

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 6th April, 2004**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

- (i) The Annual Report and Accounts of Kenya Tea Development Authority for the year ended 30th June, 2000 and the certificate thereon by the Controller and Auditor-General.
- (ii) Annual Report and Accounts of Kenya Dairy Board for the year ended 30th June, 2001 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Agriculture  
(Mr. Khaniri) on behalf of the  
Minister for Agriculture)*

- (iii) Report of the Task Force on Public Collections or Harambees
- (iv) The 20th Annual Report of the Kenya Law Reform Commission for the year 2002.

*(By the Assistant Minister for Agriculture  
(Mr. Khaniri) on behalf of the Minister for Justice and Constitutional Affairs)*

## QUESTIONS BY PRIVATE NOTICE

ATTACK ON HON. KAMOTHO BY  
POLITICAL THUGS

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

(a) Is the Minister aware that on Saturday 20th March, 2004 at 11.00 a.m., an organised group of thugs from Nairobi and Kora Sub Location of Mathioya Constituency attacked me and my wife and prevented the public launch of Mathioya Constituency AIDS Control Committee to take place?

(b) What action has the Government taken to apprehend those involved in the planning and execution of this heinous crime as they are known by the public and the police?

(c) What has the Minister done to ensure political and other forms of violence stops once and for all?

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

(a) Yes, I am aware that the hon. Member was attacked by a crowd in his Mathioya

Constituency during the intended launch of the Mathioya Constituency AIDS Control Committee.

(b) The police have already arrested six suspects who have recorded statements. Two more suspects who went into hiding are still being sought. A statement has also been recorded from the hon. Member to help in the investigations. The inquiry file has already been forwarded to the Attorney-General for further direction.

(c) The Ministry is in the process of re-organising the police force to deal firmly with any forms of violence whether political or otherwise. The security intelligence within the police force has also been strengthened to inform of any possible outbreak of violence so as to enable the police to advise applicants for public gathering and dealing with the suspects accordingly before any violence breaks out.

**Mr. Kamotho:** Mr. Speaker, Sir, I am not satisfied with the answer to part 'a' of my Question because the Assistant Minister should have just said: "Yes", and then tell us what action his Ministry has taken. To meander around and say that I was attacked by a crowd in my constituency is misleading this nation. I asked whether the Assistant Minister is aware that an organised gang from both Nairobi and one of my sub-locations attacked me and my wife when going to launch the Constituency AIDS Control Committee. Yesterday, a councillor in Nairobi who was the mastermind of this attack admitted liability in the newspaper and said that he has no regrets. Has he been arrested because I know he is a criminal and is responsible for a lot of bad activities here in Nairobi?

**Mr. Tarus:** Mr. Speaker, Sir, given the fact that six people have been arrested and the police are still searching for the other two, these people will provide lead information on who exactly organised this attack on the Member of Parliament.

Mr. Speaker, Sir, I cannot ascertain whether the people who attacked the Member of Parliament were organised. However, I want to say that we shall carry out adequate investigations and make sure that those involved are brought to book.

**Dr. Galgalo:** Mr. Speaker, Sir, we all know the significance of launching Constituency AIDS Committees. I think it is at the centre of the campaign against HIV/AIDS and we all support that. Since this was a function which was arranged beforehand why were there no security personnel to protect *Mheshimiwa* so that he could go on with his activities without interruption? Where were the police officers?

*(Applause)*

**Mr. Tarus:** Mr. Speaker, Sir, I am informed that the police were indeed present---

**Hon. Members:** Give the background!

**Mr. Tarus:** Mr. Speaker, Sir, I cannot give the background to this problem.

**Hon. Members:** Why?

**Mr. Speaker:** Order, hon. Members! I think let us treat this matter seriously. Let the Assistant Minister answer and I will give you the opportunity to question. I do not think we should treat such a matter lightly when Members of Parliament or any other Kenyan is attacked by a mob.

Proceed!

**Mr. Tarus:** Mr. Speaker, Sir, the police were present and I am informed that the Member of Parliament was even saved by the police.

*(Laughter)*

**Mr. Speaker:** Definitely not you!

**Mr. Shitanda:** Mr. Speaker, Sir, the Assistant Minister has told us that hon. Kamotho was waylaid by a mob. He went on to say that the Police have so far arrested six people and they are yet to arrest two people. That adds up to eight people. Could the Assistant Minister clarify whether the

people who waylaid hon. Kamotho were actually members of the public or were they police officers?

**Mr. Tarus:** Mr. Speaker, Sir, as far as I know, the names we have do not indicate that the arrested people are police officers. With your permission, I could read out the names. They are, Steven Kamweru, Adan Kanjui Mwangi, Stephen Maina, Wachira Macharia, Peter Mwangi Wangai and Stephen Githua.

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

**Mr. Speaker:** What is it Mr. Wanjala?

**Mr. Wanjala:** Mr. Speaker, Sir, you have clearly heard the Assistant Minister tell us that the six people who have been arrested have only recorded Statements and that the Statements have been taken to the Attorney-General's office for further direction. We all know that you only take those Statements to the Attorney-General for further direction if the people involved are civil servants. If it is true that this people were not police officers, why have they not been arraigned in a court of law? Why has their case been referred to the Attorney General for further direction?

*(Applause)*

**Mr. Speaker:** You know that is a very good supplementary question, but it is not a point of order.

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

**Mr. Speaker:** Order! Order, Mr. Wanjala! Last time before the House rose, I told you not to commandeer your way around a Question by pretending to be on a point of order. So, please, take note. You will have to wait for your turn. You will have to be recorded--- It is illegal.

**Mr. Omingo:** On a point of order, Mr. Speaker, Sir. If anybody was to give ranking of the performance of this Government, the Office of the President, particularly the Department of Internal Security--- In part (c) of the answer, the Assistant Minister indicated that they are taking measures of reforms. The reforms are basically at the top and synthetic. The policeman has no free will. Could the Assistant Minister, then, tell us the actual reforms the Government is undertaking to make sure that the policemen are active and effective? Otherwise, he should resign to save this country.

**Mr. Speaker:** Maybe Mr. Tarus, you can help this House so that we do not take so much time on this issue. Why is it necessary to get advice from the Attorney-General whether to charge these people or not?

**Mr. Tarus:** Mr. Speaker, Sir, I do not think there is anything to hide on this particular matter, given the fact that the people who perpetrated this interruption and mishandling of hon. Kamotho committed a criminal offence. Whereas the file has been sent to the Attorney General's office for direction---

**Hon. Members:** Why? Why?

**Mr. Tarus:** Mr. Speaker, Sir, this is to allow the Attorney-General to advise on how we should proceed with the prosecution of these people.

*(Loud consultations)*

**Mr. Speaker:** Mr. Kamotho!

**Mr. Kamotho:** Mr. Speaker, Sir, as I said earlier, I am not satisfied with the answer given by the Assistant Minister. It appears very clearly that the Assistant Minister is not properly informed. In addition, I would like to know from the Assistant Minister whether he has watched the video clip of the whole incident because all the television stations in the country, including Kenya Broadcasting Corporation (KBC) were present. If he has not seen it, then, I will take it to him. The policemen who were present witnessed a local councillor being beaten. They just stood and

watched. When asked, they said that they had not been instructed. Is that the way police officers work?

Mr. Speaker, Sir, secondly, the councillor who admitted that he was the organiser from Nairobi, when asked why he was intimidating the District Officer (DO), he said that he had been sent by the Minister in charge of Internal Security.

*(Applause)*

Mr. Speaker, Sir, we need to be honest here. There is a lot of political interference with the security in this country. Unless that councillor is arrested, questioned and arraigned in court, they are doing absolutely nothing. I wish to request that this Question be deferred. Let the Assistant Minister go and get the correct information.

*(Applause)*

**Mr. Speaker:** What is your reaction, Mr. Tarus?

**Mr. Tarus:** Mr. Speaker, Sir, there are two issues to this Question. One---

**Mr. Speaker:** I am asking you about your reaction to what hon. Kamotho has just asked.

*(Loud consultations)*

Order! Order, Members! You know the attitude of the Chair towards political assault and thuggery. I hate any form of thuggery and terrorism. The Assistant Minister will not be terrorised, neither will he be allowed to terrorise the hon. Members by not answering the questions put to him.

So, the House must remain calm at all times. I think we are dealing with very sensitive and fluid issues affecting hon. Members. We should not allow hon. Members to terrorise one another or thugs to terrorise hon. Members or the general public. That is something we should never, as a House, condone either here or outside.

Mr. Tarus, I am asking a simple question. The hon. Member who was molested, is saying that he is not satisfied with your answer. He is asking you to go and revisit that issue and later bring a report to the House. What is your reaction to that bit?

**Mr. Tarus:** Mr. Speaker, Sir, my reaction is that the people who perpetrated this offence, will be, indeed, prosecuted without protection. I want to assure the House that nobody, nobody is special. I want to commit myself that we shall go further into the issues surrounding this particular problem and make sure that those involved are brought to book.

*(Loud consultations)*

**Mr. Speaker:** Order, Members! I am the Speaker. I am the custodian of the rights and privileges of hon. Members. I do not take it kindly when any hon. Member is harassed. For that reason, I defer this Question to Tuesday, next week.

*(Applause)*

*(Question deferred)*

#### GOVERNMENT SETTLING OF HON. WAMALWA'S DEBTS

**Mr. Billow:** Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question

by Private Notice.

(a) Could the Minister explain the circumstances under which the Government is settling personal debts incurred by the late Vice-President, hon. Kijana Wamalwa?

(b) Under what Vote will this debt be cleared?

**The Minister for Finance** (Mr. Mwiraria): Mr. Speaker, Sir, although I have got an answer, I am not satisfied that it is adequate. For that reason, I would like to get extension of time so that I will be able to give an adequate answer.

*(Loud consultations)*

**Mr. Speaker:** Order! Order, Mr. Shitanda! What is it Mr. Godana?

**Dr. Godana:** Mr. Speaker, Sir, I am rising on a point of order because you heard the Minister for Finance saying that he has an answer, but he is not satisfied that the answer is adequate. To the best of my knowledge, Questions and answers which come to Parliament have to be approved by the substantive Minister and not the Assistant Minister. How did the Minister approve the answer which he has now found to be inadequate?

**The Minister for Finance** (Mr. Mwiraria): Mr. Speaker, Sir, that is a rather strange question from a former Minister. The Minister does not write the answer, he gets them and approves them after considering and evaluating them.

I have not approved the answer, otherwise, I would not be talking here.

*(Applause)*

**Mr. Shitanda:** On a point of order, Mr. Speaker, Sir. While appreciating the efforts of the Minister to seek more time in order to find an adequate answer to this Question, is it really fair for this House to try and hound the spirit of the late hon. Vice-President?

*(Applause)*

**Mr. Speaker:** Order, Mr. Shitanda! Order! Order! Sometimes it is good for you to put yourself in my shoes. Sometimes when I approve certain Questions, I agonize over them. However, this is a matter that deals with the use of public funds, not my funds or the Minister's funds. These are public funds! Therefore, this Parliament is entitled to an answer. That is why that Question was approved and that is why it is here today. In all fairness, can we allow the Minister to---

**Mr. Mwandawiro:** Jambo la nidhamu, Bw. Spika!

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

**Mr. Mwandawiro:** Mhe. Spika, nikilitazama Swali hili, naliona kuwa ni swali lililo wazi na bayana. Kama hizo pesa zimetolewa, hili silo Swali gumu. Kwa nini Swali hili haliwezi kujibiwa sasa hivi?

*(Applause)*

**Mr. Speaker:** Namueleza mhe. Mwandawiro kuwa Waziri hajakuwa tayari kulijibu Swali hilo. Mimi siye Waziri; Waziri mwenyewe ndiye anavyosema hivyo.

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

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

**Mr. Wanjala:** This country has had three Presidents up to now. One of them happened to

have died while in office. Kenya has also had one Vice-President dying while in office. We have seen one President who died while in office and whose body is being given security here at Parliament grounds, and nobody has questioned that. Why should they now question about a Vice-President who died while in office when they have not questioned about the late President although we are still using public funds on him?

*(Applause)*

**Mr. Speaker:** Order! Order! Order!

**Hon. Members:** Afukuliwe!

**Mr. Speaker:** Order! Mr. Wanjala, you are at liberty to put that question. When are you going to be ready, Mr. Mwiraria?

**The Minister for Finance** (Mr. Mwiraria): Mr. Speaker, Sir, I have to travel abroad tomorrow early in the morning, and I will come back on Saturday. So, I can answer the Question on Tuesday afternoon.

**Mr. Speaker:** Is that all right with you, Mr. Billow?

**Mr. Billow:** Mr. Speaker, Sir, since it is a very important Question in public interest, we would wish the Minister to answer it himself when he comes back on Tuesday next week.

**Mr. Speaker:** Very well! The Question is deferred.

*(Question deferred)*

Next Order!

**Mr. Kamotho:** On a point of order, Mr. Speaker, Sir. When is the Minister going to bring the answer to my Question?

**Mr. Speaker:** Where were you?

*(Loud consultations)*

Order! Order, Members! Order! Order, Minister! Order! Maybe Mr. Kamotho was depressed. I actually ordered that the Assistant Minister answers that Question next Tuesday. So, I did actually put a specific date for that Question.

What is it, Mr. Ndwiga?

**The Minister for Co-operative Development and Marketing** (Mr. Ndwiga): Mr. Speaker, Sir, I rise to seek guidance from the Chair. I would be happy if you could clarify what kind of Questions are classified as Questions by Private Notice. Is there any urgency? I thought that Questions by Private Notice are deemed urgent because something might happen any time if they are not answered in time. If that money has been paid, I am seeking guidance from the Chair as to whether---

**Mr. Speaker:** Order! Order! Mr. Maore, you must relax now completely! Every Member is entitled to the Floor when given the opportunity by the Chair. But may I tell the Minister for Co-operative Development and Marketing the following: It is the Chair that used the discretion of the Chair to decide which Question comes by Private Notice, and which one does not. It is not possible for me to put on the notice board all the necessary ingredients of a Question by Private Notice, because there are varying circumstances from one particular Question to another. I think you should leave that to the good discretion of the Chair.

*(Loud consultations)*

What is it, Mr. Ndile?

**Mr. Ndile:** Mhe. Spika, kuna kitu ambacho kimenipita kwa sababu sikusikia Waziri akijibu lile Swali kwa sababu tunaambiwa kuwa kuna *Hero's Corner* iliyotengwa. Waziri hakujibu lile Swali Bw. Wanjala alilouliza kuhusu kumfukua Mzee Kenyatta ili akazikwe katika *Hero's Corner*.

*(Laughter)*

**Mr. Speaker:** Order! Order! What is it that you said, Mr. Ndile?

**Mr. Ndile:** Bw. Spika, sikumsikia Waziri akilijibu lile Swali lililoulizwa na Bw. Wanjala, kwa sababu Wakenya wametengewa *Hero's Corner*. Naomba Waziri ajibu Swali hilo na atueleze ni lini Hayati Mzee Kenyatta atafukuliwa akazikwe huko.

*(Laughter)*

**Mr. Speaker:** Order! Order! Which *Mzee* are you talking about?

*(Mr. Speaker consults with the Clerk)*

Order! It has been difficult for me to get the gist of what the hon. Member is saying. But I am now told, and I hope that the Clerk got him right, that he is saying that the remains of the founding Father should be moved from Parliament and taken to *Hero's Corner*. Firstly, as the Chair, I do not know as of now where the *Hero's Corner* is. Secondly, it is not my business. Thirdly, I do not think this House has been inconvenienced in any manner---

*(Loud consultations)*

Order!

Thirdly, I do not think this House has been inconvenienced in any way by the resting in peace of the Founding Father of this nation on Parliament grounds. On the contrary, this House must accord all the respect to the late Founding Father of this nation.

Order! Order!

