

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 28th March, 2006**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

Annual report and accounts of Kenya Railways Corporation for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kenya Railways Corporation for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kenya Railways Corporation for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Trade and Industry (Mr. Miriti)  
on behalf of the Minister for Transport)*

Annual report and accounts of Kenya Safari Lodges and Hotels Ltd. for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Trade and Industry (Mr. Miriti) on behalf  
of the Minister for Tourism and Wildlife)*

Annual report and accounts of Kenya Sugar Board for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kenya Sugar Board for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Trade and Industry (Mr. Miriti) on behalf  
of the Minister for Agriculture)*

Annual report and accounts of Kenya Tourism Board, Utalii Investments Ltd. for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kenya Tourism Board, Utalii Investments Ltd. for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kenya Tourism Board, Utalii Investments Ltd. for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kenya Utalii College for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Trade and Industry (Mr. Miriti) on behalf  
of the Minister for Tourism and Wildlife)*

Annual report and accounts of Kenyatta University for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Trade and Industry (Mr. Miriti) on behalf  
of the Minister for Education)*

Annual report and accounts of Kerio Valley Development Authority for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kerio Valley Development Authority for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kerio Valley Development Authority for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual report and accounts of Kerio Valley Development Authority for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Trade and Industry (Mr. Miriti) on behalf  
of the Minister for Regional Development)*

The Report of the Public Accounts Committee on the Special Audit on Procurement of Passport Issuing Equipment by the Department of Immigration, Office of the Vice-President and Ministry of Home Affairs.

*(By the Chairman of the PAC, (Mr. Kenyatta))*

*(Applause)*

## **POINT OF ORDER**

### **LEGALITY OF PAC REPORT ON ANGLO LEASING**

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): On a point of order, Mr. Speaker, Sir. I seek your guidance with regard to the Report that has just been laid before the House. This is an issue of law and I would like to seek your direction on it. Section 11 of the Public Audit Act, 2004, empowers the Controller and Auditor-General to transmit special audit reports to the Minister who should lay them before the National Assembly within seven days. The Special Audit Report by the Controller and Auditor-General on passport issuing equipment was before this House. It was debated by this House and a resolution of this House rejected it. No new

audit report since then has been laid on the Table of this House. Therefore, it is my submission that there is nothing to lay on the Table until there is compliance with the law.

Mr. Speaker, Sir, once a resolution of the House is a rejection, unless it is rescinded by a Motion, the same matter cannot be brought before the House for debate. My authority on this issue is Erskine May, Parliamentary Practice, 22nd Edition, page 368. It is a substantial issue of law. That resolution of the House has not been rescinded. Consequently, we cannot purport to lay on the Table another report before that resolution has been rescinded.

Secondly, the other issue that relates to this report is---

**Mr. Speaker:** Just a minute! I need to follow this---

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, I rose on a point of order. I am seeking your direction on this matter.

**Mr. Speaker:** Mr. M. Kariuki, you cannot get my direction on a matter which is not clear in my mind. This is why I have asked you something arising from what you have said, so that I can follow it. I have asked you about your statement on Erskine May, to the effect that we cannot discuss a decision made by the House and not rescinded. Is that forever?

Proceed, Mr. M. Kariuki!

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, it does not matter that, that particular Session of Parliament ends. Until a resolution of the House has been rescinded, it does not matter how long it takes. The matter cannot be re-opened. That is my understanding of the law. I seek your direction, Mr. Speaker, Sir.

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Let us hear him! One thing for sure, if we listen to an argument properly set out, think about it and get an answer to it, we will all be the wiser for it.

Proceed, Mr. M. Kariuki!

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, my point is very simple. Once a Committee lays a report on the Table of this House, it is deliberated and the resolution of the House is taken, the matter cannot be reopened without a Motion to rescind that resolution. In my view, the Committee remains *factus* official. It cannot re-open the matter before the decision or the resolution has been rescinded. That is my understanding of Erskine May, Parliamentary Practice, 22nd Edition, Page 368. I seek the Speaker's guidance on this matter.

**Mr. Speaker:** Could I ask you a few questions before I hear this other side of the House? I have heard what you have said on decisions not rescinded. I would also like to know a little more about audit queries. If they are rejected by the House, do they die with that decision or are they capable of being revisited if there is any valid reason to do so? This is, so that when I address these things, I know what your reaction to it is. I would like a response from you.

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, the law has an avenue for opening these matters. We cannot be *factus* official forever. If there is need to re-open the matter because it is of grave national importance, then we have to move a Motion to rescind the resolution of the House. That is the route to go. I am saying that no Motion has been brought before the House to rescind the resolution of the House, rejecting the Special Audit Report.

**Mr. Speaker:** Mr. M. Kariuki, I think I have moved out of that! You have already given me your explanation on your understanding of the matter. If this House rejects the recommendations of its Committee on audit queries, do those queries end? If there are other circumstances that may be re-looked at, would the Committee be right to look at them or not? I want to be very clear in my mind what your position would be on that matter.

*(Dr. Godana stood up in his place)*

I will come to your side and hear your side of the story.

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Speaker, Sir, if there is new evidence upon which the House is being requested to re-look at an issue, the House is at all times entitled to look at it. However, I am saying that once a resolution of the House has been made, there is no other way of re-opening the matter.

**Mr. Speaker:** Very well! Does anybody from this side of the House want to assist the Chair in response or even to support the Assistant Minister? That is in the legal submissions.

Yes, Dr. Godana!

**Dr. Godana:** Mr. Speaker, Sir, it is really surprising that a brilliant lawyer like Mr. M. Kariuki can advance such a lame argument. Even if the House has decided in the same Session, in my view, leave alone a different Session, on a matter and then new circumstances set in; new facts which were not before the House when it dealt with the first report come up, the House is competent by virtue of its jurisdictional restriction to re-examine the matter. In any case, this matter is coming up in a different Session.

