. Kwa vile tuko wengi, hospitali ya Coast General Hospital haitoshi. Tuliomba hospitali nyingine hapo mbeleni na tukapewa hospitali ya wilaya huko Port Reitz, lakini tunaona kwamba hiyo pia imeanza kushindwa na idadi ya watu ambao huihudhuria. Huko Likoni tuna kituo cha afya na tunaomba Wizara ya Afya ikifanye hospitali ya wilaya, kwa sababu idadi ya watu katika sehemu hiyo haipungui watu 300,000. Ingefanywa hospitali ndogo ya wilaya ili tuwe na madaktari wa kutosha kwa sababu idadi ya wagonjwa wanaokihudhuria hicho kituo cha afya kila siku haipungui 5,000 kila siku. Tunataka watu wetu waone kuwa sasa Serikali inatoa huduma za afya za kutosha.

Jambo lingine ni kwamba Wizara ya Barabara na Ujenzi imezungumza kwa muda mrefu juu ya by-pass. By-pass ni daraja ambayo tunatarajia ijengwe huko Port Reitz ili itumike kwenda Pwani ya kusini. Mpaka sasa kivuko chetu ni ghali na pia tunachukua muda mrefu kuvuka. Mara nyingi watu huogopa kuishi au kuanzisha miradi katika sehemu yetu. Tunaomba Wizara ya Barabara na Ujenzi ijaribu kuwajibika ili mambo yafanyike sawa sawa.

Jambo lingine ambalo nimesoma leo, na ambalo linatufurahisha kidogo ni kubuniwa kwa chuo kikuu huko Pwani. Tunaambiwa kwamba kabla mhe. Rais hajakuja huko Mombasa wakati wa sherehe za maonyesho chuo hiki kitakuwa kimeanza. Kisipoanza tutashindwa kueleza tofauti baina ya Serikali hii na zile zingine za

awali. Hilo ni jambo muhimu ambalo watu wa pwani wanatarajia kutoka kwa Wizara ya Elimu, Sayansi na Teknolojia.

Upungufu wa walimu ni jambo ambalo wenzangu wamezungumzia Tungetaka Wizara

iharakishe kuwaajiri waalimu zaidi. Elimu ya bure ni kitu kizuri ambacho wananchi wanafurahia, lakini singependa furaha yao ipotee kwa sababu ya kutopata msaada wa waalimu.

Ninaiunga mkono Hoja hii.

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to support this Motion. We have been here since March, and have done demanding work in this House. It is only fair for hon. Members to go home, or take a break and visit their constituents.

I would like to urge the Government side hon. Members to tone down their voices on a lot of issues. They have been creating a lot of confusion among Kenyans. We have seen situations where members of the Government have almost clashed on some issues. We would like the Government side to cool down and take charge of the leadership of this country because they have been given that mandate by Kenyans for the next five years. What we have been seeing of late is not an indication of doing that. I would call upon them, especially the Ministers, to cool down and start delivering services to Kenyans, because that is exactly what we need. If they continue displaying the same temperament, they will not be of any use to the nation and the international community. Everybody is watching to see exactly what we are doing and we should now put our act together. This is the second year since we held elections, and at the end of the year, we would like to take stock of what the Government will have done for Kenyans.

There are very many activities going on in the constituencies, which hon. Members will deal with. They will meet their constituents and solve their problems. They will educate them on the implications of the Motions we have passed here. They will also prepare them for what they will face in future.

As we go for recess, those of us who come from Ukambani are faced with a big famine. The Government has not been feeding our people properly. At the moment, our people are expected to receive two kilograms of maize per month. Two kilograms of maize cannot sustain a family of four, five or ten people for a month. I would like to request the Government to take this issue of famine a bit more seriously; right now it is not doing that. When we talk of famine, we are not only talking about food. There are people who have no water. I would like to urge the Government to take these issues a bit more seriously and feed our people. Even if there are no funds, the Government should look for them to feed our people. There is too much heat and drought in our constituencies and a lot of people are suffering.