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

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. I want to seek your guidance. Do hon. Members themselves and this august House really have to trivialise the role played by our heroes? Hon. Members are laughing as if our heroes; the late Michael Wamalwa and the late Mzee Jomo Kenyatta, did not contribute to the advancement of the frontier of not just democracy, but also the general development of this country. I request the Chair to reconsider the need for this Question to be answered. We believe that it can be dealt with efficiently at the Cabinet level.

**Mr. Speaker:** Order! Order, Dr. Khalwale! You will not direct the Chair what to do! The Chair should never be told here that a certain Question may be asked about a certain class, or a group of citizens and not others. If a Question about Dr. Bonny Khalwale is askable, it is askable about any other person, as long as it is relevant. In any case, that matter is not before us now. The Minister can deal with it. Indeed, I know of certain other hon. Members, who were worried about

that particular situation, and who have suggested a better way of dealing with it, but it has not come up.

Hon. Members, if you remember, last year, in your own wisdom you agreed to implement the Cockar Report on the Vice-President after leaving office or dying in office. This matter would not have arisen if you had dealt with it. In your own wisdom as a House, you chose not to. Therefore, this matter has arisen and you should handle it.

### COMMUNICATION FROM THE CHAIR

#### UNVEILING OF DRAWINGS FOR REMODELLING OF THE CHAMBER

Hon. Members, you will recall that on Thursday last week, we were supposed to unveil the winning drawing for remodelling of the Chamber and the Deputy Speaker fixed the date for this Thursday. I am informed that next Friday will be Good Friday and I suspect a lot of hon. Members will be travelling for Easter to their various constituencies and elsewhere. For that reason, we want to bring it forward by one day. So, instead of Thursday, we will do this tomorrow evening at the rise of the House. I hope now we have got it right.

Next Order!

### MOTION

#### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 30th March, 2004.

*(The Vice-President and Minister for  
Home Affairs on 31.3.2004)*

*(Resumption of debate interrupted  
on 1.4.2004)*

**Mr. Speaker:** Was there anybody on the Floor? Ms. Ndung'u, you have seven minutes!

**Ms. Ndung'u:** Mr. Speaker, Sir, I was talking about one of the security concerns in this country being the issue of ex-combatants, ex-militia, ex-military and the *Genocidia Interahamwe*, who have stayed in this country for the last decade. These people are not refugees under the law. Unfortunately, they tend to create instability in domestic situations like ours. We need a foreign policy that tells us clearly how to handle this kind of organised criminal elements. There is need for the Ministry of Foreign Affairs to advise both the security and immigration departments on how to deal with these persons.

Indeed, we have a problem even with some of our neighbouring countries, like Ethiopia, because we still do not have a foreign policy on how to deal with this sort of persons. I want to appeal to the Ministry of Foreign Affairs to kindly advise both the Government and those of us who are in the Pan African Parliament, so that we know how to respond to these issues on behalf of Kenyans.



Mr. Speaker, Sir, I would like to raise the issue of security and women. If you were to combine all the traffic accidents, the muggings and the rape cases, they are still not more than the battering of women that occurs in the form of assault and grievous bodily harm. Unfortunately, it appears that the police and the Government do not take gender-based violence seriously because it mainly happens in homes or in private areas. There is need to look at the root causes of this violence and understand that because a crime is committed in a domestic scenario, it is no less of a crime. After all, we cannot say that husbands who beat up their wives should get away with it because they are the breadwinners. Bank robbers are also breadwinners and we do not let them get away with it. We punish them according to the law.

*(Loud consultations)*

**Mr. Speaker:** Order! Order, Ms. Ndung'u!

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. I want to plead with the hon. Members to consult in low tones, so that we can hear what the hon. Member is saying.

**Mr. Speaker:** You are, indeed, right. Order, hon. Members! Can we give the gracious Lady the opportunity to speak and be heard?

Proceed!

**Ms. Ndung'u:** Thank you, Mr. Speaker, Sir. Recent Government statistics show that cases of rape are decreasing. Unfortunately, we seem to confuse reporting rape cases at police stations with the lowering of the incidents of rape. We must remember that women find it very difficult to report rape cases to the police, especially married women as it bears the stigma and possibly the infection of HIV/AIDS.

According to research that has been carried out by nationally based Non-Governmental Organisations (NGOs), there are approximately over 16,000 cases of rape that happen every year. This amounts to a rape occurring in this country every half-an-hour. Normally, with any other criminal incident, you will find that rape is incidental. If you have a car-jacking or matatu hijacking, there will be a rape incident. If you have a robbery, there will be a rape incident. I feel that this is an issue of concern in terms of the security of women.

Mr. Speaker, Sir, I want to appeal to the Government and to this august House to take this issue very seriously because even its economic cost is staggering. If you count the amount of money that is used in hospitals to treat rape cases, the cost to the family unit and the cost of the absent labour-force when women do not go to work, you will find that sexual violence is costing this country a lot of money. We are talking about a national disaster and I would like to appeal, on behalf of the women of Kenya, that the issue of sexual violence be addressed more seriously.

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! In all honesty, we cannot go on like this.

**Mr. Billow:** It is Mr. Wanjala!

**Mr. Speaker:** In fact, you are more audible than Mr. Wanjala now. You are actually the cause of disorder. So, relax!

Mr. Wanjala, I have not heard you, but I should not hear you. Just completely relax.

Proceed!

**Ms. Ndung'u:** Mr. Speaker, Sir, finally, I would like to comment on the call of consensus with regard to the constitutional review. It is very important for Kenyans to have a new Constitution that expresses the views of all Kenyans, but one that is adopted in a legitimate and constitutional

manner. I hope that the Parliamentary Select Committee on the Constitution will table its report before the House.

As we saw in the informal *Kamukunjis*, I think the report is solid and it lays the basis for the foundation of a consensus. I hope that when that report is tabled before the whole House, we will reach a consensus and give the recommendations of the Committee serious consideration, including the legal framework within which to build the consensus and pass the Constitution. I wish to remind all my colleagues here that the Parliamentary Select Committee on the Constitution is composed of hon. Members from all the political parties in this House. Therefore, as an "Inter-Parties Parliamentary Group (IPPG)", it must be a good indicator of the consensus. We must continue to talk to each other and not at each other.

With those few remarks, I beg to support.

**Mr. Maore:** Mr. Speaker, Sir, thank you, for giving me this opportunity to say a few words about the President's Address.

I begin by saying that it was comprehensive enough to reflect the state of the nation. To pick a few things from the Address, the phrase that referred to us as a "quarrelling nation" reflects the behaviour of the Government instead of reflecting the reaction of the Government to its opponents. I do not know how those of us in this House, who are in the Opposition, should be part of the lamentation or offer help.

Mr. Speaker, Sir, issues that arise from constitutional debates spill over to the ruling party, which has not internalised the meaning of the word coalition as opposed to a party. When one tries to digest the import of it, he sees that it has created a perpetual mood in the country. If we need to build our country, the nation that we have had for the last 40 years, we need to continue with the tradition of elections after every five years. An attempt to change that pattern is threatening the existence of the State we have.

There are a lot of politicians responding to issues due to the instinct of demagoguery. A friend of mine in the Government side quoted a priest who said: "You do not need a lot of effort to swim downstream. Even a corpse can swim downstream." A lot of politicians want to respond to the popular issues of the moment, instead of giving guidance, and leadership on the direction the country should take. I am asking the ruling party to reconcile its left and right wings so as to guide the country to the right direction.

Mr. Speaker, Sir, a Constitution should be able to protect the interests of every Kenyan. It may not have the views of everybody, but the views of the majority must be reflected in it. One can never use a Constitution to undermine a certain group. One cannot use a Constitution to rise up to a certain position. It should hold a balance between conflicting interests. The aspirations of every Kenyan must be in the Constitution. If they are not, it is not worth more than toilet paper. If we are going to promote or fix someone using the Constitution, that is not the document we need. The fiasco at Bomas in the last two days of the Conference arose because many delegates were responding to insults from a certain group of politicians within the ruling coalition. If we put those sentiments into the permanent document, then it will not be worth more than toilet paper.

On the issue of reforms, I am asking the Government to institute them in the police force as a whole and not just the top offices. While applauding the appointment to the force of an individual from outside the ranks of the police, we would want to call for mass sacking of the key and senior police officers who have not been performing well. Trying to change the top of the police force while the bottom is rotten, will only produce a weak foundation.

In another section of the Office of the President are chiefs and their assistants. There was an attempt in the year 2000/2001 to sack them enmass. We are asking the Government to institute some measures and have a radical surgery of the Provincial Administration at the grassroots level,

because that is where the decay of the Government is well manifested.

We are aware that the culture of banditry and cattle rustling has almost been eradicated. We applaud the Government for that. However, the high level of muggings, carjackings, murders and other forms of violence have actually portrayed the country as being on the verge of collapse due to insecurity. The police should set up a genuine hotline through which members of the public can report and complain about incidents of crime and planning of crime. Intelligence in criminal investigations is more crucial than reacting to commission of crime. We wish to have almost all the provincial headquarters equipped with an helicopter or two to track down criminals when incidents are taking place instead of waiting to do forensic work, which can take years, if not indefinite time.

Mr. Speaker, Sir, a lot of activists, who infiltrated this Government, have been pushing for reforms in the prisons and asking for abolition of the death penalty. No wonder the same Government is not able to maintain law and order. In a developing country like ours, one cannot afford to be liberal with law and order. One cannot arbitrarily release convicts from prisons just because he or she has enjoyed *sukuti* dances, or shared a meal of *ugali* with the prisoners. One cannot accept the views of the Minister for Justice and Constitutional Affairs about abolishing the death penalty. I have lived in the Western societies for five years, and I know that they do not accept the idea of being lenient with criminals. We should hang them with a high density rope until they go to their ancestors. In this way, we will have a safe and peaceful society.

With those few remarks, I wish to support.

**Mr. Speaker:** Well, I am afraid I must give my deputy this chance.

**Mr. Musila:** Mr. Speaker, Sir, I want to thank you for this opportunity. First I want to support the Motion. In doing so, I want to congratulate His Excellency the President for his very well balanced speech. The President touched on very important aspects of the development of this nation. No doubt education will remain one of the most successful projects that the Government has undertaken recently. The President also talked about the arid and semi-arid areas, and the amounts of money available for this purpose. He also talked about agriculture and the economy. Because of time, I just want to touch on three important issues.

First, is the issue of HIV/AIDS. Many years ago the former President did launch the Constituency AIDS Control Committees. Immediately thereafter, other parallel committees were formed and by the end of the day, hon. Members were seen not to be doing what they were supposed to do. Recently, our President did re-launch the HIV/AIDS Constituency Committees. Although we did this a long time ago, and virtually all Members of Parliament have gone ahead and established committees in the constituencies, I am sorry to say that nothing has happened. We are now seeing a group of women, calling themselves co-ordinators, taking the mandate from a conference in Kasarani and going round our constituencies, thereby bringing in more confusion.

Mr. Speaker, Sir, I am asking the Government, and in particular the Director of the National AIDS Control Council, to ensure that these committees, that were re-launched by none other than His Excellency the President, are funded so that we can go ahead and deliver services.

I have a feeling that the President was given wrong information when he was writing his Address. In his speech he says: "The main activities and funding for AIDS are carried out at the constituency level." The President went ahead and challenged us to ensure that we address ourselves to this task. I want to say here that up to now, not a penny has been given to my Constituency AIDS Control Committee, although it is now two months since we launched our committee in Mwingi.

The President also said that voluntary counselling and testing centres (VCTs) are now available in most hospitals. I dare say again, and I stand to be corrected that these VCTs centres are non-existent in most hospitals. The President said that affordable drugs are now available for those who are infected. Nothing can be further from the truth. As I speak now, most hospitals have never

seen drugs. I am appealing to the Ministry of Health, and the National AIDS Control Council, to ensure that what the President wishes to be done here is done. In particular, I would like money to be released to Constituency AIDS Control Committees. I would like more VCT centres to be opened and drugs to be availed.

I now want to touch on security. Yesterday the Government appointed a new Commissioner of Police. I think we should all support the Government's initiative and the new Commissioner of Police. What has occurred in the last few months has shown complete deterioration of security in this country. I want to caution that while we will support the new Commissioner, it takes more than appointing a new Commissioner to improve the security of a country. I say this because over the last few months there have been many cases of carjackings. We heard that even the Chairman of the Goldenberg Commission of Inquiry was carjacked yesterday. We know that the Chief Justice's car was taken the other day. Many other dignitaries, including Members of this House have also fallen victim to carjacking.

Two months ago, my daughter was carjacked at exactly the same spot where Mr. Kajwang', Justice Bosire and a Dr. Kariuki of Nairobi Hospital were carjacked. When I travelled to the Naivasha Police Station, I was amazed, because, although that police station is located on a highway, where robbers drive through after committing crimes the OCS had no vehicle. He only had one new 5-tonne Mitsubishi Canter, that he uses to carry prisoners from the police station to the prison. How do we expect security in this country to be improved? When I went to the police station, police officers were using communication sets and they told me that those sets were bought during the first OAU meeting to be held in Kenya. This means that there is no communication equipment for communicating. Therefore, we need to do more to deal with insecurity.

Last week some carjackers killed a prominent diplomat in my constituency. This happened only five kilometres away from a police station. When we called the police, they took two hours to arrive. By that time the robbers had already returned to Nairobi. I am saying that we should support the new Commissioner of Police. Let us restructure the whole police force and ensure that communication equipment is provided. We should retrain police officers and ensure that transport is availed.

Finally, I want to touch on something that is very close to my heart. This is the pension for retired workers. On 17th July, last year, this House, in its wisdom, passed the Pensions (Amendment) Bill, 2003. In his own wisdom, on 22nd September, 2003 the President assented to the Bill and the commencement date was 1st January, 2004. I do not need to tire this House, in explaining the essence and meaning of this Act. In a nutshell, it requires that where public officers are not paid their pensions, they are to be retained in service until such a time that their pension is ready. No sooner had the House passed that Bill than a Mr. Oyula, the Financial Secretary, issued a circular completely misinterpreting the meaning of that Act. He said:-

"Our interpretation of this provision is that pension is to replace salary."

We have an Attorney-General in this country and we all know that when we passed this law, we meant that public officers were to retire and get their cheques immediately. Failing this, they were to continue serving until such a time that their cheque would be ready. They would then be given their pension and go home. What has happened is that those people whose dates for retirement have reached have been told: "Do not come to work. We will pay you the basic salary." Being paid the basic salary means that you will not get house allowance or any other allowance. You will just get your basic salary. Therefore, you cannot live on the basic salary.

They have also been told that whenever the cheque is ready their employer will deduct whatever basic salary the retirees will have earned during the time that they were in retirement. I hope the Attorney-General is listening to me, because this is a matter where civil servants are

deliberately belittling the wisdom of this House. Here, we knew very well what we wanted. We knew that we wanted public officers to remain in service until their pension is paid. We want the Attorney-General to confirm to us whether this is his interpretation, or the interpretation of civil servants. In the meantime, we demand the withdrawal of the circular by Mr. Oyula. We should ensure that public officers get their pension in good time. If not so, they should get their full salaries until such a time when they retire. There should never arise any question whereby the salary will be deducted from the pension. This matter is so important that, perhaps if the Attorney-General does not act immediately, we may be forced to bring a very quick amendment to the Act to ensure that he complies.

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

**Dr. Manduku:** Thank you, Mr. Speaker, Sir, for giving me an opportunity to also contribute to this very important Motion on the Presidential Address. I appreciate the way the President delivered his Speech, explaining exactly what has happened since he took over as the President of this nation and what he thinks Kenyans should do from now onwards.

Mr. Speaker, Sir, this year has been very challenging to this Government. When this Government came into power, most of its Ministers were amateurs. They spent a lot of time adjusting themselves into the respective positions that the President entrusted them to. Some of them did not even know where their mandate reached. That is why the President was worried when he said that the Ministers are fighting and quarrelling as if they are in the Opposition. He noted with concern that if a visitor came from any part of the world, he would think that Kenya is a quarrelling nation. Kenya is not a quarrelling nation in the real sense, but, initially, the Ministers running the Government had very little experience. They did not know what they were doing. Instead of serving our people, they are still fighting for leadership positions not knowing that they are already leaders in those positions. Therefore, I want to request each Minister to put down his or her foot and manage his or her respective Ministry.