*(Applause)*

**Mr. Speaker:** Order! Order, Dr. Godana! Please, this is not a numbers' issue. It is not mathematics this time. This time, it is the law and I want to hear every point being raised. So, please, leave your applause for the time being.

Proceed, Dr. Godana and make your point!

**Dr. Godana:** Mr. Speaker, Sir, I was concluding when I said that if the House, even in the same Session, leave alone the situation before us, where we are in a different Session--- When the House has ended a Session or six months within the same Session, it can revisit a Motion that it has already disposed of. However, if the House, in the same Session was to receive new facts about a matter it had disposed of; facts which were not brought to its attention or were not before it when it first dealt with that matter, it is competent to re-open it anew.

**Mr. Speaker:** Dr. Godana, I would like to know something from you. You are referring to this House. Did this House ever revisit this issue? That is my question to you and I want a very honest answer. Hon. Members must understand why I am being very inquisitive on this issue. I am being inquisitive because the issues before the House have occupied the minds of Kenyans for a long time and it has been very emotive. Any decision you are now asking me to make should have a solid law on the side of the arguments that I will have to advance either for or against the judgement made. Therefore, every person who makes an argument for or against this particular issue should in fact, very simply and candidly respond to the Chair. Unlike you, I cannot run away from making this decision. You will make all the propositions you please here and you will walk out of this Chamber without any responsibility being attached on your shoulders. As for me, I have no such option. Once you have raised this I will have to make a decision and that decision will have a heavy responsibility. So, please be candid. I asked you a question which is: Has the House revisited this issue?

**Dr. Godana:** Mr. Speaker, Sir, I assumed that what the hon. Member said was correct but, frankly, I cannot jog my mind to know in what terms and language we discuss this. However, I am saying that even conceding for the sake of argument as he says that we had on a specific date discussed the matter as reported, it will not bar the House Business Committee from pursuing further an unresolved audit query.

**Mr. Speaker:** My question to you is not answered yet and the question must be answered, otherwise you withdraw your argument. Has the House revisited this issue? Have you forgotten what you said unless you say you have nothing more to say? I repeat: For hon. Members, this maybe a fitting occasion to make statements. For the Chair, it is a grave responsibility and I cannot run away from it and I want to hold hon. Members to their arguments and find out whether they

actually mean what they are saying. It may also help me to make that decision. I am not God. It depends on you seriously and the law. So, please be truthful to the Chair. Dr. Godana, are you finished with this?

**Dr. Godana:** Mr. Speaker, Sir, I am at a loss as to what is bothering you.

**Mr. Speaker:** Okay. Let me tell you what is bothering me. I would like to put it in very plain language as possible. What is bothering me are the arguments being proffered. The hon. Mirugi Kariuki raised two issues which he said made this report to be improper before the House. One, is that this House just dealt with this issue and made a resolution. In fact, there was a vote. If I can recollect, it was negatived which means the House rejected the report of the committee. Now, that was the gist of Mr. M. Kariuki's argument and because the House had rejected it, then the committee had no business revisiting that issue again. You heard me asking hon. M. Kariuki a few questions. Among them was: If the House rejects an issue, does that rejection remain forever? That is one question I asked and he attempted to reply. The second question I asked him was: If an audit query is brought to this House and it is rejected by the House, does it die? I think he responded to that. Then you stood up to respond and you said that if the House were to come by new evidence or circumstances, then it can be revisited anew. The natural question that follows and which is the one I put to you is: Did this House at any time after it rejected the first motion, revisit the issue or not?

**Dr. Godana:** No, Mr. Speaker, Sir.

**Mr. Speaker:** You say it for the record because I have to get all these things!

**Dr. Godana:** No, Mr. Speaker, Sir. It did not.

**Mr. Speaker:** If it did not then where did the committee get the mandate? Do you have any idea or should I ask the Chairman? Okay, Mr. Kenyatta!

**Mr. Kenyatta:** Mr. Speaker, Sir, first and foremost audit queries do not die. Audit queries remain until they are adopted or a decision is taken by this House as to what is to happen with regard to those queries. What the House did in rejecting this report, our understanding as the Public Accounts Committee (PAC) is that we brought back the report to the PAC and I think there have been examples of that being done in the past. On the basis of new evidence, given the fact that audit queries do not die, the PAC resubmitted on a report on the same issue.

**Mr. Speaker:** I do not want a clause. I want to follow every word you say.

**Mr. Kenyatta:** Thank you, Mr. Speaker. Consequently it is indeed our hope in tabling again that this House will adopt the report by the PAC and thereby deal now permanently with the audit query that is in question. That is our understanding.

**Mr. Speaker:** Mr. Kenyatta, I have a few questions to you. You said that there are examples of rejected reports reverting to the committee. In fact, I would like to know the authority for it but it is not really your headache. You can help but that is an issue that is going through my mind. You know I can never think if somebody is always a pendulum. I cannot think and yet this House will want me to make an intelligent and reasonable decision. If I make a bad one, you will not carry the cross with me. You will be high and dry and probably ridiculing the Chair.

So, I want to follow this through because you hon. Members can help me to clear some doubts in my mind on this and I think we must do this together. I was following something on hon. Kenyatta and I hope also the Clerk-at-the-Table can begin now putting in motion the necessary officers to bring all the answers to all the various questions raised to me for later use. I would like to know if the Leader of the Official Opposition is aware of a previous instance or instances where the House rejected a Report of the relevant Committee and it reverted to it.