I would like to ask the Ministry of Education, Science and Technology to start feeding programmes when schools open. This is because children will not go to school if such a programme will not be running, and if the Government does not increase the food rations.

It is not that we are lazy but we lack quite a few things. We have lacked these things for many years. During the colonial era, Kenyatta's regime and Moi's regime we did not have them. Now it looks as if we will not get those things from present regime. What we lack is water. We have seen people who do not require as much assistance as we do. We need substantial amounts of money to start water projects. During its election campaigns, this Government's members promised to provide water, especially in Ukambani. We would like to see our people getting water. While we are dealing with famine, we should also stop the use of illicit brews. This is one thing which is preventing our people from being productive.

On security, especially in Kaiti, we had---

The Temporary Deputy Speaker (Mr. Poghisio): Your time is up!

Go on, Dr. Mwiria!

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

(Loud Consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order! We have time! We are not adjourning at 6.30 p.m. today. So, if you have not spoken yet, there is time. You will speak!

Proceed, Dr. Mwiria!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I would like to comment on three main issues that have been the subject of discussion in the last two hours. The first one is famine. As much as I agree that the Government is duty-bound to do everything possible to ensure that our citizens in whatever part of the country do not experience famine during coming months, I would like to say that we have a duty, as Members of Parliament and leaders, to ensure that we do whatever we can within our local communities to ensure that this situation does not recur. We know that this problem is not found only here in Kenya.

In terms of relief food, apart from just looking to the Government and the donor community, we should appeal to Kenyans, who have more resources than others, to show some commitment to fighting famine by contributing whatever they can to support their neighbours and others in neighbouring communities. The burden should not just be left to the Government and the donor community. It should also be shouldered by those of us who are luckier than the majority in their communities.

Mr. Temporary Deputy Speaker, Sir, the other issue that has attracted a lot of attention relates to education. This time, especially the last three months or so, up to the end of this month, in a sense, is a time for celebration; celebration in that we have had graduation ceremonies at universities and teacher-training colleges. Those graduating make a lot of merry and spend a lot to celebrate their success. It is good that we have these celebrations. But, unfortunately, if many of those graduates from these institutions cannot find employment, then that celebration is as short-lived as the time that it takes to host the parties by the various graduands. So, I would like us to take this time, when we are out of Parliament, to reflect on what we can do as hon. Members of Parliament to ensure that we rehabilitate and revitalise our economy so that, that elusive goal of creating the 500,000 jobs per year, we promised Kenyans, is reached. We should also ensure that we accommodate many Kenyans who have qualifications, but cannot find employment. So, I hope, after this recess, we will have relaxed long enough to ensure that when we come back, we will not spend our time on too much talk, but on action.

Mr. Temporary Deputy Speaker, Sir, with regard also to education, this will be a time for examinations in many of our institutions. Now that we have a bursary programme that is meant to support the talented, I hope that the resources that will be available will be used to support the talented students, irrespective of which political party they supported, or which opponents of hon. Members of Parliament they supported, and that the criteria will be nothing but merit. I hope that those that are the very best will be able to sit for their exams because we have a programme that we are able to administer ourselves, and we are able to reach to the bottom to identify the very needy cases.

Also on the issue of education, I would like to say that I absolutely agree that we need to do more in terms of recruiting teachers. I also agree that education cannot be said to be free if we do not provide the necessary facilities. However, I would like to remind hon. Members of Parliament that, like we have said before, this is a partnership. It is not really free primary education as such because the Government is paying for it. So, let us find ways and means of coming in as hon. Members of Parliament to draw on our own resources. I would like to appeal to those hon. Members who come from communities that are able to support this programme, including the churches and

the private sector, to ensure that this becomes a success for all of us, whether we are in the Opposition or in Government.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to talk about corruption. It is good that we are done with confirming Justice Ringera as the boss of the Kenya Anti-Corruption Commission (KACC). However, he will not manage a great deal on himself if we do not change. One person will not solve the problems of corruption in this country. We have to change and ensure that we do not get into ways that lead us into corruption and that we nab whoever practises it.