Our people are now suffering from abject poverty. Look at agriculture which is supposed to be the back-bone of the economy of this country. It is completely devastated. The economy of the people living in the agricultural areas is so bad. I come from Kisii District where farming is a very popular activity. However, our people are very poor. The Ministry of Agriculture has now neglected coffee farming in that district. So, at the moment, there is no coffee farming in our district. Payment to tea farmers has also ceased. For the last two years, pyrethrum farming has been neglected because farmers have not been paid. We grow maize and other cereals, but the cost of seeds is very high. We cannot even afford pesticides. Some of them are even fake. This means that the Ministry of Agriculture is not aware of what is happening in the agricultural sector. Therefore, I urge the Ministry of Agriculture to assist farmers so that we strengthen the economy of this country.

Mr. Speaker, Sir, our people will always be paupers. In fact, a while ago, in the villages, our people used to dress very smartly because they could afford good clothes. However, these days, they cannot afford good clothing, save for the *mitumbas* that have now invaded this country. The Ministry of Trade and Industry is doing nothing to curb the importation of *mitumbas* into this country. Everybody is now putting on *mitumbas*. We do not want to be a *mitumba* country. We want to be a country of progress. The first time *mitumbas* were brought in this country, they were in the form of clothing, but even these days, we are buying *mitumba* vehicles. Why can we not afford to buy new cars? We cannot because the economy is bad. We do not have enough money to buy new cars. I normally see beautiful mini-buses and Nissans being driven around the city and between towns. If you look at them closely, none of them has been bought from Toyota Kenya Limited, Marshals Kenya Limited or any other vehicle manufactures. All these vehicles are *mitumba* mini-buses and Nissans from Dubai or Japan. This means that we have resorted to buying *mitumbas*

because of the poverty levels that have befallen the citizens of this country. In fact, we are not confident of what we are doing because we are subjected to manipulation.

Mr. Speaker, Sir, the other day on television, there was a programme where in Britain, Coca-Cola company was packaging mineral water called *Dasani*. However, British scientists discovered that *Dasani* water contains some ingredients that can cause cancer. Immediately the British Government and the whole of Europe withdrew this product from their markets and stopped its manufacture. This issue was highlighted in our electronic media houses; that is, the television and radio. However, the following morning, our print media did not publish this story in the local dailies. This is, probably because the editors of these newspapers were manipulated by the manufacturers, so that they do not highlight the danger of taking *Dasani* water. The manufacturers did not want our people to know Dasani water contains some ingredients that can cause cancer. This kind of manipulation clearly shows that ours is a *mitumba* nation. News people are being paid little money so that they do not disseminate the right information to our people. Our people should be protected. We should condemn the people in our newsrooms who are being compromised by these manufacturers. I am not talking about the Press men and women sitting in the Press Gallery because they have no problem. Their work is to gather news. When they go to the newsrooms, their bosses decide what to publish. For example, they maybe told: "If you publish a sensitive story, you will get a phone call from some of these big manufacturers." Some representatives of this big manufacturers tell you: "Please, do not publish that story. I am sending a messenger tomorrow with a small envelop, do not write those things." Editors must uphold professional ethics. They should publish right news for this country because they are supposed to protect the interests of this country.

Mr. Speaker, Sir, I am a medical doctor and I would like to address myself to health issues. Even if we say we are conducting a lot of campaigns against the HIV/AIDS scourge, I think we are doing very little. If you visit our hospitals you will see that our people are dying in large numbers. If this continues at this rate, our country will lose many people within the next few years. Unfortunately, those who are supposed to develop this country are the ones who are dying. Unless we increase our campaigns against this scourge, we will not achieve much. I appreciate that the National Aids Control Council (NACC) has, at last, been re-organised. As Mr. Musila said, the money allocated to assist victims of HIV/AIDS at the constituency level has not been released by the NACC. When will they release this money so that it can be used to help campaign against the HIV/AIDS scourge? We also need some of this money to be allocated to some hospitals so that they can be able to buy Anti-Retroviral (ARV) drugs. These ARV drugs are no cure to HIV/AIDS pandemic, but they can prolong the live of a victim. If these drugs are administered to a patient at the right time, the patient can live as long as any other person. Therefore, if we have been given aid from the World Health Organisation (WHO) and the Global Fund (GF), let us channel it to help our people in protecting them and making sure that they live longer and remain strong enough to work.

Mr. Speaker, Sir, everybody in this country is crying about insecurity. We appreciate the changes that the Government made in the Police Force yesterday, but that alone is not enough. The new Commissioner of Police is an army officer. There were so many police officers on queue waiting for that job. If they do not co-operate with him, we may not go very far in dealing with the insecurity problem.

So, we would like to ask security officers to co-operate with the new Police Commissioner so that we can fight the insecurity menace in this country. Insecurity does not spare anybody. I think the only person who may be safe from the attack by thugs may be the President because he has superb security around him.

Yesterday, Mr. Angwenyi was attacked as he left the venue of a funeral. His assailants believed that even if they attacked him nothing will happen to him. They believed that the police

will not arrest them and take them to court. Also, sometime back, Mr. Kamotho was attacked by his constituents. So, we, Members of Parliament, are at risk of being attacked any time. These days, we do not go to our houses late. In fact, if we are invited to evening cocktail parties, we decline because we know that we are at risk. By the time we reach our homes, the security situation may not be as good as we would have liked. Therefore, I urge the Minister of State in the Office of the President, who is in charge of internal security, to put down his foot and ensure that security in this country is maintained.

With those few words, I beg to support.

**Mr. ole Ntimama:** Mr. Speaker, Sir, I stand to support the Speech by His Excellency the President which was delivered in this House last Tuesday.

Mr. Speaker, Sir, in his Speech, the President dwelt at length on matters of consensus, reconciliation and dialogue. I know he was honest and he meant that we dialogue and build a consensus between hon. Members and other stakeholders. I say that the President was honest because I have been with him in this House when he was a Minister in the previous regime and when he was the Leader of the Official Opposition. So, I know that he is honest. The question is: Are we all honest? Are we giving him the right advice? Are we assisting him properly to get this country to a good footing, not only in the constitutional review, but also in everything else that we are supposed to deliberate on in this crucial time? That is the million dollar question.

Mr. Speaker, Sir, we must understand that we are in the 21st Century and the level of political awareness amongst our people is very high. So, they know what is happening. We must stop issuing decrees or pronouncements. We must stop being dictators, because the people cannot be dictated to any more. We must understand that the people want freedom, liberty and democracy. The President mentioned one cardinal principle which has guided many democracies in the world, namely, self-governance and good administration. I think it is important that we all agree. The most important thing that we must bear in mind is that the people must be given the opportunity to say how they want to be governed. The Constitution that we are writing is supposed to provide the basis on which the people want to be governed and not how we want them to be governed. However, we have gone round this principle. So, I hope that we will be wiser because the arrogant speeches we have heard, which are driven by the lust for power, can cause chaos and total destruction to this country. We must not allow this country to go that route.

Mr. Speaker, Sir, I have been apprehensive about the way the Parliamentary Select Committee inquiring into the disappearance and the subsequent murder of the late Dr. Robert Ouko has been conducting its business. I have a lot of respect for the hon. Members sitting on the Committee, but I feel that this Committee is not properly equipped to deliberate on a complicated murder like that one. The case involves the murder of a very senior Government Minister and attempts by very powerful forces to cover up the murder. So, I feel that this matter should revert back to the Judicial Commission of Inquiry.

*(Applause)*

I say so, because one needs a lot of experience to handle a case of this magnitude. One needs some legal knowledge and expertise to inquire into a matter of this nature. How can an ordinary Member of Parliament go about cross-examining a hostile and untruthful witness? I have read the Troon Report, and I know that some of the witness who appeared before the Select Committee have been referred to as "rumour peddlers." They appeared before the Select Committee, shedding crocodile tears when they are, in fact, hypocrites. We should, therefore, refer this matter back to the Judicial Commission of Inquiry to look into it.

Some were mentioned maliciously. In particular, I would like to make reference to the people who mentioned George Oraro. Mr. George Oraro is a man of honour and integrity. He has ran his law firm very well. He is now recognised by the Government of Kenya as a Senior Counsel. However, some malicious people want to bring his firm down. They want to come and mention him before the Committee---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. If the hon. Member has information that can defend Mr. Oraro on the allegations made against him, why does he not present the same to the Select Committee? Is he in order?

**Mr. Speaker:** He is perfectly in order, because the Committee refused Mr. Oraro to send in a lawyer.

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

Order! Order! That is what everybody in Kenya read. It is also in the Select Committee's proceedings that lawyers are not allowed. So, who is allowed? You cannot keep people from expressing themselves on what they think about the matter. So, let him do it.

**Mr. ole Ntimama:** Thank you, Mr. Speaker, Sir. Let him wait for his time. I am saying---

**Mr. Khamasi:** On a point of order, Mr. Speaker, Sir. Is it in order for Mr. ole Ntimama to discuss a report which has not been received by this House?

**Mr. Speaker:** Mr. Khamasi, I think you are right on that one. So, wait. In any case, technically speaking, that Select Committee does not exist. It will need to be renewed by the House. So, may be, that will be the appropriate time for all sentiments to be expressed.

Hon. Members, may I take this opportunity to let you know that when the House is prorogued, all Committees die with the House except the Public Accounts Committee (PAC), the Public Investments Committee (PIC) and Departmental Committees. That is what the law provides. Everybody else must wait for the renewal of his/her Committee. So, please, hold your horses. I also ask the Leader of Government Business to expedite the appointment of the various new Sessional Committees. Apart from the Departmental Committees, which are there for five years, we want those other committees appointed as quickly as possible, so that they can begin their work immediately.

Mr. ole Ntimama, keep off that matter now!

**Mr. ole Ntimama:** Mr. Speaker, Sir, I hope you will add me two more minutes because I think my time has been eaten into.

**Mr. Speaker:** Yes, I will.

**Mr. ole Ntimama:** Mr. Speaker, Sir, I thank you for your ruling. I am not going over it. I had a sentence which I wanted to complete, but anyway---

**Mr. Speaker:** You must obey. I think you cannot anticipate.

**Mr. ole Ntimama:** Thank you. Now, the other thing that I really wanted to mention is about the Immigration Department. I know the department alongside other departments is run by my friend, the hon. Vice-President. This is one department that is on top of the corruption index. It is ranked number two from the police. Nobody has ever probed this department. There are hundreds and thousands of people who have been allowed into this country. Our borders are porous. The sea shore is so long from the horn of Africa all the way to Tanzania. It is porous and everybody comes in, in their own way. But this is a corrupt department. It has allowed crooks to come from the sub-Indian continent. It has allowed other people to come in as small managers just to make sure that our people do not get jobs.



Mr. Speaker, Sir, the Ministry of Tourism and Information is doing nothing. There are a lot of *Wazungu* in the Mara who are coming in day and night, even from South Africa and Zimbabwe, flying in. They are given jobs and our people are not working. We do not need White accountants. We do not need White marketing managers. We need Africans and our people in Kenya to be employed. I am beseeching and I know some of them who are wandering in the country illegally. They have never got a permit from anywhere. Sometimes they hide behind some crooked lawyers who go to court and get things done around and the man stays for years working and earning money without a permit. This issue must be investigated properly, because unless we get our people working--- Now we are talking about creating 500,000 jobs per year. Where are the 500,000 jobs per year? It is industries like the tourism which can employ a lot of people, both in the Coast, in our lodges and everywhere.

Our people are tired of people being brought into this country, especially some bogus cowboy *Wazungu* who come to discriminate against our people, practise racism and all sorts of things in the industry.

Mr. Speaker, Sir, with those few words, I support.

**Mr. Speaker:** Mr. Kombo!

**Hon. Members:** Aah!

**Mr. Speaker:** Order, hon. Members! Do not be in a shock. The Government side has 40 more hon. Members than the Opposition side. So once in a while the Government will have an edge. Proceed!

**The Minister for Regional Development** (Mr. Kombo): Thank you Mr. Speaker, Sir, for the opportunity and for protecting me to be able to speak now.

Mr. Speaker, Sir, I want at the onset to take the opportunity to congratulate His Excellency the President for a really excellent exposition when he spoke to this House. He did touch many areas, like my colleagues have said, but I will concentrate on only a few areas. I want particularly to concentrate on the area of dialogue and consensus building. I would like to say that dialogue and consensus building are the only two keys to a peaceful future in this country. Because of the way we are, we are all in minorities. I believe there is no one group that can call itself a majority group. So that all this talk about minority and majority, I find it is absolute nonsense. No tribe in Kenya is beyond 20 per cent. That means we are all in the minorities. We are a nation of many little nationalities at this point in time. Therefore, respect for each other's opinion and point of view is the only key element in our political development.

Mr. Speaker, Sir, consensus building is going to be the mainstay of our current and future politics all the time. No one should be ashamed to think consensus, no one should be ashamed to talk consensus. If you find that you are ashamed about talking about consensus, then do know that it is the difference between catastrophe and peaceful co-existence. I think it is absolutely important that all the leaders do inculcate in themselves the idea of consensus building and constant dialogue.

*[Mr. Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, peaceful co-existence also means that the sharing of the national cake is done in a manner that everybody agrees with. It means that each one of us should be a winner. It means that we must give and take. A lot of times in this country we have leaders only giving and giving, and others insisting on just taking, taking and taking. That does not

help consensus. When we insist on either give, give or take, take, we bring out our greed, and that is something we must stop promoting. We must also stop promoting our individual egos for the sake of accommodating each other.

Mr. Temporary Deputy Speaker, Sir, in Uganda, for example, during Obote II, you will find a very good example where a country fell apart because of different competing interests. You had people like Peter Otafire, Chris Rwakasisi and Otema Almadi all competing and fighting each other for supremacy with a hope of taking over from Obote when he left. The end result with that fight was the collapse of the Government and the scattering into exile of all those different competing groups.

Kenya has for 40 years been a haven of peace. Peace cultivated by Kenyans themselves and not by the leaders. This is why, for example, the country was able to survive the tribal clashes instigated by my friends across the aisle. During that trying time, Kenyans stood together, they refused to fall apart, they dialogued and resisted any temptation of reckless genocide that was on our doors. All this is because Kenyans prefer to dialogue together themselves, and they held our country together.

Mr. Temporary Deputy Speaker, Sir, I also want to say that when I listened to the eloquent performance of Uhuru Kenyatta during his speech, it appeared as if he believed that the NARC Government has done nothing for development since we took over. Let me say this: That it may be true that not everything that NARC pledged has been fulfilled. Let me also say that we still have a long distance to walk in order to achieve---

**Mr. Lesrima:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to insinuate that all of us on this side of the House participated in tribal clashes, when the evidence clearly shows that there are hon. Members even on the other side who were mentioned in the Akiwumi Report?

**The Minister for Regional Development (Mr. Kombo):** Mr. Temporary Deputy Speaker, Sir, ignore what they are saying. I was saying that it is true not all the pledges we made have been fulfilled. We have a long way to go. But let me say categorically that, there is no question the achievements of the NARC Government in the last 15 months far surpass the pedestrian efforts of our colleagues who were in power for 40 years. I do not have to go through the achievements because they were ably articulated by His Excellency the President in his Speech. The mere fact that we have reduced domestic borrowing, thus releasing the capital required for private entrepreneurs means that the investments in this country can grow and, in the process, create jobs. The mere fact that there is free primary--- Soon, there will be a health insurance fund that will make health affordable in this country. It will ensure growth of quality human resource development. As we know, the economies of the "tigers" of South East Asia grew rapidly because of their broad-based human resource development. That is what we are developing in this country.

Mr. Temporary Deputy Speaker, Sir, the determination by this Government to revamp, rehabilitate and modernise the sugar industry, as Mr. Okemo will tell you, is being done through value-addition to the core production of sugar itself. That would mean that the 6,000,000 people living in the sugarbelt are going to benefit and have a better life.