**Mr. Maore:** Mr. Speaker, Sir, if you go down memory lane, in 1995, when the PAC Report which was headed by the late hon. Wamalwa, recommended that the proprietors of the Goldenberg scam be added Kshs2.1 billion in addition to what they had been paid, that recommendation was expunged by a resolution of this House. The Goldenberg affair has never died or resolved. It has never been killed by that resolution. Secondly---

**Mr. Speaker:** Could I correct that? It was not expunged, but it was amended.

**Mr. Maore:** Thank you, Mr. Speaker, Sir. It was amended. The issues of the Eldoret Airport and the Presidential Jet which were unconstitutional expenditures during the Financial Year 1994/1995, were never resolved. I am sure even to date, they have never been resolved. They are still raised as audit queries year in, year out. So, if we misappropriate public funds, that issue cannot end there because we have the numbers to kill a resolution of the House.

**Mr. Speaker:** Mr. Maore, I want to follow up this issue with you. Now, when the PAC Report on the Goldenberg affair was amended, did the Committee automatically re-visit it?

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

**Mr. Speaker:** Yes, Mr. Raila!

**Mr. Raila:** Mr. Speaker, Sir, I would like to enlighten the Chair and, probably, also refresh your memory. I was an hon. Member of the PAC then. The previous Report had two recommendations. There was one recommendation which had been made under the chairmanship of the late hon. Odinga. It became recommendation "A" of the Report. When the late hon. Wamalwa took over as the Chairman of PAC, the Committee was made to re-visit the decision. So, in the end, they ended up with another recommendation. So, there were two recommendations; "A" and "B". The House, therefore, moved here to amend the Report to cancel the two recommendations. The matter was then referred to the Committee, when I was an hon. Member. The Committee said that since the two recommendations were rejected, the matter had to revert to the Committee. We re-visited the Goldenberg issue, and this even appeared in our subsequent recommendations of the Report of 1996. It was said that, once a matter has been rejected, it does not die in the House. Therefore, this basically supports the point that has been raised by the Leader of the Official Opposition, that the Committee was perfectly within its mandate to re-visit the matter.

**Mr. Speaker:** Mr. Raila, I do not think the question I had asked Mr. Maore is clear in my mind. Now, in the reports you are referring to, how did the Committee re-visit those issues? Was it on its own Motion, or was it as a result of tabling of the Controller and Auditor-General's Report? How did the Committee go back to that issue?

**Mr. Raila:** Mr. Speaker, Sir, the Committee saw it as part of its mandate to re-visit the Goldenberg issue because it had not been conclusively resolved by the House. There was no other resolution in the House thereafter. That is why the point being made here is that the Committee of the House is perfectly within its rights to re-visit a matter which has not been conclusively resolved in the House.

**The Minister for Justice and Constitutional Affairs (Ms. Karua):** Mr. Speaker, Sir, I cannot say that I am absolutely clear in my mind how those issues were raised in the previous Parliament. I am, therefore, asking whether it would not be in order for those records of the House to be brought, so that we confirm whether the issue of the Goldenberg affair was kept alive through the successive reports of the Controller and Auditor-General, or whether it is the Committee itself that decided to re-visit the issue, in view of the gravity of the matter at hand.

**Mr. Speaker:** Order, hon. Members! Could I advise the House that any point of order has to help the Chair in resolving the legal issues raised. I do not want to hear anything political about this!

**Mr. Kipchumba:** Mr. Speaker, Sir, I want to help the Chair make a decision. You will recall that during the last Session, we tabled a Report of the PAC that was chaired by Mr. Omingo. That report was, indeed, rejected by the House. Once the Controller and Auditor-General raises an audit query, it remains as such. Once the report is rejected by the House, the status quo remains. That it is still an audit query. Therefore, given that the Controller and Auditor-General has raised an audit query and it has not been resolved, it is upon the Committee to resolve that issue. In this case, if the Report had been adopted by the House, we would not have re-visited the issue because it would have died.

**Mr. Speaker:** Who has a contrary opinion to that of Mr. Kipchumba?

**Mr. Muite:** Mr. Speaker, Sir, obviously, as you said, the whole country is waiting for this matter. So, are we, as hon. Members of the House. The only way in which the House can proceed in an orderly manner, is by respecting the law and acting within it. The mandate of the PAC stems from Standing Order No.147. The mandate of the PAC is basically to look at the Controller and Auditor-General's report. How do these queries get to the PAC? It is by the Minister first laying the report of the Controller and Auditor-General---

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

**Mr. Speaker:** Order, Mr. Twaha! Order! This is all being said for my own benefit. So, please, relax! I am very interested in this matter.

Proceed, Mr. Muite!

**Mr. Muite:** Mr. Speaker, Sir, the report of the Controller and Auditor-General gets to the PAC when the Minister first lays it here. That report is taken to the PAC where they go through it, address any audit queries, make their report and then they bring that report here for adoption or rejection. This particular query raised here about the passports, was a Special Audit Report by the Controller and Auditor-General that was tabled here by the Minister and then it went to the PAC in terms of Section 11 of the Public Audit Act. They deliberated on it, came up with a Report, which they brought here. The Report was debated at length. It was rejected by a resolution of this House. On page 368 of the 22nd Edition of Erskine May Parliamentary Practice, he says that where the House has made a decision for the matter to be re-opened, a substantive Motion---

**Dr. Godana:** On a point of order, Mr. Speaker, Sir---

**Mr. Speaker:** Order! Why do you not want me to hear what Mr. Muite has to say? Let him finish, please!

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

**Mr. Speaker:** Order, Mr. Kosgey! I said from the beginning that for some hon. Members, not all, these points of order may be interesting to score political points. However, for the Chair, there is no escape route. Once you raise a point of order demanding the Speaker's ruling, I have to give that ruling. I have to give the ruling as intelligently as I can within the law. For this reason, because this is a grave matter--- It is a matter that exercises the minds of Kenyans, and it has cost us a lot of money, by the way. So, I need to hear every single argument. So, please, let Mr. Muite finish what he is saying. I would like you to be as brief as possible.