Secondly, I hope Justice Ringera will target all the corrupt individuals, including those who supported his Motion, probably because they wanted a cover-up. I hope that, whether or not people supported this Motion, that Justice Ringera will target them because we must not use this as a way of coming back to ensure that we are not investigated. I hope that Justice Ringera will touch everyone, irrespective of status, where they come from, relations, gender and whether or not they subscribe to the same faith. So, I really hope that the target will be very clear and that this will not be the beginning of a compromise with regard to those who are corrupt.

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 Motion.

We deserve this recess so that we can take a rest and review our position on various issues. This is the first time this Parliament has actually earned its place in this country. Previously, Parliament would be in session for one and a half months and then we would go on recess and yet, we are paid for the entire year.

Mr. Temporary Deputy Speaker, Sir, I would like to address the issue of performance of this Parliament. We do know that our role is to represent, legislate and provide oversight on issues affecting this country. It seems like Parliament is being carried away to perform roles of other legally established institutions in this country. In my view, Parliament is trying to perform the role of the Electoral Commission and the Controller and Auditor-General. We need to give policy guidelines. Those roles must be performed by institutions which have been established through legislation in this House. This Parliament needs to provide leadership. I was happy this afternoon when we took the mandate to provide leadership in the writing of a new Constitution. I hope that by the time we come back, we would have identified those issues that we would like to address in the draft Constitution. We will be prepared to engage in dialogue, give-and-take, with a view to getting a consensus for our new Constitution before the end of this year.

Mr. Temporary Deputy Speaker, Sir, we need to address the issue of economic development. Although we have been told by the mandarins of our economy that our economy is growing, we are going into a recession. If our economy slides into recession, we must ask the Government to look for ways and means of providing public jobs. That is what was done in America in a new deal; in 1932. That is because we do not have a very strong private economy. We cannot expect the private sector to provide jobs for our people. The Government, therefore, should undertake to provide public jobs even for a period of one or two years. If that is not done, then our youth will continue suffering.

Mr. Temporary Deputy Speaker, Sir, Parliament has provided an avenue for taking taxpayers' money to the people at the grassroots, through the Constituency Development Fund (CDF), District Roads Committee (DRCs) and bursary funds. On bursary funds, I want to thank the Ministry of Education, Science and Technology. They ensured that the leadership of this country was involved in the disbursement of those funds to the right people.

Mr. Temporary Deputy Speaker, Sir, with regard to writing off of loans and debts incurred by our farmers, the Government has stated very clearly that it is going to write off loans in the sugar

industry, to the tune of Kshs9 billion. I would like that write-off exercise to be extended to the tea industry. If tea farmers owe money, we must relieve them of those debts which have burdened them. The coffee industry needs to be addressed fast!

This Government, especially during budgeting, must assist areas that generate the income that we vote in this Parliament. I take the exception of Nairobi, which contributes 30 per cent to 40 per cent of Government revenue. Nairobi gets very little - less than 5 per cent! That is taxing people without giving back where you have taxed!

Mr. Temporary Deputy Speaker, Sir, finally, the Ministry of Education, Science and Technology should provide teachers to our schools. That is when free primary education will make any sense. The Kshs4 billion that they have allocated to information technology should be reallocated to recruit more teachers, so that we can have proper education in our primary schools.

With those few remarks, I beg to support.