Mr. Temporary Deputy Speaker, Sir, with regard to my own Ministry, we are busy reviving the very heavily looted, mismanaged and near-collapsing regional development authorities. All that was done in the past is going to be history. We shall have regional development authorities that will participate very vigorously in the development of this country. They will be engines of growth and poverty alleviation in our country.

Mr. Temporary Deputy Speaker, Sir, let me also say that the NARC Government pledges cannot blossom in a poisoned political environment. That is what we have been going through for

some time. We need to build consensus, as I had said in the very beginning, especially on the constitutional issues. I think Kenya deserves a Constitution which we all promised. Kenyans have, for over 14 years, suffered and waited, but the thing called the Constitution has eluded them, thanks to our friends from across the aisle. Do not ask me how. We have promised that we shall deliver a new Constitution and the NARC Government will definitely do so.

*(Hon. Members interjected)*

It is quite true! My friends are wondering what I am talking about. Today, they are talking as if they are the angels of the constitution review process and yet, they know very well that for over a decade, they are the ones who were stopping it. So, the NARC Government will deliver a new Constitution.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Minister! Your time is up. I will give this chance to Mr. Okemo.

**Mr. Okemo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to make very brief comments on the President's Speech.

First, I think there are three broad issues which the President touched on, and which I would very much like to specifically comment on. One has to do with national unity and consensus building. I thought I did not hear Mr. Kombo well when he said that it is very difficult to thrive in a poisoned political atmosphere. The most curious question is: Poisoned by who? Unfortunately, the Government is poisoning itself and because of that, we cannot make headway. In fact, sometimes, it is very difficult to recognise who are the Opposition Members in this House. I think the Opposition is the Government, and the Government is the Government. So, it depends on which side of the coin you would want to look at. But I do hope that if they can put their House in order, as we have constantly requested them, we will be willing to lend support and make sure that we make progress for the good of this country. The consensus that the President was talking about referred to all of us in this House, speaking with one voice on national issues. The problem is that the Government is not able to define what are the national issues. That is because when any issue is raised, whether national or not, you will find two completely opposing views from the same Government. So, you wonder: What is it that you are asking us to support when you, yourselves, are unable to identify the issues and speak with one voice? I think the President meant well when he asked us to build consensus and talk with one voice, for the good of this nation. But, unfortunately, the Government itself must lead by example, which it has not done at all, right from the day it came to power. The day you will remove your ambitions--- That is because everybody in the Government wants to be a big person. You can only have one big person at the moment, according to the current Constitution. That person is the President. But when you hear everyone talking, you do not really know whether there is a President in this country; whether everybody wants to become the President or whether we should go back for general elections and come up with somebody else. Those are the questions that we keep on asking ourselves. So, on the question of national unity, it is not for us. It is for the Government to put its house in order first, and we will be there to support it.

Everyday, when you open a newspaper, the first headline would be talking about one arm of the Government fighting another arm of the Government, or having completely diametrically opposite views on the same thing. Is that really a semblance of unity? Can you, therefore, ask for support to get consensus when you cannot speak with one voice on your side? The problem, of course, is that we are having our first experience with a coalition Government. But again, you must start by defining a coalition Government amongst yourselves. I do not think you know what it means. That is because, one time, you are calling yourselves one party, and another time, you say

you have different parties. So, is it one party; a majority party ruling, or is it several parties coming together as coalition ruling? Which is which? You must guide this nation, so that we can know. Then, we will know how to co-operate with you.

Mr. Temporary Deputy Speaker, Sir, I will spend a few minutes talking about the Constitution. We do know that the eighth Parliament passed all the relevant Acts to guide the constitutional review process. This House created Bomas of Kenya, and deliberately included all Members of Parliament so that we could have a forum to discuss issues of Constitution making. In fact, when you were in the Opposition, you were in the frontline saying that we must go to Bomas of Kenya and whatever came out of there should not be manipulated. You believed the previous President would have a way of manipulating the outcome of Bomas of Kenya. But now, we seem to have a President who, through his Ministers - We have not heard him say directly - is a master trickster at manipulating the Constitution which is a product of Bomas! We should all have been at Bomas right from the outset, contribute and come out with---

**Mr. Shitanda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member call the President a "master trickster?" Is that parliamentary language? Is it in order?

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Shitanda, could you just repeat?

**Mr. Shitanda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member refer to His Excellency the President as 'a Master trickster'?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, Members! He did not refer to the President, if I heard him correctly. But you are still right; he referred to the Ministers who are Members of this House and that is not unparliamentary language.

**Mr. Okemo:** Mr. Temporary Deputy Speaker, Sir, I withdraw. But I said they behave like tricksters. But if that is unparliamentary, then I will withdraw and apologise.

However, let me--- Mr. Temporary Deputy Speaker, Sir, can you save me from hon. Saitoti?

Mr. Temporary Deputy Speaker, Sir, on the Constitution, the forum that was offered at Bomas, we had plenty of opportunities to contribute at the plenary and in the committees. But most of the Members decided to have sideshows instead of coming to the right forum, which was legally constituted, to express their views, so that they could be incorporated in the Draft Constitution.

Sometimes, when some of these people are talking, you wonder whether really, they have had a chance to read the report of the Commissioners who went round the whole country. What started the whole clamour for constitutional review was the realisation that there is too much power concentrated in the Presidency. That is what started this process. Now, how do they come round again, at the end of the process, and begin arguing that we must have a very strong executive President? That is what we are trying to dismantle! We want to have a President that does not have too much power to interfere with other organs of Government like the Judiciary and the Legislature. That is the essence of the Draft Constitution.

So, if this power is to be de-concentrated, it must be moved from where it is to somewhere. I think the essence of the Zero Draft is that you de-concentrate this power away from the Presidency and put some of it in the Prime Minister and some of it in devolved units of Government. That is the wish of Kenyans. So, if we are true representatives of the people, we must support their views.

Mr. Temporary Deputy Speaker, Sir, it is not just about political power. We are also talking about economic power and distribution of economic resources. 'Devolution' implies that resources will devolve from the centre and come down to the devolved units, where wananchi themselves can decide on the priorities of development. They can prioritise and decide which activities they want undertaken in terms of their needs, because every area has different needs.

In fact, I would go further and hope that at the end of the process, there should be very little money left at the centre. Most of the resources should be devolved because that is really tackling

poverty. The centre can deal with projects like airports, Kenya Ports Authority and other things. But most of the money should come down to mwananchi in the devolved units where it can actually go directly to fight poverty. That is what the Zero Draft Constitution is all about. If we are opposing it, then, we actually do not know what we are talking about as we talk of poverty reduction. Poverty reduction is dealing with problems that afflict mwananchi at the lowest levels.

Mr. Temporary Deputy Speaker, Sir, the so-called Economic Recovery Strategy Paper which hon. Prof. Anyang'-Nyong'o likes talking about religiously and unapologetically, to me, I think is just a baptism for what we used to call the Poverty Reduction Strategy Paper (PRSP). He has just baptised it. In fact, if you look at its contents, there is no difference. So, why not just say that you have borrowed what KANU had put in place and you are trying to implement it, but you would like to give it a different name?

**The Minister for Planning and National Development** (Prof. Anyang'-Nyong'o): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to make mock comments on a document he has not obviously read?

**Mr. Okemo:** Mr. Temporary Deputy Speaker, Sir, I think, when the Minister for Finance was here delivering his Budget Speech, the Economic Recovery Strategy Paper was part and parcel of it and I think it had been presented here even before by hon. Anyang'-Nyong'o. So, I am perfectly familiar with that Paper.

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

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Kenneth): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to support the President's Speech, which he gave when opening this Session of Parliament, and I want to commend the President for giving us the vision which was articulated very well in his Speech.

Mr. Temporary Deputy Speaker, Sir, there are various issues in that Speech that I think especially the Government side needs to take full responsibility to ensure that the vision of the President is implemented. In fact, as the hon. Musila did speak about HIV/AIDS, I think it is important as a country, when we talk about launching the Constituency AIDS Committees, that we make them work. At the moment, as it was alluded to by hon. Musila, these committees, though launched, have not taken effect. We all agree that HIV/AIDS is a big problem in this country and we need to address it urgently. We needed to address it yesterday and not today. I want to appeal to the National AIDS Control Council to move very fast to empower the committees that have been formed at constituency level.

The President spoke about Bills that will come to this Parliament, and there are two which I think are very important. One of the Bills is that of privatisation, and the other one being the Forests Bill. It would have been my wish that the Forests Bill had come in time before the long rains. We have openly admitted that this country lacks the required forest cover. It would be important to implement the Forests Bill so that we have enough cover to give us all the resources that come from the forests.

Talking about privatisation, I have been in an organisation which was due for privatisation. I think it would be very much in order for us to discuss the Privatisation Bill, so that we have rules of procedure in privatising State enterprises. At the moment, and as I saw when I was in one State corporation, we were all lost in deciding how to privatise these Government institutions.

Mr. Temporary Deputy Speaker, Sir, I want to applaud the President for appending his signature on the Customs Union Protocol. I also want to thank our negotiators who took part in negotiating the Protocol. But I want to urge that we move an extra step. We need to open up our boundaries and borders. We cannot just sign the Customs Union Protocol and leave the borders closed. We want to trade. I want to encourage our negotiators that we need to open the borders so

that people from the three East African countries are able to cross borders without hassles.

A lot has been said about the Constitution and I would like to add my voice---

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect, is the Assistant Minister in order to tell us that we should have our borders open when we are already experiencing the problem of dumping of goods in our country?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Mr. Nakitare, you are completely out of order.

Proceed, Mr. Kenneth.

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Kenneth): Thank you, Mr. Temporary Deputy Speaker, Sir.

I was talking about the Customs Union and the benefits that would accrue. We have signed the Customs Union Protocol and we are saying we need to trade. That Customs Union Protocol is to allow free trade within the three East African countries. It is in that context that I spoke the way I did.

Mr. Temporary Deputy Speaker, Sir, if I can refer to the comments that were made by the previous speaker, my very good friend, hon. Okemo, regarding a consensus and the unity that should prevail in this House, I do not think it is fair for him to look at this side only. He is also a contender for leadership on that side and there are very many of them. I think when it comes to the speeches that we make, we should all take responsibility as the whole House.

**Mr. Okemo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When he talks about elections that are coming and elections that have already taken place and the leader has been chosen, I think he is comparing eggs with oranges!

*(Laughter)*

**The Assistant Minister for Co-operative Development** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I would have wished to know what the point of order was in that statement.

However, the democratic spirit enjoyed does not only allow NARC to wrangle, if it is wrong for the other side to wrangle. What I am trying to say is that all of us need to take responsibility for the comments that we make, and not pointing accusing fingers at each other.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! You will have your chance!

**The Assistant Minister for Co-operative Development and Marketing** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, the issue of the Constitution is important and we can say that this has been discussed at all avenues. However, it is equally important that we build a consensus on it. If you look at my constituency, there was no other representation other than myself and I did my best to attend the talks. We are saying that the parts that have become very hard for us to agree on are parts that we can agree on. It is a process; we staged the Bomas of Kenya talks and we were able to agree on many parts, and I am sure that whatever is remaining is what the President is appealing on a consensus. We need to agree and give Kenyans what we promised.

If I may move to the issue of security, I am glad that we have done one bit. We have increased salaries of the policemen, but I think we need to look at very many areas. I recall in the last Session that the Speaker organized a *Kamukunji* where we were able to discuss security issues. I still think the security situation is very bad. It is an issue that we all need to come together to

address. I know that we have heard very good statements of very good intentions. However, I am reminded that in situations where an investor has to speak, he normally says that good intentions have no place in the balance sheet. It is the bottom line. We need to realise that the bottom line is not good at all.

As I speak, yesterday gangsters had a free day in my Gatanga Constituency. They carjacked eight vehicles. If gangsters can have a free hand in a rural based constituency, what about other areas? When I called the Officer Commanding Police Division (OCPD), he said there was no fuel and the Officer Commanding Station (OCS) too said the same. I know that the Government has done well by buying vehicles, but I think we probably need to decide what the priority should be so that we can arrest this situation which is getting very nasty. However, when I called the Permanent Secretary in the Office of the President, he was able to send the Flying Squad to my constituency. On the issue of security, we need to have a full session of the House. Hon. Members have ideas which, if they can give, could help alleviate the problem. I am saying this because if you look at the policemen at our roadblocks, they are not looking for thugs. They are looking for vegetables or lorries which are coming to the City centre. We probably need to put our priorities right so that we can protect Kenyans. Whatever good ideas we have, unless we have a secure place for them, we might not be able to implement them.

With those few remarks, I beg to support the Presidential Statement.

**Capt. Nakitare:** Ahsante sana, Bw. Naibu Spika wa Muda. Leo nitazungumza kwa Kiswahili. Ninafurahia kwamba Mhe. Rais alitoa Hotuba nzuri na ya kupendeza katika nchi yetu ya Kenya, hotuba ambayo ilileta uhusiano mzuri kati ya wanasiasa na jamii kutoka nje.

Kwa upande mmoja, ninaweza kusema ya kwamba Kenya inalala na kuna moto unaowaka kutoka chini. Kuna mvuke mwingi ambao unatoka shuleni, nyumbani na hata sokoni. Huo mvuke umeingia hadi katika Bunge. Kama wewe ni Mbunge uliyechaguliwa kuja hapa kutengeneza sheria, unawezaje tena kuja hapa na kuivunja sheria hiyo? Kukodoleana macho kwa Wabunge si jambo la busara. Hayo ni mambo yanayofanyika shuleni wala sio hapa. Ni mfano gani ambao Mbunge anapatia jamii zijazo?

Jambo la kwanza ambalo ningependa kuisitiza ni kwamba katika nchi ya Kenya kuna utumwa wa watoto. Katika mazungumzo ya Mhe. Rais, kuna mambo muhimu aliyoyataja na ni ya kujenga Taifa letu. Kuna utumwa kutoka wakati ambapo watu walifukuzwa kutoka nyumba zao na hata mashamba yao na mali yao kuharibiwa. Hao watu wanakaa sokoni na watoto wao wanatumiwa kama watumwa kwa mashamba ya watu tajiri. Wanawaajiri kupalilia mahindi, kuchota maji na hata kukata kuni. Mambo kama haya ni ya aibu katika Kenya yetu. Hiyo si Kenya ambayo ilipata utawala kutoka kwa Mbeberu. Hii ni Kenya ya tatu sasa, ambapo lazima Serikali yetu ione mambo haya.

Jambo la usalama linafaa kutiliwa maanani. Kama itawezekana, Serikali ianze mambo ya "serikali ya nyumba kumi" ili katika kijiji, nyumba kumi ziwe na mtu anayehusika na usalama wa Kenya. Wananchi wa Kenya, hasa mahali ninapokaa, ni watu wanaoteseka sana. Hakuna usalama na watu wangu ndio wanaolisha Kenya. Watu wangu ni wakulima na wasomi. Watasoma namna gani kama kuna milio ya bunduki kuanzia saa kumi na mbili asubuhi hadi jioni? Usiku hawalali, na wengine wanalala msituni kwa sababu wanaogopa kuwa nyumba zao zitachomwa. Mambo haya yaliletwa na nini? Ni mfumo gani ambao unaweza kumfukuza yule mtu ambaye anatawaliwa? Huu ni mfumo ambao tunataka kutengeneza.

Mhe. Rais alipozungumzia mambo ya upendo na kufanya kazi pamoja, kuna mambo mawili tofauti. Jambo la kwanza ni uzungumzaji na la pili ni vitendo. Vitendo ni vya manufaa katika taifa hili letu. Mara kwa mara watu wanasema kuwa tunangoja mkopo kutoka nje na tunataka pesa kiasi fulani lakini hatujaweza kuambiwa nchi hii imekuwa na deni kiasi gani tangu utawala wa 1963.