Mr. Muite, could you respond to Mr. Kipchumba's comment? When a House has refused the Report of a PAC, does it die? Does the audit query perish at that point?

**Mr. Muite:** Mr. Speaker, Sir, we will deal with that in a moment. Since the House made a decision and there was a resolution of the House on this matter, the correct procedure is for a substantive Motion to be brought seeking to rescind that decision. That is when this matter can be reopened. The other alternative is, if there is a further audit report tabled by the Minister here, then it can go to the Committee. As far as I know, there has been no further report by the Controller and auditor-General, which has been taken to the Committee. In fact, the cases that are being cited by hon. Raila in respect of Goldenberg, each year the Report of the Controller and Auditor-General was repeating the same query. So, when the queries were laid in the House---

**Mr. Speaker:** Mr. Muite, supposing we had in this House a Government which was in full command of the House, and every year reports are made by the Controller and Auditor-General! They come to the House, and the House is constituted in the following manner: Government - 200 Members and the Opposition 12 members - because that is what our number is.

The Government of the day is so minded that every time there maybe one paragraph that is critical of the Government, and it must throw out all the reports of the Committee. Are you saying

then that even with the glaring questions from the Controller and Auditor-General, the House would never raise a query? Is that your position?

**Mr. Muite:** Mr. Speaker, Sir, that would be the position. Of course, it would not stop the other investigatory arms like the CID, the police and the KACC from doing their work. But as far as the House is concerned, the decision of the House would stand. I am not suggesting that we should not debate this Report. All that I am suggesting is that they should follow the law. Let them bring a Motion first to rescind the decision of this House so that this matter can be reconsidered.

I would like to draw your attention to Standing Order No. 73(2) on page 30---

**Mr. Speaker:** Just a moment, Mr. Muite. Let me retrace myself. I have a rough idea of what it says.

**Mr. Muite:** Mr. Speaker, Sir, Sub-Section (2) says:-

"It shall be out of order to introduce an argument on any specific question upon which the House has taken a decision during the current session except upon a Motion to rescind that decision made with the permission of Mr. Speaker."

Mr. Speaker, Sir, the point is that once the House has made a decision on a matter, that is the end of it.

*(Loud consultations)*

**Mr. Muite:** I am addressing Mr. Speaker.

**Mr. Speaker:** Order, hon. Members! I think I have a rough idea of the argument for those who propose or those who oppose the introduction of the report to House. I also have a rough idea of the argument of those who propose to lay the Paper on the Table of the House. There is something that happens in this house, which actually never used to happen before; that the Speaker is continuously getting ambushed, particularly in respect of Committee work. Ordinarily, in the ordinary course of events the proceedings of Committees should be availed to the Chair so that the Chair is kept abreast of what transpires in Committees. If there is anything that the Speaker wishes to advise on, then he will be able to do so. A second mistake in this House is that this House has by and large, grown a rhinoceros skin against consultations. The "skin" is so thick that not even the sharpest spear can penetrate the wall of this House; it refuses to consult. I have never been consulted by this Committee or anybody on this issue since it began. Yet, everybody is very happy to come to the Floor of the House and ask me to make a statement on it right now. That I will not do. This is a grave matter; I will communicate to this House, if it is humanely possible, tomorrow, and latest on Thursday. Secondly, I wish to direct the Office of the Clerk of the National Assembly to reproduce the verbatim HANSARD of what has transpired this afternoon to help me look at all the arguments. But much more importantly, as we sit here this afternoon our Research Department should start on it immediately, so that I will be able to deal with it as quickly as possible.

In the meantime, I suspend the matter until I make that communication. That is it!

**Dr. Godana:** Mr. Speaker, Sir, I wish you allowed me to speak before hon. Muite prosecuted his case before the House. It was in wanton breach of the Standing Order No. 75. Having appeared before this Committee on behalf of a client he should have declared his personal interest. I think he ought to apologise.

*(Applause)*

**Mr. Speaker:** Any way, order, Order, hon. Members! Is there any other hon. Member who has useful contribution to make to the Chair, please, give it to the Chair in writing.

*(Laughter)*



I think I will not spend the whole afternoon on this. It is my responsibility to make rulings. I have been very generous in seeking your help. I am very sad that my very good colleague, the Attorney-General, did not come to my aid. As the only other Ex-Officio Member, and we are totally in the minority, I think he should have come to my aid!

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, as you know I always come to your aid. We will be thinking about this matter. If you need my assistance, I will be there to assist you.

*(Laughter)*

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

**Mr. Speaker:** What is it, shadow Attorney-General?

**Mr. M. Kilonzo:** Thank you, Mr. Speaker, Sir. I want to present a few points, but very important. The first one is that my learned friend, the hon. Member for Nakuru Town, is asking that a Motion be brought here, rescinding a decision that was negated. I would like to draw your attention, as you consider this an important matter, to the fact that by rescinding a negative, it would be as though that report was adopted by the House. It is, therefore, in my view, something which cannot be done.

**Mr. Speaker:** Sorry, I have not heard you!

**Mr. M. Kilonzo:** Mr. Speaker, Sir, as you heard from hon. Members, including the Official Opposition Leader, the report that was presented to this House was, in fact, rejected. If you were to follow the advice given to you by my good friend, Senior Counsel Paul Muite, Mr. Mirugi Kariuki and others, that the only procedure available now, is for a Motion to rescind that decision; what in effect this House would be saying in that decision is that, a report which was rejected, will then be deemed to have been accepted. I submit to you, Sir, with utmost strength, that it cannot be done on the principle that you cannot rescind a negative because the result is to create a positive, which is not intended by the original decision.