Mr. Ojaamong: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute and support this Motion of Adjournment. I want to centre my contribution on two items; the delivery of health services in my constituency and the country at large. Most of our health centres, dispensaries and hospitals have collapsed in terms of lack of infrastructure, equipment and personnel. In my constituency; Amagoro, right now, the only district that used to have a referral hospital for leprosy cases in East Africa, Alupe, has been neglected by the Government despite having certain facilities. As I speak now, you will find that even the health personnel that have been sent there, do not report on time or never report at all. This leaves patients at the mercy of - I cannot say---

This is very offensive in that the NARC Government promised to provide health services and it keeps on promising that it is even giving free health services. This is not the case on the ground! As we go for recess, let me hope that the NARC Government will put the machinery in place to try as much as possible to revive the delivery of health services in our Republic; in our hospitals across the country.

Finally, I will talk about the minorities in Kenya and I have to mention the Teso community, where I come from, the Sabaot of Mt. Elgon where Mr. Serut comes from, the Pokots, Turkanas and others. The NARC Government has treated these communities---

Capt. Nakitare: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to tell the House that Kalenjins are the minority in this country?

The Temporary Deputy Speaker (Mr. Poghishio): What was that again?

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, I am talking about the Sabaot who are the minority in Western Kenya, the Teso and the Pokot where the Chair comes from and the rest.

What I am saying is that the NARC Government has behaved in a manner indicating that it wants to exterminate these communities because of their small numbers. When we come to appointments in the Government, we can count very few Pokots; we can see no Teso or Sabaot. All this is done under the pretext that we do not have qualified people. The President visited my constituency and he kept on referring to my people as having only gone up to Standard Four. I am a graduate from Kenyatta University and there are so many other Teso graduates who can qualify to be appointed in Government positions.

My community is very bitter with this Government because it knows the benefits that come with these appointments. When you have a Minister from your community, there are so many benefits that come with that. When you have a PS from your community, there are so many benefits that come with that. If you have an ambassador in your community, there are so many benefits that come with that position. What the previous President used to do is that he used to distribute this

cake around and across the country so that everybody would taste it. However, what is happening now is that we are concentrating this thing in one particular area; one particular ethnic community to the disadvantage of the rest. It is my prayer that when this NARC Government goes on recess, it will begin to reflect; let it go and pray and know that we also have certain Kenyans elsewhere who need to survive.

With those few remarks, I beg to support.

QUORUM

Mr. Moroto: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member was discussing a very important Motion yet it seems as if the House lacks quorum.

The Temporary Deputy Speaker (Mr. Poghismo): Order, hon. Members! I need to be told if there is quorum or not.

Well, there is no quorum. Ring the Division Bell!

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghismo): Order! Order, hon. Members! We now have a quorum. Could you wind up, Mr. Ojaamong?

Mr. Ojaamong: Mr. Temporary Deputy Speaker, Sir, in conclusion, I would like to urge the Government to assist the people of Budalang'i - who travel for a very long distance to the district headquarters in Busia - by putting up a district headquarters in Funyula, where the Vice-President and Minister for Home Affairs comes from, so that they can benefit from delivery of Government services because they will be nearer to them.

Thank you.

Ms. Mwau: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

It is very clear that we are ready for this adjournment. It has been long since hon. Members went to their constituencies to relax and discuss with their constituents critical issues affecting them. This recess will enable hon. Members to do just that and come back when they are informed on the issues affecting their constituents.

Mr. Temporary Deputy Speaker, Sir, the insecurity situation in this country has worsened. I would like to urge hon. Members to discuss with their constituents about the issue of community policing. The thugs, who terrorise people in any community, are sons and daughters of the men and women in those villages. So, it is important that communities start thinking of how to tackle the issue of insecurity through community policing. I would also like to request that a police post be established in every location, because the existing police stations are far apart. You would find that in a constituency, there is only one police station. Some police stations do not have vehicles. In such cases, it is very difficult for police officers to respond to distress calls. So, if we establish a police post in every location, that will be the way forward to deal with insecurity in this country.