Deni hili ni kiasi gani, kabla hawajaanza kutafuta pesa za kukopa tena? Maanake kukopa ni rahisi lakini kulipa ni vigumu. Wakati kama huu ni lazima tuchunguze Kenya yetu inaenda wapi.

Kwa upande wa elimu, kulikuwa na vituo vya mafunzo ya walimu, lakini mpango huo ulipuuza. Hivi sasa mtoto wa nasari hajui utamu wa mwalimu. Imekuwa kwamba waliohitimu katika vyuo vikuu ndio wanasomesha watoto wa nasari. Kuna ufundi hapa; kuna mintoarafu ambayo inatajikana wananchi wajue. Kuna tofauti kati ya vyuo vya mafunzo ya walimu na vyuo vikuu. Sio kwamba umpuuze mwalimu wa S1 na umchukuwe mtu aliyehitimu na Bachelor of Commerce aje amsomeshe mtoto wa nasari. Haya ni mambo ambayo yanatuelekeza katika sehemu nyingine mbaya.

Kuna wengine kama sisi ambao ni wanasayansi, na upande wa kilimo umedhoofika. Nilisoma katika gazeti na nikashangaa kuwa mambo yanayokatazwa na nchi zingine, ndio sisi tunayakubali. Leo tumekubali kuwa mbegu ambazo ni Genetically Modified (GM) ndio zitaweza kuongeza chakula hapa Kenya. Lakini wale watu wanaojua GM wanasema kwamba hiki ni kirusi ambacho kitakuja kudhoofisha mwili.

*(Applause)*

Hizi mbegu zitaweza kuleta magonjwa kama saratani. Jambo la kushangaza ni kuwa hakuna mwanasayansi yeyote amekuja hapa kusema kwamba hatutaki mambo hayo. Kwa nini tusikuze mimea yetu kama zamani? Teknolojia hubadilika mara kwa mara.

Bw. Naibu Spika wa Muda, mambo mengi yamesemwa kuhusu polisi. Maoni yangu kutokana na kuishi nje ya nchi kwa miaka mingi ni kuwa nchi yetu sasa haihitaji kuwa na viziuzi vya barabarani. Hii ni kwa sababu viziuzi hivi viko sehemu fulani tu, ilihali wezi wako kila mahali. Ningependa polisi wapewe magari zaidi ya kupiga doria katika barabara zetu kama ilivyo katika nchi zingine zilizoendelea. Magari haya yanafaa kuwa na tarakilishi ili kuchunguza na kuchukua hatua za haraka ikiwa kuna visa vya wizi wa magari ya raia. Haifai kamwe kutumia mbinu tunazozitumia hivi sasa. Kenya ya leo ni Kenya mpya.

Bw. Naibu Spika wa Muda, ningependa kuzungumza juu ya mipaka yetu na mataifa jirani. Wakati nilipoingia hapa sikujua kwamba Waziri alikuwa akizungumza juu ya swala la forodha. Serikali yetu hupata mapato kutokana na ushuru unaotozwa bidhaa mipakani. Hata hivyo, uchumi wetu umezoroteka kwa sababu bidhaa huingizwa nchini kwa njia ya magendo. Kwa mfano, Wilaya ya Trans Nzoia hukuza mahindi kwa wingi sana. Ni jambo la kuhuzunisha kuona mahindi yanatoka nchi jirani ya Uganda na kuuzwa katika Wilaya ya Trans Nzoia kwa bei ya chini sana. Je, mkulima kama mimi nitaweza kuuza vipi mahindi yangu? Nitakuwa nimekosa soko. Mipaka yetu ni lazima ilindwe. Ikiwa mipaka yetu italindwa, basi usalama wetu utaimarika. Mipaka yetu ni wazi kama nyumba isiyokuwa na mlango. Watu wanaingia nchini kutoka nchi jirani za Uganda, Tanzania, Sudan na Somalia bila kuchunguzwa. Miongoni mwetu kuna watu ambao wana vitambulisho viwili. Kwa mfano, mtu anaposhikwa katika Wilaya ya Trans Nzoia, anapatikana na vitambulisho vya Kenya na Uganda. Analipa kodi katika nchi ya Kenya na Uganda. Je, mtu kama huyo akihusika katika kisa cha ujambazi atapatikana wapi? Mambo kama haya yanafaa kutiliwa maanani. Utaratibu unafaa kutoka katika makao makuu ya utawala.

Bw. Naibu Spika wa Muda, namshukuru Rais Kibaki kwa mambo aliyosema. Alisema mambo hapa ambayo tunahitaji kuyafafanua. Kwa mfano, kuhusu Katiba, sisi tumechaguliwa ili kutengeneza sheria za nchi ya Kenya. Katiba inafaa itengenezwe kwa moyo mmoja bila kuzozana wala kupiga kelele. Je, ikiwa wewe ni hakimumu na halafu watu wapige kelele wakati wa kesi, utawezaje kutatua kesi hiyo? Bunge ni nguzo moja ya kutengeneza sheria. Tunataka Katiba yetu ambayo itashughulikia matatizo yetu kwa miaka mingi. Ningewaomba waheshimiwa Wabunge



wafikirie kwa makini sana. Unapokubali au kupinga maswala fulani, fikiria juu ya nchi ya Kenya miaka 1,000 ijayo. Bw. Naibu Spika wa Muda, kwa hayo machache, ninaunga mkono Hotuba ya Rais.

**Mr. Omingo:** Thank you, Mr. Temporary Deputy, Sir, for giving me this chance to support the Presidential Speech. The Speech was delivered with a lot of interest and detail. The President outlined what his Government intends to do, what has been done and what has not been achieved. There are several questions that Kenyans must ask themselves. Did we get where we wanted to go? The answer is "No". If I was to award marks, I would give them 25 per cent in terms of what they intended to do and what they actually did. Did we achieve economic growth? I doubt it. These figures are just statistics. As a great statistician, I know that with statistics you can prove anything or prove nothing. I do not think that we have achieved serious positive economic growth.

Mr. Temporary Deputy Speaker, Sir, the President did talk on a wide range of issues. He talked about several Ministries and what they intend to do. However, the question left in a Kenyan's mind is: Are we going to be able to implement whatever was contained in the President's Speech with the current political bickering, re-alignment and uncertainty of the future?

Let me talk about the popular issue of Mr. Michuki's transport policy on *matatus*. Mr. Michuki may have been effective to the point that he actually forgot to put on his right pair of socks, but the impact on inflation of this country has got far-reaching effects. Fares have doubled without corresponding income growth. You do not expect Kenyans to save anything because they must pay double what they were paying before Mr. Michuki's transport policy was implemented. The Minister of State, Office of the President in charge of Internal Security is crying foul on Mr. Michuki's effects on transport re-arrangement because he pushed many people out of the market. The touts are now actually proper criminals. So, when we act, let us also be prepared to address the effects on the economy.

Mr. Temporary Deputy Speaker, Sir, when this Government took over power in 2003, the fight against corruption was uppermost in their minds and Kenyans supported them. Unfortunately, it is interesting to note that the corruption fuse that was disconnected in January 2003, was reconnected in March 2003. Kenyans lost hope. Recently, there was this economic survey by Transparency International that showed that nothing has changed much. The war against graft has been synthetic because the civil structures have remained the same. The bureaucrats who were stealing are still in office. They have actually taught the topmost managers of this Government how to steal. Therefore, we must stand up and fight this graft top-bottom. This Government does a lot of scape-goating. With due respect, a few things have changed. However, this Government is living in the past. When I see a Minister on the side of Government talking about what the previous KANU Government did--- This Government has been in power for the last 15 months, but they are making history. Whether it is positive or negative, history will judge them.

Mr. Temporary Deputy Speaker, Sir, the President did make a statement here regarding the rehabilitation of the sugar industry. This was actually a typical political statement. The sugar industry is down on its knees. We cannot address the issue of sugar industry unless we regulate and control sugar importation. The most interesting thing is that most gentlemen across the political divide are busy importing sugar, and yet we are pretending to be fighting graft. We also pretend to be reviving the sugar industry when in effect the money being taken to sugar factories to pay farmers was actually paid to the Sugar Development Fund (SDF) by the same farmers.

**Mr. Osundwa:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Mr. Omingo:** Mr. Temporary Deputy Speaker, Sir, I would like to inform Mr. Osundwa that I am well informed and I do not want his information.

Mr. Temporary Deputy Speaker, Sir, there was a loan which was given to the former

Government through ODA, and it in turn, it was advanced to sugar factories. Interestingly enough, you will find a father receiving free sweets which he sells to his children. That is what the former Government did and the *status quo* remains. The Government should write off the ODA loans because they never cost them anything, and create room for the expansion of the sugar industry by building capacity because we have it. I am talking about the case of the South Nyanza Sugar Company (SONY). It has to be, or the Government should establish another sugar factory in the larger Kisii where we have a large acreage under sugar-cane, so that the farmers can deliver their sugar-cane to the factory for crushing and be paid on time.

Mr. Temporary Deputy Speaker, Sir, the President talked about Arid and Semi-Arid Land (ASAL) districts. I support the equitable distribution of the national cake, but I am also worried as to whether we will be keen enough to support the ASAL areas at the expense of agriculturally productive districts. In effect, we are saying that when coffee and tea are rotting in the farm, we are chopping off the udder of a cow and turning it into meat instead of feeding the cow to produce more milk. Let us be keen when we are addressing that issue. The Government should give some "macklick salt" to those agricultural productive districts in order to support the ASAL areas. I support that proposal, but as we implement it, let us not kill a cow to eat meat as opposed to feeding it to produce sufficient milk for the rest of the people.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on security. It is true that the security situation in this country is deplorable. I said in this House during Question Time that if I were to give marks; and I am sorry to say this, that Dr. Murungaru used to sit just behind here used to complain about insecurity in the country then; today, he has done absolutely nothing. If anything, he has performed worse than his predecessor. When somebody walks into this Chamber and sits next to the President, then nobody is safe in this country. We would rather wake up today and act appropriately. We must wake up! In fact, if I was in power, I would sack a few Ministers tonight because they are totally incompetent.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, making changes at the top hierarchy of the police force is irrelevant and of no consequence. This is because the new Commissioner of Police, Brig. Ali, will not make an impact if he is not provided with fuel to supply to police stations in rural areas. The police will not run on their feet because they have a Brigadier today, if they have no means of transport to reach a scene of crime. It is a shame. We must address these issues rather than effecting changes at the top. It is true there is political interference in the police force. You cannot touch X, Y, Z because he or she belongs to a particular community. Political interference is still rampant in that particular Ministry. That is why you will find DCs and PCs having several cars, but policemen in Nyamaiya Police Station in Kisii District do not have a vehicle. These officers have to trek 20 kilometres to apprehend criminals. You cannot do it! Let us address the real issues and not the symptoms of the disease.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the constitutional-making process. Kenyans have paid by blood to get a new Constitution. They have also paid their taxes on time. They must get a new Constitution in whichever way. The people who actually suffered with us are now on the other side of the House. The same people who were fighting for the powers of the Presidency to be reduced now want those powers to be retained. Some of us have been politically persecuted at the pleasure of the President. Somebody would stop you from going to your matrimonial bed by detaining you at Nyayo House at the pleasure of the President; somebody would order that you be killed at the pleasure of the President. You would actually lose your life, wife and

children at the pleasure of the President. If I take over power, I will exercise the same pleasures on you. We must address this issue because Wanjiku spoke and she must be redressed. I also agree that most of the votes cast at the Bomas of Kenya were like protest votes because Mr. Murungi, who actually suffered under the system of autocracy and one leadership and subsequently disappeared to foreign countries at the pleasure of the President, is now opposing the *status quo* of adjusting power to another office. We must address issues here instead of voting with emotions.

Finally, we can only attract foreign investment when we have investor confidence. We can do this when Dr. Murungaru actually works and we put politics behind us.

With those few remarks, I beg to support.

**The Minister for Planning and National Development** (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I rise to pay tribute to His Excellency the President for an excellent exposition of public policy of the NARC Government.

First and foremost, I would like to make it very clear that in the Economic Recovery for Wealth and Employment Creation, the centre of action is the citizen. It is human beings and not money that can fight poverty. It is when people are motivated and committed to the improvement of their livelihood that they can rise above the abuse of poverty, be productive and take care of their own lives. That is the reason why the Economic Recovery Strategy is called a "Strategy for Wealth and Employment Creation". This is because it is only when people create wealth that, indeed, poverty can be eradicated. Human beings, unlike animals, create wealth in a creative working condition, where they exercise their imagination and productivity. That is why this Government, when it came into power, saw it vital and necessary to initiate the free primary school education programme. Without education and awareness, there is no human empowerment. That is why, although we found the Treasury completely empty, the Government tried its level best to get resources for the free primary school education programme in collaboration with our development partners.

Mr. Temporary Deputy Speaker, Sir, between the year 1992 and 2002, the Treasury of the Government of Kenya was looted to the tune of US\$2 billion as the Goldenberg Commission shows. Had this amount of money been used for investment or put into the development of this nation, it could have made a big difference. I would like to pay tribute to His Excellency the President for the leadership he has shown in restoring confidence in our economy, both domestic and foreign investors. When we came into power, this country had the lowest level of foreign direct investment in history. Unlike our neighbours, Uganda and Tanzania, which had a foreign direct investment of over US\$200 million per year, by the end of the year 2002, when we came into power, Kenya had a paltry US\$30 million. As I speak today, the inflow of foreign direct investment to this country has already risen to US\$256 million and thereby catching up with our neighbours. Indeed, this is an achievement that the NARC Government is determined to surpass. If we are going to fight poverty, eradicate ignorance and eliminate disease, we need an economy which grows much faster. Because we came from a negative economic growth rate, it has been very difficult to recover ground, but we have tried and brought the GDP *per capita* growth rate to a positive figure of 2.8 per cent per annum. We hope with inflow of investments, we shall meet our target of over 6 to 7 per cent GDP growth rate per annum within the next two to three years. There is a big difference between us and KANU when it was in power. Although KANU tried to establish the Poverty Reduction Strategy Paper, as Mr. Kombo said, it remained at the level of a paper. It was never implemented. Our difference is that when we plan a strategy paper, we implement it.

Whereas KANU had procrastinated systematically about the constitutional review process, the NARC Government was brave enough to initiate the process and give Kenyans freedom to discuss their new Constitution. Indeed, what is seen as a controversy over the constitutional review

process is evidence that there is democratic expression and that individuals are allowed to express their views as to what kind of fundamental law of the land they want. That, indeed, is a credit to our Government. It is a sign of being strong enough to allow democratic participation in a political process that believes in an open society.

Mr. Temporary Deputy Speaker, Sir, during this year, we plan to ensure that a comprehensive social health insurance scheme is implemented from June onwards. That comes systematically following the implementation of a free primary education system. Health and education are two basic human rights which a democratic Government must give its people. When Kenya became independent several years ago in 1963, the then Government promised this nation that it will fight against ignorance, poverty and disease. Indeed, within the first ten to 15 years of Independence, there was a rapid expansion of frontiers of private property to Kenyans. There was an expansion of educational facilities to Kenyans and, indeed, health facilities were also expanded.

But, Mr. Temporary Deputy Speaker, Sir, over the last 25 years of the *Nyayo* regime, we did not only see the deterioration of those services, but in many cases, their absolute collapse. The National Hospital Insurance Fund (NHIF) collapsed. The National Social Security Fund (NSSF) collapsed. I was the Chairman of the Public Investments Committee (PIC) when I presided over the unearthing of the extent to which public resources were being looted in both the NSSF and NHIF. Our responsibility as the Government has been to restore those important institutions in our society. Those institutions are extremely important in underwriting a comprehensive social health insurance scheme and a comprehensive insurance scheme for our people. When they retire, they will be given their pensions. Those funds are also available as a source of domestic saving for financing other development projects.

Mr. Temporary Deputy Speaker, Sir, as I speak today, the NHIF is on the road to full recovery. The NSSF is also on the road to full recovery. That is a complete departure from the thieving and other wayward management that the KANU regime gave to those two important institutions.