*(Applause)*

**Mr. Speaker:** I think that was enough time I gave you. So, a negative plus a rescission is equal to a positive. Is that it? **Mr. M. Kilonzo:** Mr. Speaker, Sir, that is my argument. That is a very genuine legal position. It would create a positive and would mean that the House adopted the previous report that was laid before it and we know that is not the case. I think that is a critical point to consider.

The other point to consider is the question of proceedings in the House and even in Committees. It is my understanding that this House is not adversarial. We do not have clients for whom we vote "yes" or "no." Our position is that we debate issues as they come to the attention of the country, and disseminate them for the purpose of the benefit of the country. Therefore, there is no property in a decision of this House that one side can say that it owns the negative result of the original Motion or report, and therefore, you cannot entertain a new one because you will be denying it property. That is my position; that, issues that have come from the Controller and Auditor-General that have come to this House and been rejected, remain open because you will be denying us property. It is my position, and I submit this with utmost humility, that, issues which have come from the Controller and Auditor-General's office remain open, so that no side can claim property to the decision that we made when we rejected the report.

**Mr. Speaker:** Could you clear my head again? That was a Committee acting on its own volition, without the prompting of the House, after it discharged its mandate and brought a report to this House. The report was rejected and has not been re-looked at by the Controller and Auditor-General, so as to raise the same question, does the Committee have power on its volition to revisit

the issue?

**Mr. M. Kilonzo:** Indeed, Mr. Speaker, Sir, I very firmly say yes, it does. I will give you the reason why. As you know, there is a principle we call *resue de carta*. *Resue de carta* is when two parties come to court, present the two sides and the court resolves the issue on merit. The principles of *resue de carta* come into play. Neither party is allowed to come back to the court to present a similar claim. To put a rhetorical question: Is this House founded on the House of Commons traditions? It is, actually, a court and has always been a court. So, the question is: Can this House say that it, in fact, heard the case that was presented by the Committee on merit? If the answer is "yes" or "no", can the House say that it has heard all the facts, and all the evidence that is in the public domain? Has it reviewed all the arguments from both sides? I say "no", for the simple reason that we do not rely on newspapers or the radio. It would be quite clear the issues which have been addressed by this Committee have never been addressed by this House. Therefore, I say with certainty, that this House has never visited these issues.

**Mr. Speaker:** That is the end of the story now. I agree that somehow, the negative has been turned into a positive. If you say "no", I will say "yes".

Order, hon. Members! I will make my communication either tomorrow or Thursday afternoon.

*(Loud consultations)*

Order, hon. Members! The decision rests on me.

Next Order!

Where is Eng. Muriuki?

**An. hon. Member:** He is here, Mr. Speaker, Sir.

**Mr. Speaker:** But if he is not responding, why should I prompt him?

**Eng. Muriuki:** Mr. Speaker, Sir, I brought my Paper through the Clerk of the National Assembly, but he did not get back to me. So, I was not aware that it had been brought to the House.

### PAPER LAID

The following Paper was laid on the Table:-

Report of the Constituencies Development Fund Committee pursuant to Section 27(4) (d) of the Constituencies Development Fund Act, 2003.

*(By the Chairman, (Eng. Muriuki))*

*(Applause)*

**Mr. Speaker:** Order, hon. Members! At least you are now all agreeing. Lay it on the Table!

**Eng. Muriuki:** Mr. Speaker, Sir, kindly allow me to clarify the report given in November 2003---

**Mr. Speaker:** Eng. Muriuki, you have a problem. Any time you are given a chance to do one thing, you proceed to do something totally different. Please, do what you were given permission to do.

*(Eng. Muriuki laid the Paper on the Table)*

### NOTICE OF MOTION

## ADOPTION OF CDF COMMITTEE REPORT

**Eng. Muriuki:** Mr. Speaker, Sir, I beg to give Notice of the following Motion:-  
THAT, this House adopts the report of the Constituencies Development Fund Committee, laid on the Table of the House on Tuesday, 28th, March, 2006.

*(Loud consultations)*

**Mr. Speaker:** Could we all continue to be as attentive as we have been?

## QUESTIONS BY PRIVATE NOTICE

COMPENSATION FOR LIKIA TRIBAL  
CLASHES VICTIMS

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

- (a) How many people were affected by the recent tribal clashes in the Likia area?
- (b) What plans does the Government have to compensate those affected?
- (c) What steps have been taken to ensure the clashes do not recur?

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

(a) There were approximately 235 families who were affected by the recent tribal clashes in Likia.

(b) The Government has already allocated funds amounting to over Kshs4 million to assist in the reconstruction of all the houses that were burnt. Hospital and mortuary bills for all those who were admitted in public hospitals have also been waived.

(c)(i) Three police posts have been opened in Naishi, Mau Narok and Likia. An Anti-Stock Theft Unit (ASTU) has also been opened at Ndeffo; and an Administration Police Post has been established at Bondeni Area of Mau Narok.

(ii) Likia Elders Peace Committee, made up of eight elders from the warring communities, has been set up to sensitize the local communities on the need to live in harmony.

(iii) The Government is in the process of finding a permanent solution to the Likia Settlement Scheme, which has been the cause of the ethnic clashes over the last three years.

Mr. Speaker, Sir, the Minister of State in charge of Internal Security will hold public meetings in the area on Thursday and Friday this week.

**Mr. Mukiri:** Mr. Speaker, Sir, I have not received the written answer from the Assistant Minister, which puts me at some disadvantage. Since he has said that about Kshs4 million has been allocated to assist in the reconstruction, could I know the extent of the damage that was caused by the tribal clashes so that the Government can say that Kshs4 million is adequate?

**Mr. M. Kariuki:** Mr. Speaker, Sir, 235 houses were burned down and the Government has undertaken to buy 20 iron sheets for each family at a cost of Kshs320 per iron sheet. The Government has also undertaken to donate timber worth 300 feet for every house burnt. We have also undertaken to provide the other materials like roofing nails. We have also spent money to buy food for the families. That is how the figure comes to about Kshs4 million.