I come from Makueni, one of the districts that are affected by famine. The ration of two kilogrammes of maize per family for a month is a shame. The Government should increase this ration. It should also ensure that the disabled, orphans and women are given priority.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about unrest in schools. The Ministry of Education, Science and Technology should look into the issue of unrest in schools and identify what the teachers need to do. All teachers should go through a counselling session, so that they can dialogue with the students and understand when they are stressed. The unrest occurs before

the examinations. So, it is important for the teachers to dialogue with the students so as to curb the unrest witnessed in schools.

Alcoholism and drug abuse in schools is one of the key factors that are contributing to unrest in schools. The parents also need to take responsibility and talk to their students. Parents have been accused of giving students a lot of pocket money. That makes them engage in drugs. Teenage pregnancies have become an issue in this country. The Ministry of Education, Science and Technology should come up with a policy on this issue. The boy and the girl, who have had a baby together, should take responsibility. Many young women are becoming mothers at a very tender age and it becomes a case of a baby taking care of another baby. It is important that a long-term policy is put in place to support girls who have dropped out of school due to pregnancies.

With those few remarks, I beg to support.

The Assistant Minister for Agriculture (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion of Adjournment. We really need time to rest and think.

I know that, after people have taken a break, they come back very energetic and can contribute to debates effectively. We also need time to visit our constituencies, so that we can assess the various developments we have done there. We need to meet our constituents. Also, we need time to familiarise ourselves with our new Ministries. Some of us have just been appointed to Ministries and we need to familiarise ourselves with the procedures in the various Ministries. For example, the Ministry of Agriculture, where I am, is one of the most important Ministries in this country. If the Government wants to achieve the target of creating 500,000 jobs per year for our people, we need to concentrate mostly on agriculture. During the next Budget, we need to support agriculture. We need to increase the budgetary allocation for the Ministry of Agriculture.

Mr. Temporary Deputy Speaker, Sir, I want to talk about our performance. Kenyans are not happy with many of us. When Kenyans voted in the NARC Government, they knew that they were voting in people who were serious. But the way some of the hon. Members of Parliament have been bickering out there, it has left a lot to be desired. You will find even Ministers who are in the Cabinet arguing out there as if they are still in the Opposition. That attitude has not left their minds, although they are now in the Government. I am told that is a process. It will take time for them to realise that they are in the government.

Mr. Temporary Deputy Speaker, Sir, I wish it was time each Ministry gave an account of what it has done for the Kenyans. We must be told to give an account of what we have achieved because when we are allocated money, we are given a target to achieve. Indeed, we have to do so.

We in the Ministry of Agriculture, know that there is hunger in some parts of this country. We, therefore, will go round the country to see for ourselves, how our people are suffering so that we can plan for the future. There is famine all over and I want to take this opportunity to thank those people who have come up to assist the people who have been affected by famine.

QUORUM

Mr. Kombe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Whereas we are very clear on the Motion, it is unfortunate that the House does not have a quorum!

The Temporary Deputy Speaker (Mr. Poghisio): Yes, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We now have

quorum!

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. As you can realise, the hon. Members who are raising the question of no quorum raise it and then walk out of the Chamber! Is this in order? They are punishing others!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Mwenje! An hon. Member has a right to rise up in his or her place and raise a question of quorum. Let us not worry about that.

Eng. Muriuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. It does appear that we are almost exhausting the debate. Would I be in order to ask the Mover to be called up to reply?

The Temporary Deputy Speaker (Mr. Poghisio): Now, who would that be?

Eng. Muriuki: Would I be in order then to ask the Chair to put the Question?

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! You have all the time! The time given is three hours. There are many hon. Members who want to speak. It is a Motion for the Adjournment. Let hon. Members speak and we will adjourn. In any case, there is no Mover to reply to this one!

Proceed Mr. Akaranga!

The Assistant Minister for Agriculture (Mr. Akaranga): Mr. Temporary Deputy Speaker, I think, Mr. Kombe does not want to go home because the people of Magarini were looking for him the other day!