It is important to understand that this Government has already made a very impressive record in the running of public institutions, under circumstances that were extremely difficult. As Lady Baroness Linda Chalker said here recently, it takes developed economies about four or five years to successfully implement economic recovery strategies. The NARC Government is doing it in a much faster time than that.

Mr. Temporary Deputy Speaker, Sir, judging from the interest that has been shown in our economy this week--- If you read the *Financial Times* and business sections of our papers, you will realise that we have turned a corner and we are on the road towards recovery.

Mr. Temporary Deputy Speaker, Sir, tomorrow, you can buy from the streets of Nairobi a special issue of the *Financial Times* focused on Kenya. It is being read today in London, but given communication difficulties, you will be able to buy it in Nairobi tomorrow. That will give you a very objective and detailed analysis of how the economy is doing. You will, therefore, be in a position to get an analysis that is very different from the voodoo economics that we sometimes get from the other side.

Mr. Temporary Deputy Speaker, Sir, it is important to understand that now, freedom is in this country to stay. I myself was locked up more than four times by the Moi regime. The last time was in the Nyayo Torture Chambers in 1989. I lost many relatives during the last regime because of their stand against oppression and economic exploitation of our people. Under the Kibaki Government, I have not seen any Kenyan being detained without trial. The Nyayo Torture Chambers are now being turned into a museum piece.

Mr. Temporary Deputy Speaker, Sir, if you had the misfortune of being in those Nyayo

Torture Chambers, you could understand how it feels to be dehumanised. I was dehumanised in those chambers for three weeks. The *Nyayo* regime tried to squeeze the life out of my testicles! But being a strong Luo man, I resisted. I came out and disgraced them by having a son. So, all those abuses of human rights have now been done away with.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Yes, Ms. Mwau! Please, proceed!

**Hon. Members:** No! We are many!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! You will appreciate the fact that there are more Members on the Government side than on the Opposition side. We need to give everybody a fair chance.

Ms. Mwau, please, proceed!

*(Applause)*

**Ms. Mwau:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Speech---

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

**The Temporary Deputy Speaker** (Mr. Ethuro): There is no disorder! She has not even started contributing. You can proceed, Ms. Mwau!

**Ms. Mwau:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Speech. I want to say that the Speech was well thought. I want to join my colleagues in this House to congratulate him. The Speech dismantled some negative energies and tension that was growing in this country.

I hope his call to Kenyans, particularly to the Members of this House, to build consensus on the constitutional review process will help us to make compromises and come up with a good Bomas document.

Mr. Temporary Deputy Speaker, Sir, the Speech touched on various aspects of development in this country. I want to start by looking at the free primary education programme that has benefited 8 million children in this country, and relieved parents, particularly women, from the burden of buying books, desks and paying for watchmen. Women can now do other things to contribute to the economy of their families.

Mr. Temporary Deputy Speaker, Sir, I want to say that the expansion of free primary education has also affected the teachers. Teachers are over-burdened because they are teaching classes of more than 70 pupils. Such classes are not easy to teach. So, the quality of education, which is crucial, must be taken into account. With the expansion of primary education, you saw what happened with pupils going to Form I. We need to also expand secondary education.

Mr. Temporary Deputy Speaker, Sir, there is need for the Ministry of Education, Science and Technology to create awareness among parents, so that they can start supporting the free primary education programme. Teachers are calling the parents to discuss the academic progress of their children, but they say it is the NARC Government. Where a toilet has sank, they say it is the NARC Government to repair. So, there is need for parents to actually support the free primary education, if it is going to benefit this country.

With regard to the question of activity fees for the children, I know that last year, in Makueni District, children were prepared to go for athletics at the provincial level, but there was no money. We need to clarify the issue of activity fees. How much is supposed to be contributed by

each school and at what level? Is it divisional, district or provincial? We need to sort out that problem because it is not good for pupils to prepare vigorously and not see the end of their dream.

Mr. Temporary Deputy Speaker, Sir, we have heard that the maize and dairy farmers are getting better prices for their produce. The question is: What is happening to coffee farmers? This is because, for example, I come from a coffee farming area and for the last almost ten years---

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to ask the hon. Member whether what she is saying is true, that the price of maize per bag has been increased, and yet I come from Trans Nzoia District where the price of maize is different from the price of seed maize? Apparently the price of a bag of maize still stands lower than what the hon. MP alleges.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Capt. Nakitare! You are completely out of order. There is no problem there.

**Ms. Mwau:** Mr. Temporary Deputy Speaker, Sir, thank you for that protection. What the NARC Government pledged Ukambani was particularly provision of water. We are still waiting for this dream to be realised because Ukambani could become a food basket for this country. So, the need for water in Ukambani is crucial.

Mr. Temporary Deputy Speaker, Sir, on the question of the fight against HIV/AIDS, we have seen the efforts the Government has put in, intensifying the campaign against it through the Constituency AIDS Committees. There is need for capacity building of those Constituency AIDS Committees so that they are able to monitor and follow up the programme projects that Community Based Organisations (CBO's) are coming up with. There is also need for the CBO's to do capacity building so that they can actually implement projects that they undertake. If they do not do that, then we are actually going to see CBO's getting money from the National AIDS Control Council (NACC), and not being able to implement the projects because they actually do not have the capacity to do that.

The issue of insecurity in the country has been an issue that every Member of this House has talked about. The need for the police to be well equipped so that they are able to apprehend gangsters is very important. When you go to a police station to report a crime, you are asked to fuel the police car. The question is: Are they not actually given enough funds to be able to fuel cars and follow criminals? So, there is a need for them to capacity build in terms of actually getting enough finance to enable them monitor and curb insecurity.

Mr. Temporary Deputy Speaker, Sir, when talking of insecurity, women suffer more because when a woman is carjacked, her mobile and money will be stolen, but there is a danger of her being raped, and we have seen that rape cases in this country have increased. About a month or two months ago, you saw a two-year-old child being raped and left for the dead. So, the insecurity in this country affects women more than men. So, the issue of curbing insecurity is very important.

The Bill that is coming to this House on forestry is very welcome because if we actually have to conserve and protect our environment, it is important that we start instilling such values in our children right from primary school so they will actually start seeing the need for a clean environment and the importance of planting trees. So, they will grow up with those values. So, a curriculum needs to be put in place to actually make sure that the value of a clean environment and growing indigenous trees is very important. I want to congratulate Prof. Wangari Maathai for her consistent struggle to actually make sure that Kenyans are aware of the conservation of the environment. So, I hope when this Bill comes here, it will be passed without hesitation.

Mr. Temporary Deputy Speaker, Sir, I want to talk about health. The Bill that comes to this House on health insurance scheme is very crucial.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Your time is up! **Mr. Korir:**

Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the President's Speech.

First and foremost, I want to appreciate the Government's effort of streamlining the *matatu* industry. In the past, there has been a lot of disorder in the *matatu* industry, but since the Minister for Transport and Communications took charge to bring order, there has been sanity in that industry. Initially, the edict "*Mwenye Nguvu Mpishe*" was the norm in the *matatu* industry.

Right now, I would say most of the vehicles are serviceable. There have been less accidents and generally there has been order. When you go to the *matatu* stages, you find that there are queues which have never been there for the last 24 years. The only problem which we have noticed is in the issuance of licences. If you go to Times Towers, the situation is chaotic and impossible because of the sea of humanity which is there. I wish the Government could decentralise the issuance of licences so that there is no congestion at Times Towers.

On the side of agriculture, I want to say that the producer prices for last year's produce both, in the agriculture and the dairy sector, have also been the best since the last 24 years. However, the fertiliser prices are still very high and just on the onset of rains, which was just a week ago, the Government increased the price of seed maize, which I think was unfair to the farmers.

Our farming industry can be motivated if the Government could improve or reduce the prices of fertiliser and seed maize so that the farmers can be motivated to go into their *shambas* full blast. They need to realise the fact that production prices now have improved although they are still lower than production costs.

Mr. Temporary Deputy Speaker, Sir, I want to touch on free primary education. Although it has been touted as one of the best and successful, I think it is far from it because the learning environment is extremely poor. Why? Because the number of pupils has increased as a result of the free primary education. The classrooms have not been expanded and as a result, you find so many children clustered in a classroom. Their teachers have no alternative other than to teach them under a tree. Ironically, that is how they learn.

Mr. Temporary Deputy Speaker, Sir, one can only say that these children get free education, but they will come out with nothing because of the poor learning environment. If the Government really wants *wananchi* to feel that the Government is serious in providing free primary education, then it should also introduce free education in secondary schools, colleges and universities. It is at these levels of education that *wananchi* feel the pinch. Education has become very expensive in this country. If free education was to be introduced in tertiary colleges and universities, then, we would say that the Government is serious in providing free education.

Mr. Temporary Deputy Speaker, Sir, with regard to security, I want to commend the Government for providing equipment and vehicles to police officers although they are not enough. I can say the Government has tried its best. The other day we saw police officers being given bullet-proof jackets. We should urge the Government to provide them with bullet-proof helmets. The salaries for the police officers were improved, but it is a paradox because when you drive along our roads, you will see seven to eight policemen surrounding a *matatu*. This is happening at a time when there is insecurity in this country. If it were a lorry or a pick-up ferrying charcoal, you would still find the same number of policemen who are manning roadblocks doing the same thing. You will also realise that they are motivated to mount roadblocks instead of going to arrest thugs. If only the Government could improve the police force, so that we see more of them going after thugs who are harassing everyone in this country, the problem of insecurity would be solved. There is, indeed, a lot of insecurity and nobody is safe. Hon. Members, Judges, the police themselves, including the hon. Speaker, are not safe at all. The Government itself is not safe. The cardinal responsibility of every Government is to provide security to its people and their property. If the Government cannot live to

that expectation, then, the alternative is to resign and go home. After that, we will have General Elections and, then we have another Government.

Mr. Temporary Deputy Speaker, Sir, I would like to say something about the Arid and Semi-Arid Lands Management Programme which was introduced the other day by the Government to assist and improve the living standards of the people living in the Arid and Semi-Arid districts. This is a laudable programme and it is our hope that it will provide the much needed services in those districts. It is my prayer that this programme--- Initially, when Koibatek was part and parcel of Baringo District, Mogotio Constituency used to benefit. When we were divorced from Baringo District and moved to Koibatek District, this programme was discontinued. We pleaded with the Office of the President to reconsider allowing Mogotio Constituency to remain part and parcel of this programme because it is a semi-arid area.

I want to talk about Harambee. Harambee has been known to be a pillar of development in this country. It has assisted many projects and individuals, particularly the poor amongst us in our communities. We have always assisted those people who were in situations where they could not raise money to pay their medical bills or their school fees through Harambee.

Mr. Temporary Deputy Speaker, Sir, you will find that most of our children have dropped out of school because they could not afford to pay school fees. Most of these school drop-outs are either picking coffee or tea in the coffee and tea-growing areas, or simply looking after livestock.

I think the Government was rather insensitive to ban or enact a law to outlaw Harambee because they are still necessary, more so to the people of Mogotio Constituency, whom I represent in this august House. These people have always raised funds to meet and build the development projects of their needs.

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

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute on this important issue. The Presidential Speech was extremely good. In fact, he touched on almost everything that matters to the citizens of this country. What remains now is for those people charged with the responsibility to implement those proposals. The President can give a very beautiful address, but if the concerned Ministers and officers are not ready to follow it up, nothing will happen at all. We have witnessed this in the past when speeches have been given and a lot of promises made, but nothing happens.

**Mr. Bahari:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the Government officers cannot implement Government policies which are pronounced by the President?

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I did not say that they cannot implement, I said that it is now their responsibility to do so.

**Hon. Members:** You too!

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Well, this includes myself, the Ministers and even the Speaker too!

*(Laughter)*

I do not think there is anything wrong with that! There is nothing wrong with saying that it is now the responsibility of Ministers and officers to implement---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Gumo! Proceed, Mr. Salat!

**Mr. Salat:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to actually tell us that the policies of this Government should be implemented, yet



he is actually in the Cabinet?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, all of you! Hon. Members, let us give the Member a chance, whether he is an Assistant Minister or an ordinary Member. In any case, you cannot misconstrue what hon. Gumo said. It was very clear. He praised the Presidential Speech and said that the responsibility is on---

**Hon. Members:** On him!

**The Temporary Deputy Speaker** (Mr. Ethuro): He said that the responsibility is on other people to implement it, including himself!

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I know they like interfering with my contributions. For a long time, we have seen farmers happy. This year, the price of maize has at least managed to reach Kshs1,500 to Kshs1,600. This is something that has not been witnessed for a long time. The price of one bag of maize right now is Kshs1,600, even in Kitale. Here in Nairobi, it is Kshs1,800. I know some of you do not buy bags of maize; maybe you just buy packets of maize meal. So, for a farmer--

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

**The Assistant Minister for Tourism and Information** (Mr. Gumo): *Wacha kunisumbua Bwana!*

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Gumo! What is it, Mr. Rotino?

**Mr. Rotino:** Is it in order for the hon. Member to mislead the House that the price of maize is Kshs1,600, yet I have some maize which I want to sell and I cannot get that price? Can you give me that price?

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I am a large-scale farmer and I have sold a bag of maize at Kshs1,600. If the hon. Member does not know where to sell his maize at Kshs1,600 per bag, he should ask me to show him where to sell his maize. Today, that is the price even in Kitale and we must thank the NARC Government for that. Before that, we used to sell a bag of maize at Kshs400.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): You are completely out of order, Mr. Serut!

Proceed, Mr. Gumo!

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, today, the price of milk has stabilised. The Kenya Co-operative Creameries (KCC) is buying milk and the farmers are being paid for their milk. We must thank the Government for that.

The only area where much has not been done is on the infrastructure. For the last one year, roads in certain areas have not been done. The trunk road, particularly from Nairobi through Naivasha to Timboroa, is in a pathetic state. The road between Nakuru, Timboroa and Kisumu is terrible. Now that there are no flights to Eldoret, I do not know how some of our people, who do not have big cars, drive from Nairobi to Kitale. The Minister for Roads, Public Works and Housing should do something. He might not manage to do the roads because I am told that tenders have been opened and awarded, but the money has not been released. I, therefore, appeal to the Minister for

Finance to release money, so that the roads can be done. These roads need to be done. Even roads in Nairobi City have such big potholes that sometimes you do not know whether you are driving on a cattle track or on the road.

**The Assistant Minister for Education, Science and Technology** (Mrs. Mugo): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): That is not up to me, Mrs. Mugo. Is the Government informing itself?

**The Assistant Minister for Education, Science and Technology** (Mrs. Mugo): Yes, Mr. Temporary Deputy Speaker, Sir, I am informing the Assistant Minister that the money from the Fuel Levy is there. We are waiting for the Minister for Roads, Public Works and Housing to do the roads.

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I do not need the hon. Member's information. This is common knowledge and even if we are in the Government, when something is wrong, we have to say it is wrong. If our roads have potholes, we have to say so.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, Mr. Gumo! Mr. Sasura has the Floor!

**Mr. Sasura**: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is very serious. Any money which is used on service delivery in this country, we budget for it in this House. Is it in order for hon. Gumo to insinuate that the Minister for Finance has refused to release money to the Minister for Roads, Public Works and Housing, thereby sabotaging his work?

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I did not say that. I am only asking the Minister for Finance to speed it up.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, Mr. Gumo! You said that the tenders have been awarded, but the money has not been released. The only natural meaning of that is what Mr. Sasura has said. If you did not mean that, you should withdraw and apologise and proceed.

**The Assistant Minister for Tourism and Information** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I said that the money should be released as fast as possible. You can open the tenders and award them, but if the money is not released quickly, you will not be able to start the works.

Of late, the Nairobi City Council (NCC) has been terrorising tenants. In fact, in estates like Woodley, which is in Mrs. Mugo's Constituency, houses were sold by the NCC sometime back and people were given title deeds. Today, the NCC goes there and throws the tenants out and re-allocates those houses to other people. Those people have leases from the NCC, and if the NCC is cancelling those leases, it should notify the tenants. It should call the tenants and tell them that their leases are not valid. This matter has been in court for a long time and no judgement has been delivered and, because of that, tenants in Woodley Estate are living in fear. They do not know what will happen tomorrow. I appeal to the Minister for Local Government to take up this matter immediately and make sure that the situation is corrected.