**Mr. Salat:** Thank you, Mr. Speaker, Sir. On the same issue of Likia, there was a case of a police officer who shot one of the victims of the tribal clashes. Could the Assistant Minister inform the House whether any investigations have been done on the said officer? Has he been prosecuted?

**Mr. M. Kariuki:** Mr. Speaker, Sir, more than 35 people have appeared in court for various charges. With regard to the Administration Police inspector who shot at the victims, he was

arraigned in court on a charge of being in possession of hand grenades and live ammunition. The case is still pending before the court.

**Mr. Mukiri:** Mr. Speaker, Sir, several people died in the course of these clashes. Incidentally, the Government should have stopped it because it has the intelligence structures at the grassroots. The Assistant Minister has said that the Government has just set aside Kshs4 million for compensation. There are so many people who died who are bread earners for their families. What does the Government intend to do so that the families that have been left behind are fully compensated because Kshs4 million is not adequate?

**Mr. M. Kariuki:** Mr. Speaker, Sir, the criminal investigation files are still open. If anybody has information regarding the people who committed the acts of murder, we shall be too happy to receive the evidence.

Mr. Speaker, Sir, the Likia Elders Peace Committee is setting up committees and the Minister of State in charge of internal security will meet the committees and address public *barazas* this week, as I have said earlier. We have taken measures to ensure that the officers on the ground are non-partisan. We have removed officers from both communities from carrying out patrols so that there is no partisanship. We have taken further measures by dismissing two chiefs and four assistant chiefs because of their involvement in this violence.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Next Question!

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

**Mr. Speaker:** Order! Order, Mr. Mukiri! There is no issue that is not weighty. I invite the House to look at what the time is now. Ordinarily, Question Time would be over by now. That is simply the reality.

So, next Question!

*(Several Members stood up in their places)*

Order! Order, Mr. Mukiri! Order! We must respect the decision of the Chair. If you do not like the answer given, you should proceed under Standing Order No. 18 and move a Motion to talk about it.

**Mr. Mukiri:** On a point of order, Mr. Speaker, Sir. It is not right for us to ask Questions if we are not going to get answers. I have asked a Question about the people who died in the tribal clashes and their compensation. The Assistant Minister has not addressed himself to that Question!

**Mr. Speaker:** Is that right? Did you to respond to that issue?

**Mr. M. Kariuki:** Mr. Speaker, Sir, I did. I said that killing a person is a criminal matter. I also said that the files are open and if there is any evidence showing that any persons were involved in the murder, we would be too happy to receive that evidence, only thereafter will the issue of compensations arise. We do not know who committed the crimes because we do not have any people arraigned in court.

**Mr. Speaker:** Next Question!

GOVERNMENT LINKS TO  
ARMENIAN "MERCENARIES"

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

(a) Is the Minister aware of any official linkage between the alleged "Mercenaries" marauding in the country and the Government of Armenia?

(b) If it is true that the two "businessmen" are really investors, why are they accorded high security profile by the State?

(c) What kind of business are these mysterious people doing in Kenya?

(d) Is the Minister aware that this kind of secretive business dealings will discourage direct foreign investments?

**The Assistant Minister for Foreign Affairs** (Mr. Mungatana): Mr. Speaker, Sir, this Question was directed to the Ministry of Foreign Affairs and a part of it may very well be rightly for this Ministry. There are several other Questions that relate to security and we have written to your office through the office of the Clerk of the National Assembly to request that, for purposes of harmony and proper co-ordination, if this Question can be answered by the Office of the President, which has a majority of the answers for the other sections of the Question.

Mr. Speaker, Sir, we, therefore, request this House to allow this Question to be deferred to Thursday afternoon, when we shall have finished the co-ordination.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Kamotho, I can confirm here that the Clerk of the National Assembly today received a communication from the Ministry of Foreign Affairs and, in fact, a copy of a letter addressed by the Permanent Secretary, Ministry of Foreign Affairs to the Permanent Secretary, Ministry of State for Provincial Administration and Internal Security. This letter was received by the Clerk of the National Assembly today and it is dated yesterday.

I think we must also remember that it was only last week that we opened the House and this issue must have reached the Ministry this week.

So, can I defer this issue to Thursday afternoon? It sounds reasonable to me.

**Mr. Kamotho:** Mr. Speaker, Sir, while I do not have very strong objections to that request, could we get clarification as to whether this Government is working together as one unit or is it working as fragments of units?

*(Laughter)*

Mr. Speaker, Sir, the two Ministries could have sat down and agreed so that one Ministry can handle the Question, because some of the aspects clearly relate to the Ministry of Foreign Affairs while some of the aspects clearly relate to the Office of the President. Why could they not have sat together and brought us an answer by one Ministry?

**Mr. Speaker:** Can we defer it until Thursday?

**Maj-Gen. Nkaiserry:** On a point of order, Mr. Speaker, Sir. I feel that this is an issue that relates to national security. Mercenaries are in our country and yet the Government does not know who should answer this Question. I think that is very dangerous.

*(Loud consultations)*

**Mr. Speaker:** Order! Order, Members! You know, that is how we lose our honour. You cannot say that they have not addressed this issue. What they have done is to say that one Ministry, rather than the other one, will answer this Question. So, we defer this Question until Thursday.

*(Question deferred)*

**Mr. Ndolo:** On a point of order, Mr. Speaker, Sir. You have been telling us in this House that we should behave with dignity. An Assistant Minister in the NARC Government entered this Chamber in pyjamas. Is that really in order?

**Hon. Members:** Koigi! Koigi!

**Mr. Speaker:** Order, Members! I have not seen any pyjamas and I have not heard any name.

Next Question!