I want again to thank the President of this country---

Mr. Kombe: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that my people came looking for me when I was, in fact, at home the other day? Could he substantiate or withdraw that remark?

The Assistant Minister for Agriculture (Mr. Akaranga): Mr. Temporary Deputy Speaker, Sir, I stand by what I said.

I want to thank His Excellency the President of this country, Mwai Kibaki, for visiting various places in this country, especially Western Province, and particularly Vihiga District. While in Vihiga District, he promised the people of Vihiga that the road from St. Peters to Musalaba will be tarmacked. I hope the Minister for Roads and Public Works took note of that. He should ensure that the road is tarmacked, so that the people of Vihiga District know that when the President says something, indeed, it will happen. I want to thank him too because he promised that the Vihiga District headquarters would be completed. Indeed, I want to confirm now that Vihiga District Headquarters has been completed. But we still have a problem with the district hospital. The Government promised that it will send there an X-Ray machine. However, they have not put up that machine.

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

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I am surprised that hon. Members are saying that they are happy to go home and rest. I do not think we are going home to rest because there is a lot of work to be done there. We are supposed to go there and work with our people.

Mr. Temporary Deputy Speaker, Sir, I support this Motion for the Adjournment. As I support it, I think we need to reflect on what has transpired over these five months.

We need to ask ourselves whether we have served this nation as legislators who are truly committed to helping it. I believe that we have not lived up to the expectations of Kenyans; in terms of legislation. That is because we have made certain decisions in this House, not because we believe they are right, but because for selfish reasons, we feel they serve our needs. We have made decisions because we feel they will serve our tribes.

(Applause)

We have made decisions because we feel they will serve our political parties, even if the views of those political parties are not supported by this nation. When we come back, I think we really need to know what Kenyans expect of us. I can give a few examples. When we failed to pass the Forests Bill, we did so, not because it was bad Bill, but because we did not like certain individuals. Are we being responsible legislators? The answer is, of course, no! We tried to move an amendment when we were debating the Vote on the Ministry of Health. But since it was the Opposition that had proposed the amendment, Government did not support it and, therefore, supported an illegality. Soon after that, the Minister for Health wrote a letter asking that certain decisions be reversed, because they agreed with the amendments that was moved by the Opposition. But, again, the Government rejected it because it simply wanted to flex its muscles! That is not the way to go!

If you take into account the recent moves on the appointment of the boss of Kenya Anti-Corruption Commission (KACC)--- If that Motion had come here and no names were placed in those positions, I am sure this House would have agreed that we follow the proper procedure. But simply because certain names were there, we did not set a proper procedure for vetting such appointments.

Mr. Temporary Deputy Speaker, Sir, when it comes to an issue like that, we need to set up a procedure which will be water-proof for the future, and where Members would go to a Committee and defend any allegations against them.

Mr. Temporary Deputy Speaker, Sir, I am happy to say that we have been able to find a way forward for the constitutional review process. I hope that hon. Members will go back to their constituencies and take time to explain what the new Constitution is all about. We are all talking about contentious issues and yet, when we go back to our constituents, they do not know what those issues are. So, I would like to appeal to hon. Members that when they go back home, they should take time to explain to their constituents what the Constitution provides, what we consider as contentious issues and see whether Kenyans agree with us.

But, more important, I would like to say that, as leaders, we must have certain principles and pride in what we are doing. When we hear - and I hate to believe that what we hear is true - what went on during the lobbying for the appointment of the boss of the KACC--- I am saying: If what we hear is true, it is revolting! I think we, as leaders, should have some pride and principles, so that we can do what is right for this country.

With those few remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues in saying that this is a deserved adjournment of the House.

For the last 19 months, this House has not had a proper recess because of our involvement in the constitution-making process at Bomas of Kenya. This will be the first opportunity for us to go back to our constituents and be able to address the issues that affect them.