With those few remarks, I beg to support.

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Mukiri**: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have been sitting here since last week and you are giving opportunities to hon. Members who are just coming in. Could you, please, be fair to those who have been present in the House?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Ethuro): I have taken note of that.

**Mr. Kipchumba:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Chair to continuously give two opportunities to the Government and one to the Opposition? Indeed, we know that we are not even in that ratio.

**The Temporary Deputy Speaker** (Mr. Ethuro): It is completely in order, Mr. Kipchumba! Proceed, Mr. Githae!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I wish to commend the Presidential Address. It covered all areas and it is now our responsibility, as the Government, to implement it.

I have been sitting here for the last one week and I have been very disappointed. Hon. Members are only talking about what the NARC Government has not done and yet we know that there are many things that this Government has done. I am calling upon the NARC leaders to go out and inform Kenyans of what the NARC Government has done. Before the NARC Government took over, more than 700 people were dying daily from HIV/AIDS. As a result of the HIV/AIDS campaign by His Excellency the President, the First Lady and the Minister for Health, this figure has come down to 500 people per day. Why are we not telling Kenyans about this fact? We should commend the Government for that.

Mr. Temporary Deputy Speaker, Sir, before the NARC Government took over power, the Agricultural Finance Corporation (AFC) had absolutely no single cent to advance to farmers. Now, it has more than Kshs700 million waiting for farmers to apply for loans. Why are we not telling Kenyans about that? Why are we not telling Kenyans about all the good things that the NARC Government has done? I have so much to talk about. For instance, the Kenya Industrial Estates (KIE) did not have a single cent that it could advance to borrowers when the NARC Government took over. Now, we have more than Kshs500 million for advancement to industrialists. Why are we not telling Kenyans about that?

The Government is spending more than Kshs4 billion on the free primary education project. That is the money that the Government has saved parents from paying. Otherwise, Kenyan parents would have been forced to pay the money. The fact that education is now free, means that the Government has given Kenyans Kshs4 billion for education.

Before the NARC Government took over, bank interest rates were at an average of 40 per cent. There are banks which are now lending money at interest rates of as low as 2 per cent. Why are we not telling Kenyans about this?

**Mr. Bahari:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by saying that interest rates were at 40 per cent when they took over the Government? That is not true!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, this is documented and it is in the public domain. You should have seen the figures. Let me continue. I know that what I am talking about is bitter, but I am telling the truth. We should not just go on talking about what the NARC Government has not done. Please, let us also talk about what the NARC Government has done in the short period of 13 months it has been in power. Treasury Bills were at 20 per cent when the current Government took over power. Now, they are at 2 per cent.

**Mr. Rotino:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order, for the hon. Member to mislead this nation that there is a bank giving out loans at an interest rate of 2 per cent? Please, let him give us its name.

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

Temporary Deputy Speaker, Sir, it is there. If one wants to know it, he or she can see me later, and I will give him the name. Read through city banks budgets. We all need to start reading.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, we are becoming unruly. We need to relax and give Mr. Githae a chance to speak. There are ways of challenging what the hon. Member is saying. I have been very liberal in allowing you sufficient points of order. Let us not shout from where we are seated. Mr. Githae, you are responsible for the accuracy of the statements that you make. We need to know the bank that is offering loans at an interest rate of 2 per cent, or you withdraw your claim and continue.

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, they are there.

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

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, this Government has paid the salaries of teachers which were promised in 1997. Why are you not telling Kenyans that?

**Mr. Salat:** On a point of order, Mr. Speaker, Sir. We asked the Assistant Minister to tell us which bank is giving loans at a low interest rate of 2 per cent.

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, such banks are there and have been advertised in the Press. I can give you the figures. I have them.

**Hon. Members:** No! Withdraw!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Members! Mr. Githae, you cannot continue like this. Mr. Githae, if you cannot substantiate what you have said, what you have to do is very simple. You will have to withdraw what you have said. However, you will get another chance to bring the same information to this House another time.

**The Assistant Minister For Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, such banks are there. One of them is Indo Suez Bank. Let me go on now.

Before the NARC Government took over, the economy was---

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to defy your ruling?

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I have given the name of the bank. I told you that the Indo Suez Bank is giving out loans at a 2 per cent interest rate. Go there and you will get money. When we took over the Government, Treasury Bill rates were at 20 per cent. They are now approaching 2 per cent. A 1 per cent drop makes savings of Kshs50 million. That is the amount that the Government is saving. How come that no one is talking about that, and about the good things that the current Government has done? The economy was not growing. It is now recording a growth of 1.8 per cent. We are not telling Kenyans that, but harping on what the Government has not done.

Mr. Temporary Deputy Speaker, Sir, for the first time we have got bursaries in our constituencies. We were given Kshs1 million. Why are you not telling Kenyans about this? Now we have the Constituency AIDS Control Committees, which have been allocated funds, unlike in the past when MPs personally maintained these accounts. This is something good, which Kenyans need to be told about. We know how the Constituency Development Fund---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Let us give Mr. Githae his opportunity to contribute. Let us hear him in silence!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Thank you,

Mr. Temporary Deputy Speaker, Sir. I know the truth is bitter, but I am telling you the truth. I am saying that we should not keep on telling Kenyans what this Government has not done. We must now look at the other side of the coin and tell Kenyans what this Government has done in less than a period of 13 months. It has achieved more than what the KANU Government was unable to do in the last 40 years and the facts are there.

Mr. Temporary Deputy Speaker, Sir, Before we took over Government, it was in the public domain that if you wanted your child to be recruited into the army, the police force or medical training schools, some money had to change hands. That has now been abolished. The situation has been regularised. Nowadays selection is based on merit.

**Mr. Sasura:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In as much as the Standing Orders allow the Chair to give time to Mr. Githae, I am sure it does not give him the right to mislead the House. When we discussed the recruitment into the army in this same House, the Speaker said that the recruitment had been unfair, full of nepotism, but it could not be challenged because it was protected by an Act of Parliament. It was not fair because 700 recruits out of 1,200 came from Central Province.

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** Mr. Speaker, Sir, I talked about money changing hands. I said that, for the first time, no money changed hands for purposes of recruitment.

Let me now come to democracy---

**The Minister for Health (Mrs. Ngilu):** On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to give some information.

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

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, both Mrs. Ngilu and the MP for Mt. Elgon. You are completely out of order. You cannot continue standing when Mr. Githae is on his feet.

Proceed, Mr. Githae!

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** Let the hon. Minister give me the information. I need it.

**The Minister for Health (Mrs. Ngilu):** It is true that a Member of this House is aware that the Kenya Medical Training College, which is under the Ministry of Health, charged between Kshs30,000 and Kshs50,000 for every child who joined it for training.

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** Thank you, Madam Minister, for giving me that information.

**Mr. Serut:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise on a point of order because I realise that the Member on the Floor is trying to mislead the House. I think corruption does not only involve money changing hands. Corruption includes recruitment of people through nepotism. I do not understand why Mr. Githae is saying there is no corruption in this country.

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** Mr. Temporary Deputy Speaker, Sir, I said I will tell the truth, and I know the truth is bitter. Please bear with the truth. We know that before this Government took over milk was being purchased at Kshs8 per litre and now it is being sold for Kshs18 per litre. Why are you not telling Kenyans about this?

*(Loud consultations)*

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, all of you! Let us hear Mr. Githae!

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** I should be

given five more minutes because hon. Members have wasted all my time!

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Githae, you cannot start becoming the Chair also. Your time is up!

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I support the President's Address.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Rotino!

### QUORUM

**Mr. Korir:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for debate to continue when there is no quorum in the House?

**The Temporary Deputy Speaker** (Mr. Ethuro): No. We do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! We have a quorum now. You may proceed, Mr. Rotino.

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank you for giving me the chance to contribute to this very important Motion. I want to say, from the outset, that the President gave us a very nice Speech. It is one thing to give a very nice speech and another to implement the same Speech. If you read the Presidential Address that he gave when he opened this House, you will realise that it is wonderful, but its implementation is another thing. I need to emphasise that Ministers should see how they can implement what was contained in the Presidential Address, so that it becomes a reality.

I want to talk about agriculture because I come from an agricultural area. Agriculture is said to be the backbone of the economy of this country, and yet what we are saying is not what we are doing. We talk about fertilizer. At the moment, farmers cannot afford fertilizer because it is being sold for more than Kshs1,600 per bag in Trans Nzoia, which is supposed to be our granary. Fertilizer is very expensive and yet the Government, through the Ministry of Agriculture, has promised farmers that it will give us fertilizer at Kshs1,200 per bag. The 40,000 metric tonnes that the Government is talking about have not arrived, and yet the planting season is here. The National Cereals and Produce Board is going to Thika and buying the SSP fertilizer, which has no nutrient value. They are selling this fertilizer to our farmers at Kshs875. This fertilizer is sub-standard. Our farmers are put into problems because they have no other alternative. The high quality fertilizer is being sold at Kshs1,650 per bag. The National Cereals and Produce Board (NCPB) sells the SSP fertilizer at Kshs850. This fertilizer is also sub-standard. They promised to import affordable fertilizer for our farmers.

Mr. Temporary Deputy Speaker, Sir, I would like to commend the Government because the price of seed maize has gone down; from Kshs3,300 to Kshs3,000 per bag. The Government should also reduce the price of other farm inputs if they want our farmers to realise a bumper harvest this year.

The President, in his Speech, said the Government has allocated Kshs7.7 billion for the 22 districts of the Arid and Semi-Arid Lands (ASAL). I come from an ASAL area. However, up to now, this money is yet to be disbursed. Officers in the ASAL areas prepare programmes, but they do not implement them because the Government does not release money to them. It is a pity that this Government has only released Kshs500,000 to West Pokot District. From July last year, the AIEs have not been released. This Government is giving us a skeleton Budget. They are talking about illusions. They are telling us they have achieved this and that and that they will get this amount

of money to initiate this and that project. However, the money is not actually there. If you talk to officers working in this department, they tell you that they do not have money. Money is only there on paper. I want to urge this Government to be realistic while making its Budget. The Government should not draw the Budget assuming they will get money.

Mr. Temporary Deputy Speaker, Sir, the free primary education programme this Government talks about is a total failure in my constituency. There are about 68 schools that have not received a single cent from the Ministry of Education, Science and Technology. I reported this matter to the Ministry, but nothing much has been done. This money is yet to be credited to the schools' accounts. This Government claims to be better than the previous KANU Government, yet they are only giving us unrealistic figures. Could this Government be realistic when preparing the next Budget? Let them come up with the Budget that they can implement. Otherwise, their Budget will just remain a paper work.

Mr. Temporary Deputy Speaker, Sir, when we talk about water provision in the ASAL areas, the Minister for Water Resources Management and Development, who is here, said she would ensure that boreholes are dug in these areas. If there are districts that she is favouring, then she should tell us. West Pokot District is supposed to benefit just like any other ASAL district. They need boreholes. However, officers on the ground are telling us they do not have money to drill boreholes. I want to talk about the rigidity of those officers.

Mr. Temporary Deputy Speaker, Sir, it was just the other day we told them that they must implement those programmes to benefit our people. They told us that they needed first to consult with their head office. This is exactly what the previous KANU Government used to do. There is no difference. This Government is even worse because it has gone to slumber; it is now sleeping. It must wake up and implement those programmes.

Mr. Temporary Deputy Speaker, Sir, I now want to talk about the Agricultural Finance Corporation (AFC). The Minister for Agriculture says the Government has set aside Kshs750 million to give to farmers. Who is getting this money in Kitale? It is the people living in towns who are getting this money. The officers in charge of this money are very discriminative. I have raised this issue with the officers concerned. I told them that this money is not going to the intended people. The Government is, therefore, doing exactly what the previous KANU Government was doing. The Kshs750 million they are talking about has not even gone to the intended districts. Who is getting that money in Trans Nzoia District? They only ask farmers to apply for this money, but when they go for their cheques, they do not get enough money. Farmers are only being given Kshs11,500 per acre. A farmer needs more than Kshs25,000 per acre to be able to produce enough maize. Where do they get money for top-dressing the maize? This money is not enough.

Mr. Temporary Deputy Speaker, Sir, the Government had wonderful ideas about employment creation. They told us that they would create 500,000 jobs annually. If you go to the streets, you will find many people without jobs. The Government is not employing. It is supposed to create a conducive atmosphere for investment by both local and international investors. The Government is not providing electricity. They are talking about rural electrification. Cabinet Ministers only go where they think people voted for the Government. The Turkwel Gorge Dam, which is in my own district, produces electricity, and yet we do not benefit from it. If the Government wants to be credible, it should honour the pledges it made to Kenyans. They should not be emotional.

Mr. Temporary Deputy Speaker, Sir, on the issue of environmental conservation, at the outset, I would like to congratulate Prof. Maathai for what she has done. She needs to be congratulated by everybody. The forest cover in this country has reduced significantly and desertification is increasing. All of us must speak about this. Our environment is being destroyed and all of us are part and parcel of this destruction. Hon. Members on the Government side were once in the Opposition. They are now committing crimes similar to those committed by the previous regime. They are perpetuating the same corruption that they perpetuated when they were in the

Government then.

Mr. Temporary Deputy Speaker, Sir, on the question of security---

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You must have heard the hon. Member on the Floor say clearly that he knows that Government Ministers are corrupt. Could you, please, compel him to substantiate?

**Mr. Rotino:** Mr. Speaker, Sir, the hon. Member is putting words into my mouth. I did not say that. I said that Ministers who are now in the Government were in the Opposition when KANU was in power and yet they are perpetuating the same things that the KANU Government perpetuated.

Mr. Temporary Deputy Speaker, Sir, I now want to talk about security.

*(Loud consultation)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, hon. Members! For the umpteenth time, I want to clarify that an hon. Member has to be heard in silence. Let us observe that provision. Secondly, you are responsible for the accuracy of your statement. Mr. Rotino, you have been challenged to substantiate your allegation. You cannot start teaching us English here.

*(Applause)*

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I need not substantiate the obvious. It is in everybody's knowledge that these things were happening. However, I apologise.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): He has apologised.

**An hon. Member:** He has not withdrawn!

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Rotino, simply apologise and withdraw.

**Mr. Rotino:** Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise, but the obvious is there.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, I thank you for giving me an opportunity to support the President's Speech.

In his Address to this House, the President reflected on a bit of progress that the Government has made since it came to power last year. This Government came to power when the economy was in a total mess. It is true that there has been some substantial progress. A lot still remains to be done.

If you look at the agricultural sector, which is my darling subject and which I will always talk about, there has been quite a bit of progress in the dairy industry. The Kenya Co-operative Creameries (KCC) Limited had ground to a halt. The KCC is now doing some business following the Government's efforts to revive it. The same applies to the sugar industry though a lot still remains to be done. When this Government took over, sugar-cane millers, like Chemilil Sugar Factory, were almost coming to a halt. Miwani Sugar Company is still stalled. Muhoroni Sugar Factory, which is still under receivership, was doing very poorly. The Government has made some efforts and the farmers are now being paid in time.

So, farmers are actually happy down there. They are happy because the Minister and the Kenya Sugar Board have tried their best to put the importation of sugar under control in this country. It was a field day for everybody who was importing sugar into this country. Today they are very tough on the sugar importers, though every now and then the importers are taking them to court. I am actually sceptical of this company called MAT International which, every now and then, takes the Ministry to court so that they can be allowed to import sugar into this country illegally.