## DYSENTERY OUTBREAK IN KAIMOSI AREA

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

(a) Is the Minister aware of a dysentery outbreak in Kaimosi area involving four learning institutions and affecting over 130 students?

(b) What emergency measures has the Minister taken to address the outbreak?

(c) Could the Minister undertake to pay resultant medical bills incurred by the students and all those affected at Kaimosi Mission Hospital?

**The Assistant Minister for Health (Dr. Kibunguchy):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there has been a dysentery outbreak at Kaimosi Mission Complex involving six institutions and the number of affected cases is 159.

(b) My Ministry has put in place the following measures:

(i) A team of technical personnel has been deployed to the affected area.

(ii) An amount of money; Kshs370,000 has been allocated towards the outbreak's investigation.

(iii) Water quality analysis has been initiated and is ongoing. Laboratory results reveal that the pathogen responsible for the dysentery is called *Schigella flexneri*.

(iv) Food hawking within the premises of Kaimosi Complex has been banned starting from 13th March, 2006 until the situation normalises.

(v) Health education has been intensified by promoting personal and food hygiene and boiling of water before drinking. Students and other persons who develop the symptoms are encouraged to report to the nearest hospital without delay.

(vi) Medical supplies that include drugs, laboratory reagents and non-pharmaceuticals have been delivered to Kaimosi Mission Hospital and Mbale District Hospital.

(c) The Government has already supported Kaimosi Mission Hospital with the following:

(i) Drugs worth Kshs122,000 have been supplied to the facility.

(ii) 20 bags of maize, 10 bags of beans and 10 cartons of cooking fat have been supplied by the Provincial Commissioner, Western Province.

(iii) Well-wishers have also provided support in form of cash and materials. These include hon. Moses Akaranga who contributed Kshs20,000; Friends Church, Kaimosi; Aga Khan Hospital, Kisumu; and Kaimosi Complex Institution.

However, since a lot of support was given to the hospital, it was agreed that no charges or very minimal charges will be levied on the patients in cases where services are not rendered using the available support that has already been offered.

**Mr. Khaniri:** Mr. Speaker, Sir, while appreciating the elaborate answer by the Assistant Minister, I wish to state the following: Besides the densely populated community in the area, Kaimosi Mission Hospital serves seven institutions with a total population of about 6,000 pupils and students. Until six years ago, the Ministry used to supply drugs and second medical personnel to this hospital. I wish to request the Assistant Minister to reinstate the supply of drugs and medical personnel to Kaimosi Mission Hospital rather than wait until there is an outbreak like the one that was there recently for them to rush in with support.

**Dr. Kibunguchy:** Mr. Speaker, Sir, I would like to thank the hon. Member for those remarks, however, that question is out of the ambit of what I was asked first. If the hon. Member wants us to pursue that line, he can make a formal request and, as a Ministry, we shall consider it.

**Dr. Manduku:** Mr. Speaker, Sir, the cause of dysentery outbreak is mainly due to poor sanitation and majorly because of lack of water supply. Bearing in mind that the outbreak is in a big area which has about six schools hosting more than 130 students, I think what must be looked at first is the condition of the water supply in the area and sanitation in general. Has the Ministry

put up in place an effective water supply? If it has not, then the outbreak will still continue. Has the Ministry thought of coming up with any solutions with regard to the water supply and sanitation, in general, in the area?

**Dr. Kibunguchy:** Indeed, we think that the cause of this outbreak of dysentery is contaminated water. What we have put in motion now is the continuous testing of water in this area. We think that we are able to resolve this issue.

**Dr. Galgalo:** Mr. Speaker, Sir, I am not comfortable with the way the Assistant Minister pushed the question which was raised by Mr. Khaniri, under the carpet. The question was about support to mission hospitals. Mission hospitals provide health care to poor people. Therefore, they play a complementary role to Government health facilities. Could the Ministry come up with a policy that will give annual support to all mission hospitals throughout the country, because that action will assist poor people who access those facilities?

**Dr. Kibunguchy:** Mr. Speaker, Sir, I did not push the question under the carpet. I said that it is a policy of the Ministry to support mission hospitals throughout the country. Each mission hospital must make it a policy that they come forward and ask for this support.

**Dr. Ali:** Mr. Speaker, Sir, while the Assistant Minister has answered the Question well, has the Ministry found out the source of the outbreak? Is the Ministry prepared to take care of the cost of the contamination?

**Dr. Kibunguchy:** Mr. Speaker, Sir, as I said in my reply, there must have been contamination of the water. The contamination must have come from a sanitation breakdown. There has been tremendous support from the Ministry. We have sent there drugs, intravenous fluids and branulars. We have even sent nurses from the nearby district hospital to go and assist in the emergency.

**Mr. Khaniri:** Mr. Speaker, Sir, I am not happy with the answer given to Part "c" of the Question regarding payment of the bills. It has been clearly established that the cause of this dysentery was the water supply. This water is supplied by the Ministry of Water and Irrigation. So, the Government is responsible for this outbreak. Could the Assistant Minister undertake to instruct that these patients are not billed? If there are any minimal bills, could the Government undertake to pay these bills?

**Dr. Kibunguchy:** Mr. Speaker, Sir, this was an emergency whereby very many people came out to give their support including the Government. When I look at the list of the people who supported this emergency, I do not see the name of Mr. Khaniri. Had I seen his name here, then we would have known that we must all pool together to contain an emergency.

**Mr. Sungu:** On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to personalise an otherwise very important issue of national importance because we could relate it to Kisumu? Harambees have been made illegal. Is he in order to say that Mr. Khaniri did not contribute, when his job has already been done?