Mr. Temporary Deputy Speaker, Sir, the road to constitution-making process is a bumpy one and one can look at the European Union (EU) as an example. They have been fighting it for the last one year trying to make a Constitution for the EU. Each time they meet, they have serious disagreements, but they always go back to consult. Until now, they have not been able to come up with a Constitution. So, we are not unique in the sense that we have had 18 months of struggle trying to make a Constitution without success. That is expected because in constitution-making process we have to take strong positions in defence of what we think is right and best for our country.

Mr. Temporary Deputy Speaker, Sir, I really commend the fact that we were able to pass the amendments for the Constitution of Kenya Review (Amendment) Bill this evening. There cannot be a more people-driven Constitution than one that is subjected to a referendum. We are talking about 31 million Kenyans and not the 33,000 memoranda that were received by the Commission. I feel vindicated when we talk about a people-driven Constitution and us having endorsed the amendments this afternoon.

Mr. Temporary Deputy Speaker, Sir, with regard to famine, we got the first effects of famine in 1965 because of drought. It is a very sad commentary that 39 years down the line this country has not been able to come up with a permanent solution to the question of famine. I think we have a challenge to try and come up with long-term solutions to famine. Presently, we are looking for short-term solutions because we are soliciting food donations. That does not solve the problem. One of the things we should be doing now in terms of trying to promote the marginal areas of this country is, perhaps, to look into the issue of say, goat farming. This was one of the steps taken earlier on during the period of colonialism. The vegetation in certain areas is destroyed because of excess herding of goats. We need to think in terms of--- We are going to do afforestation in these areas and so the need to reduce the number of goats we keep in these areas that are badly affected by drought.

I think that we have not performed very well in the last 16 weeks or so. We have not set the best examples possible. I agree with hon. Maj. Madoka that we have become victims of our own ethnicity because we have been driven by hatred thereby losing the national vision as an assembly of the people of this country. We need to do some soul-searching. When we come to this House, we must reflect nationhood and a sense of patriotism. We should not look at the narrow interests of our own ethnic groups and clans. If that bogs us down, we will never be able to rise to the occasion to be able to address the issues that have plagued this country for a long time.

Mr. Temporary Deputy Speaker, Sir, with regard to the economy, it is true that the future of this Government depends on our ability to revive the economy. We need to address issues that can promote employment of our people and provide means of livelihood to them. However, the question has always been: "Where do we start?" There is so much dependency on donors in this country; to the extent that we think the only way we can revive our economy and succeed is through borrowing heavily from outside. The history of developed countries shows clearly that no country has been able to develop from borrowed resources. We have to look inwards into our economy and source means of reviving our economy from within our own people. We have skilled human resource in this country and all we need to do is to plan and think very hard in terms of the programmes we can initiate. We need to look at the demands of our people and build from those demands. From that starting point, we will be able to source necessary funding for it.

Mr. Temporary Deputy Speaker, Sir, micro-financing seems to be the only way forward of empowering our people so that we are able to address the challenges of their day-to-day lives in terms of economic empowerment. If we are able to focus properly on issues of the economy, we shall be able to give inspiration to our people.

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

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Will I be in order to request the Chair to put the Question, going by the mood of the House and the mood of the Motion before us, which is for the House to go on recess? I would want us to go on recess in good time. Will I be in order to call you to put the Question?

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): That is really unnecessary, because this Motion is limited to three hours, there is no reply and the only thing that will make me put this Question is when there is nobody on his feet.

Hon. Members: There is nobody on the Floor!

The Temporary Deputy Speaker (Mr. Poghisio): Order! There is somebody on her feet!

Prof. Mango: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank Members for what we have heard all through this sitting.

I would like to call upon our nation to strengthen agriculture. This is an agricultural country, yet year in, year out, we beg for food. We need to have an agricultural policy that will give us food security, so that no Kenyan should be hungry, beg or sleep on an empty stomach.