Mr. Temporary Deputy Speaker, Sir, the Kenya Revenue Authority and the Customs - of course the Customs Department belongs to the Kenya Revenue Authority - is one of the players in the sugar importation which needs to be castigated. They have allowed the importers to import sugar irregularly despite the efforts being made by the Minister for Agriculture and the Kenya Sugar Board. We are appealing to the Minister for Finance to bring the Kenya Revenue Authority under control in this regard. It is the Kenya Revenue Authority that is disappointing us when it comes to the importation of sugar. I am also appealing to the Minister for Finance to reduce the 16 per cent VAT levied on sugar to zero so that we have zero-rating on sugar as regards VAT levy. Sugar is a food crop. It is food. Why should we have 16 per cent VAT levied on it? That is one of the things that is making sugar production in this country very expensive. It is one of the factors that is making our sugar not competitive so that we have cheaper sugar being imported into the country and then the importers having a field day here.

Mr. Temporary Deputy Speaker, Sir, rice production is one sector where the Government has made some progress. Quite a number of rice irrigation schemes had collapsed. The one in West Kano, Nyando District, had stalled but right now it has been revived. That is a good move by the Government. The Government has promised us some funding for the one in Ahero, because it stalled because of lack of funds. That is progress. So, we have to congratulate the Government on such moves. We know that there are a number of things that the Government has not done, but it takes time for some of these reforms to be effected. It takes quite a while.

Mr. Temporary Deputy Speaker, Sir, there is something that also needs attention with regard to rice production in this country. We do not have effective rice research. There is WARDA which used to be a mainly West African research institute, today it has the mandate to do research on rice across Africa. Why has KARI not taken advantage of that opportunity? I do not think they are collaborating with WARDA enough so as to do research on rice in this country.

Mr. Temporary Deputy Speaker, Sir, let me say something about security. I think that is where our Government needs to be blamed most. Security in this country is at its lowest. Although the Commissioner of Police was sacked yesterday and replaced with an army man, I do not know whether that is injecting new blood in the Police Force. We are yet to see. We are making history by bringing a military man into the Police Force. I do not know whether it is going to work but, to me, even the Minister in charge of Internal security is not performing. Instead of doing a good job by taking care of security, he is one the hon. Ministers who have gone loose in this country. They are quarrelling with one another. So, it is not only the bandits that are creating a security problem in this country. Our Ministers are also doing it. Why are they quarrelling in public? I am appealing to the President to bring his Ministers under control.

Mr. Temporary Deputy Speaker, Sir, let me say something about health care in this country. The Government has done a lot. We congratulate the Minister for Health. She has done a lot to improve the health care system in this country. The National Aids Control Council (NACC), which was not doing very well when the NARC Government took over--- There was a lot of corruption. As we know, the former director has been taken to court. The NACC is doing a superb job. The Constituency Aids Control Committees (CACCs), though they are yet to be facilitated properly--- In my constituency, we are already receiving money for Constituency- Based Organisations (CBOs) who have written proposals to NACC for HIV/AIDS activities. On that, I congratulate the Government. It is doing a good job as regards the HIV/AIDS activities. I am happy the Minister for Health is here. What really happened to the Kshs30 million that was used during the one-day women's seminar at Kasarani? That remains a question for our Minister for Health to answer! We have questions about that! An amount of Kshs30 million was spent and yet we do not have drugs in a number of---

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

**Prof. Olweny:** Do you have something to say?

*(Laughter)*

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Ethuro): Dr. Khalwale, who gave you the opportunity?

**Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): You are on the wrong side!

*(Laughter)*

**Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir! Yes, he is in the Opposition!

**The Minister for Regional Development** (Mr. Kombo): On a point of order, Mr. Temporary Deputy Speaker, Sir. A Member of this House can sit on any side, at any time and speak from there.

**Prof. Olweny:** He is no longer there!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Prof. Olweny! But, Mr. Minister, there is a tradition that, normally, people on the Government side speak from the Government side.

*(Dr. Khalwale crossed over to  
the Government side)*

*(Laughter)*

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the hon. Member clearly state that his CACC has received some money. We have re-launched our committees and there is no money!

Mr. Temporary Deputy Speaker, Sir, could he tell us the system he used to get money? Is he in order to say that when we have not received any money?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Dr. Khalwale! You did not hear him properly. He said that the CACCs have not been given any money. But the CBOs are receiving the money.

**Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir.

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

**Prof. Olweny:** What is this?

**Dr. Khalwale:** According to the new approach, those CBOs are supposed to get their money through the CACCs. So, could he tell us how he got that money?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, let me tell him. I started constituting my CACC last year. We started writing proposals and they came here. That is normal Government process. You people are waiting!

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

**Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir. I support the Motion.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a very serious thing which has been mentioned here, and which is bothering us in our constituencies. Since the Minister is here, could she clarify whether that is the correct position? Is that the true situation?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Mr. Mwenje, you have been in this House for longer than any one of us here. We are not in a question-answer session. Members are making contributions to the Presidential Speech and the Minister has no obligation to answer

anything. In any case, I have already given the Floor to a different person to contribute. So, you can only raise an issue affecting his contribution. Proceed, Mr. Kipchumba.

**Mr. Kipchumba:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity.

I wish to state that when the President made his Speech in Parliament last year, many of us could not say anything because at that time, NARC, as a party was born, was a clean baby and it was like a slate. Therefore, it was very difficult for us to say anything about it, other than listen to what they were saying.

Today, what NARC had promised is there for all of us to see. In terms of investment, we all know that it is not seminars that can bring investment to this country. I wish to tell the Government not to look only at foreign direct investment. We must look at our own local investment, so that we can give a chance to small investors in this country to grow and become big investors as well.

Mr. Temporary Deputy Speaker, Sir, when investors talk of expensive electricity and lack of adequate security, our Ministers are busy organising seminars and conferences which cannot, in themselves, bring investment to this country. Investors will always move to a country because of attractive opportunities like cheap electricity, good infrastructure, et cetera. The other day, we were being told that there is another conference in May. It is time they looked at that issue again and instead address the issues the investors have been asking.

On the issue of agriculture, when many Members talk of improvement in agriculture, we must differentiate between the forces of demand and supply and what the Government has done. Simple economic theory will tell you that when there is a shortage, the price must be high. Agricultural Finance Corporation (AFC) is said to be having a lot of money. But, indeed, very few farmers have benefited from that money. We were told the other day that Kenya Co-operative Creameries (KCC) is doing well and that it had been given to farmers. But KCC has not actually been given to farmers. It will only belong to farmers when they are given an opportunity to elect the Board of Directors of KCC, so that they can have a say in the daily management of the organisation.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the National Aids Control Council (NACC). I know that NACC has very noble objectives and good ideas. I wish it could be made autonomous. Last year, I was one of the proponents that would have supported the relocation of NACC from the Office of the President to Ministry of Health. But I have since changed my mind. You saw what happened when there was a two-day Aids conference in Kasarani, where the Ministry of Health gave responsibility of organisation of that conference to an NGO which is owned by some friends of the Minister for Health and spent up to Kshs31 million, which is against the Public Officer Ethics Act, which we passed in this House.

*(Applause)*

**The Minister for Health** (Mrs. Ngilu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order to mislead this House that an organisation was contracted by the Minister for Health that is run by a relative of the Minister when all the women organisations that did the work for the National Women's Conference on HIV/AIDS had volunteered to do the work? Could he substantiate or apologise to this House?

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, I did not say a relative, but a friend of the Minister. When I personally called the office that was co-ordinating the activities of the---

**The Minister for Health** (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, could he prove that my friends or sister were contracted because no women's organisation was contracted by the Ministry of Health?

**Hon. Members:** Mbarire!

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, I said a friend of the Minister. Give

me time to substantiate; I said a Non-Governmental Organisation that was run by one of her friends. When I called, we all know that when we---

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! "Order" means sitting down! Mr. Kipchumba, you have been challenged to substantiate your claims and you have failed to do so. You either substantiate or just withdraw and apologise and you continue!

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, the NGO was being run by Ms. Mbarire and it is common knowledge; it is not a secret and we cannot substantiate the obvious.

*(Applause)*

I wish to say that---

**Ms. Mbarire:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Does the hon. Member have to mislead this House that my NGO was contracted to do that work while I volunteered, for no single shilling, to mobilise women across this country? Could he substantiate that I was contracted and table the contract?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Ms. Mbarire! You have made your point. Mr. Kipchumba, substantiate or withdraw!

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, for the sake of my continuity in contribution, we all have heard. I will withdraw and apologise.

**The Minister for Water Resources Management and Development** (Ms. Karua): On a point of order, Mr. Temporary Deputy Speaker, Sir.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): I have already given the Floor to Ms. Karua.

**The Minister for Water Resources Management and Development** (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, this House is being taken for granted. If an hon. Member is asked to substantiate and or withdraw and apologise; for him to withdraw and apologise and to try and restate the matter for which he is unable to substantiate is trivialising it. Is this hon. Member in order to fail to withdraw unreservedly and to apologise? Otherwise, he should table the documents and not abuse Parliamentary privilege to malign other hon. Members.

*(Applause)*

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Mr. Kipchumba, when the Chair is on his feet, you can only sit! I want to say that when you are asked to substantiate and especially when you have mentioned a fellow hon. Member of the House, it is important that you substantiate with documentary evidence. Failure to do so, you withdraw unreservedly and apologise to the House. It is as simple as that! And failure to do that, I would not want to do the alternative. Could we proceed?

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, I will apologise and withdraw.

I want to proceed with my contribution and talk about environment. While we all would like to congratulate Prof. Maathai for her effort, we also wish that she was the Minister in charge as well. This is because while logging has been banned in this country, I would request that Prof. Maathai

takes time and travels to parts of the Rift Valley where trees are being destroyed everyday.

We have a problem with the *shamba* system. However, the problem was not brought about by the farmers. It came about because officers in charge of forests were not doing a very good job. Why do we then want to stop the *shamba* system? Why do we allow Pan African Paper Mills (EA) Limited and Rai Plywoods (K) Limited to continuously destroy our forests that have been guarded by the communities of this country? I think it will make a lot of nonsense if this process continues because, in the near future, even the 1 per cent forest cover that we are talking about will drop to 0.5 per cent.

Mr. Temporary Deputy, Sir, I want to talk about agriculture. As I said before, we have seen very little support in the agricultural sector contrary to what many hon. Members have said here. Many farmers who go to borrow from the Agricultural Finance Corporation (AFC) are not given enough money. As I speak---

**The Temporary Deputy Speaker** (Mr. Ethuro): Your time is up! Are you supporting or opposing?

**Mr. Kipchumba:** Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Speech.

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to support the very exposed and well-written Presidential Speech. In fact, the quality and substance of the Speech was a clear manifestation of the President's understanding of Kenya, as a nation and her people. It was also a manifestation that he is in touch with people of all corners and that he is totally in charge of this country.

As I was seated here, I was surprised to hear some hon. Members say that they have not seen what the NARC Government has done for this country in a very short time. In fact, I am surprised that they have eyes to see, but they do not see. They have ears to hear, but they have refused completely to hear. I do not know what should be done to them, so that they can understand and see that the NARC Government has transformed this country to be what it is today in a very short time. Kenyans, in general, appreciate the performance of the NARC Government. In fact, our people are saying that come the 2007 General Elections, they will overwhelmingly vote for the NARC Government to lead this nation to prosperity. So, my dear colleagues, in the Opposition, your hopes are already shattered.

Mr. Temporary Deputy Speaker, Sir, now that the President has given us the guidelines and the way to proceed, it is our responsibility, as hon. Members and leaders, to do less of antagonistic politics. It is our responsibility to stop slander campaigns and to utilise the energy we have to develop this nation. We, as a country, are in a position to do a lot in the field of agriculture. If you go to other developed countries, you will find that the citizens of those countries work very hard. But if you go round Kenya, you will find very many people being idle. I call upon Kenyans, in general, to work hard. Let us do what we can so that we can improve our country's economy and our lives.

Mr. Temporary Deputy Speaker, Sir, on the Constitution, I would like to caution Kenyans that we may have created a monster for this nation. This is a monster which will swallow Kenyans. We have been peaceful and lived in harmony in this country since Independence. There have been only a few ethnic or tribal differences. But a constitution, as you know, and we might have seen in other countries, can destroy a country. So, let us be very careful so that when we make a new constitution for this country, we do not make one which will divide and destroy our country.

I spoke to some Australians the other day and they told me that they have a regional government. They further told me that they have three levels of authority and they are debating now, whether to retain the three or have two levels of authority. This is because they have found

that three levels of authority are just too expensive for the Australian Government. They also told me that there is a big contradiction and sometimes, there are conflicts between the regional and the federal government, especially on legislation and taxation. I would like to urge Kenyans to be very careful when they make the new Constitution, lest it becomes a monster.

It is very difficult to cite the people who are known as "Aborigines" in Australia because they did not know how to fight for independence. Here in Kenya, we have people who fought for Independence. I would like to call upon the Government to recognise the effort of every person who fought for Independence in this country. If you move around the world, you will see how the indigenous people suffered in other countries. So, I call upon the Government to recognise the freedom fighters who are still alive and the ones who have died.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on education. The pre-primary teachers still feel left out. It is important for the Government to recognise and employ those teachers because they are not very many.

On security, we have very few police stations and we require more in our districts. In fact, there are some divisions without a police station or police post. The Police Headquarters should carry out a continuous review of police stations and police posts so that it can know where to establish new police stations or posts, instead of relying on the District Development Committees (DDCs). This is because unless the DDCs make a recommendation for the establishment of a police station or post at a particular area, they are not established. I urge the people who are concerned to look into this aspect as a measure to counter insecurity. We will have enhanced policing if we establish new police stations and posts.

Mr. Temporary Deputy Speaker, Sir, touching on the constituencies and the Electoral Commission of Kenya (ECK), we still have some constituencies which are too big. We have districts, like mine, which are constituencies. There have been anomalies in the distribution of funds. For example, if you look at the Bursary Fund, a constituency with 66 secondary schools gets the same amount of money as one with one or two secondary schools. That is not equitable distribution. Whether we are talking about future allocations or recognising the percentages of the number of students in those constituencies, there are still some anomalies. In my constituency, for example, I found it very difficult to distribute that money. We had over 300 orphans, over 1,000 students from single parents and many other needy students. Some very needy students could not access those funds. So, we need to look at such constituencies. We can either distribute money according to the population, size of constituencies, the number of secondary schools or the number of students, without necessarily distributing an average equal amount like we did.

Mr. Temporary Deputy Speaker, Sir, I also recommend that the ECK should move with speed and start reviewing constituency boundaries. In this country, we have constituencies which have 5,000 voters or 10,000 voters while others have 100,000 voters or more. Constituencies with more than 100,000 voters really get a raw deal during the distribution of the national cake.

We have heard of arid and semi-arid areas---

**The Temporary Deputy Speaker** (Mr. Ethuro): Your time is up, Mr. Miriti!

**The Assistant Minister for Trade and Industry** (Mr. Miriti): With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Kimathi, please, proceed! But just before you start, you will utilise the remainder of your time tomorrow.

**Mr. Kimathi**: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Presidential Speech. I want to take this opportunity to thank His Excellency the President of the Republic of Kenya for his very mixed-grill Speech that touched on everything. But, for the first time since I was elected to this House, I have a very different opinion on one area of the

Government. Of course, when it has always been my duty as an Opposition Member to point out Government mistakes, this particular mistake--- Even hon. Members on the opposite side will agree with me that it was utterly wrong. I, having been involved in high Government profile and security networking, felt very bad when I saw the Commissioner of Police demonstrating very confidential body armour for the police in public. It is utterly wrong for confidential apparatus of the military or internal security to be exposed in public! To make it worse, Kenyans were told the number; 800 bullet-proof vests! We all hear of bullet-proof jackets, but very few Kenyans have ever seen where it is worn. Some of them think it is the ordinary vest that we wear. Others think it is a flower or something. But to demonstrate the actual item was utterly wrong! That is because criminals will now go for the heads of our officers.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, I would want to take this opportunity to ask my dear friend, the very able hon. Minister in charge of internal security, to understand that, as much as we want to be protected, the classified operations of the internal and external forces have to be maintained in confidentiality. We do not want to know how they protect us. We want to feel, see and find ourselves protected.

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow Wednesday, 7th April, 2004, at 9.00 a.m.

The House rose at 6.30 p.m.