Mr. Temporary Deputy Speaker, Sir, we are blessed with water in the lakes and rivers which we are not using properly. I, therefore, urge the Government to have a national water pipeline so that water from these rivers and lakes can irrigate all the lands of this nation and increase food production, so that Kenyans should never be hungry.

Mr. Temporary Deputy Speaker, Sir, looking at health, we do not have good health facilities in many areas. We do not have doctors and what it takes to guarantee good health delivery. In Busia District, every three people in ten people are infected with HIV/AIDS. The anti-retrovirals (ARVs) have never reached Busia District and our people are dying day in, day out. As a result, the orphan problem is a time bomb in this nation. Currently, the figure stands at 1.7 million orphans in the whole nation. We do not seem to be catering for these orphans and, I think this figure of 1.7 million orphans is a stagnant figure, hence an underestimation; it is not the true figure. If we are told that 700 Kenyans are dying everyday, and we take it that out of the 700 Kenyans, 500 of them each has two children, then at that rate, we get 1,000 orphans everyday adding on to the existing number of orphans. Therefore, as Members go home, it should be in our interest to carry out a census of those orphans so that we can plan for them. If we do not plan for them, we are going to lose a whole generation of Kenyans. No country can afford to ignore its human resource, and those orphans are the human resource for the future. We need a policy to take care of these children, so that they can be catered for.

Turning to education, we need to re-think about education. If we continue the way we are doing, and we want to industrialise by the year 2020, we need to re-organise our education, focus it and spend our resources in one focused area that will help us to industrialise. If we continue with the current situation, many of our graduates are jobless, frustrated and tarmacking, and that creates a time bomb. We need to harness their energies so that they can be useful Kenyans. For the time being, they feel demoralised. If you find a graduate riding a bicycle as a *boda boda*, he has no choice. That is not what we want to give our children after they have gone through college education. We need to scrutinise our education system and go into technical education so that we can produce skilled manpower instead of producing people who are job-seekers and not job-creators. We need to address that issue seriously. Any country that has industrialised has emphasised job-creation rather than job-seeking. You can only do that if you give the people the skills to create jobs.

Mr. Temporary Deputy Speaker, Sir, I would not leave my pet subject, which is sugar-cane. I come from a sugar-growing area. Three-quarters of my voters are sugar-cane farmers. These people are poor because the sugar industry has not been restructured. We need to look into the sugar industry, have it restructured and create more money and income so that we can fight poverty.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Katuku, you have two and half minutes!

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, in the two and half minutes, I would want to thank the Chair for giving me the opportunity to make the closing remarks. I want to support the adjournment. I also want to assure Members who have raised concern over the Constituency Development Fund (CDF). Some Members have said that they are being frustrated by some district accountants. This was clarified yesterday by the Minister for Finance, and I want to reiterate that if there is any Member who is experiencing any frustration in opening an account in that line, he can get to us and we will have the officer disciplined. We have issued instructions to Members of Parliament to be facilitated on this matter and the monies are available for Members to use during the recess. So, I would want to assure Members that there is no hitch in as far as the Ministry of Finance is concerned.

I would also want to appeal to Members that, as we go on recess, we look at the matter of encouraging our people to go into banks and borrow money. People had got scared of the high interest rates and some of them had lost their property, and they are scared of going back to banks. I would want to assure Members that with the review of the law now, you can borrow money and make profit. Even if you are not able to make profit, the interest rates are limited to a certain level where you will not end up losing your property if you are organised in business. So, people should be encouraged to do business.

Mr. Temporary Deputy Speaker, Sir, I was on the issue of relief food which needs to go to many parts of this country, especially my constituency. I want to urge the Ministry concerned to move with speed and address the issue. I have just come from my constituency and have seen that Government response is not as adequate as it is supposed to be. We should move with speed to ensure people do not continue suffering due to hunger.

With those few remarks, I would like to wish hon. Members a good recess.

Thank you.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members, this House is now adjourned until Tuesday, 5th October, 2004, at 2.30 p.m.

The House rose at 7.30 p.m.