**Dr. Kibunguchy:** Mr. Speaker, Sir, I did not say that. I said that people came in to help contain this emergency. The Government played a role that I have just enumerated and many other people came in to help including the Aga Khan Hospital, Kisumu. In an emergency situation, I would expect that we all pool in one direction. I would have expected the area hon. Member of Parliament to come in to help.

**Dr. Ali:** Mr. Speaker, Sir, the Assistant Minister's statement is not right. Does Mr. Khaniri have to state whatever he contributed? That is what they are fond of. It is obvious that Mr. Khaniri helps his constituents, but does he have to state here that he did not give anything? I think that is wrong and the Assistant Minister should apologise to Mr. Khaniri.

**Mr. Speaker:** Order! I do not want to get into that. The only people who do not have a proper job description are hon. Members of Parliament. Anyway, I do not want to get involved in that issue.

Next Question!

RELEASE OF TASK FORCE REPORT  
ON PVOC PROCUREMENT BY KEBS

**Mr. Salat:** Mr. Speaker, Sir, I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

(a) Could the Minister table the report of the Task Force that investigated the procurement of pre-shipment verification of conformity (PVoc) to standards service by the Kenya Bureau of Standards (KBS) of 13th February, 2006?

(b) What is the Minister doing to implement the Task Force report?

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

(a) I am unable to table the report of the task force that investigated the procurement of pre-shipment verification of conformity to standards service by the KBS since the matter is before a court of law. The first case is before the High Court of Kenya at Nairobi, High Court Miscellaneous, Civil Application No.1,335 of 2005. The other one is High Court of Kenya Nairobi, Miscellaneous Civil Application No.1,541 of 2005. The third one is at the High Court of Kenya at Mombasa which is Miscellaneous Civil Application No.271 of 2006.

(b) Given the reply in Part "a", this question does not arise.

**Mr. Speaker:** What does not arise? Mr. Miriti, you have been asked to table a report. How does it not arise and yet you have not tabled it?

**Mr. Miriti:** Mr. Speaker, Sir, first I have said that the matter is in court. Secondly, the report of a task force is meant for internal consumption.

**Mr. Speaker:** Hon. Members, let us be serious. Any task force or commission is on behalf of the public. It is paid for by the public. If you can convince this House that tabling it would prejudice national security, we will let you off the hook. I think you are alluding to the cases before court and, therefore, the matter being *sub-judice*. I think tabling of a document does not in any way prejudice the right of the parties to continue with the case as long as we do not make a judgement on it. Could you please do as asked?

**Mr. Miriti:** Mr. Speaker, Sir, if you so order, I will table the document tomorrow.

**Mr. Speaker:** The question is deferred because we have not asked any supplementary questions.

*(Question deferred)*

HARASSMENT OF MAASAI HERDSMEN  
BY NATIONAL PARK WARDENS

**Maj.-Gen. Nkaiserry:** Mr. Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) Is the Minister aware that wardens at Tsavo West National Park harassed Maasai herdsmen and sexually molested and even raped their women in January, 2006?

(b) Is he further aware that the wardens used helicopters to scatter away the livestock from the park killing over 2,000 head of cattle?

(c) What is the Minister doing to ensure that the victims are fully compensated for loss of their cattle and disciplinary action taken against the wardens?

**The Minister for Tourism and Wildlife (Mr. Dzoro):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that allegations were made that wardens at Tsavo West National Park harassed Maasai herdsmen and sexually molested and even raped their women in January, 2006. The KWS instituted investigations immediately, which indicated that there had not been any case



of harassment neither was there any sexual molestation. No report was filed by any complainant at the police station in the area. The KWS held a meeting with the said communities on 16th January, 2006, at Ilkenyet and asked them to file any complaints to the area police and the Provincial Administration. So far, no report has been filed. There have been further follow-ups and nothing related to the allegations has been confirmed.

(b) I am also aware that the KWS did not use a helicopter to scatter away livestock from the park and has for several years not used a chopper for livestock drives. I am not aware of any use of patrol aircrafts. Whenever herdsmen invade the park with their livestock, there is dialogue between them and the Kenya Wildlife Service (KWS) wardens to reach amicable solutions.

(c) Since there were no reports on livestock deaths, harassment and rape received by either KWS, the area police or the Provincial Administration, the issue of compensation and disciplinary action does not arise.

**Maj-Gen. Nkaisserry:** Mr. Speaker, Sir, I think the Minister is misleading the House. When that incident occurred in January, I personally called the Minister to tell him that Maasai herdsmen who had moved to Tsavo National Park were being harassed by game wardens. He personally told me that he was going to investigate. I also called the Director at the same time. I was on the ground myself. I saw them use a helicopter to scatter the weak animals. Over 2,000 animals died; about 1,000 got lost; 37 children were beaten by the game wardens and 11 women were raped. Were they expecting the Maasais on the ground to report to the police about Government officers? It was not possible because they could not---

**Mr. Speaker:** What is your question?

**Maj-Gen. Nkaisserry:** My question is: How can the Government, which is supposed to defend and support the citizens, actually cover up an issue which is glaring in the eyes of the citizens down at Tsavo?

**Mr. Dzoro:** Mr. Speaker, Sir, with all due respect to the hon. Member, who happens to be a retired Major-General--- As you have heard, he has confessed that he was in the game park. My investigations cannot go beyond what I have said because he did not record a statement with the police. Therefore, we could not proceed.

**Mr. Y. Haji:** Mr. Speaker, Sir, with all due respect, I would like to confirm that KWS uses helicopters to scare people who stray into the Park on many occasions. In my own constituency, at a place called Hara, cattle and other livestock have been scattered using helicopters many times, and even children have got lost. It took the efforts of many people to find those children. He should, therefore, not rely on his officers. He should send independent people to go and investigate.

**Mr. Dzoro:** Mr. Speaker, Sir, the KWS uses helicopters to fly in the national parks for security reasons. I am not aware of any instance when our helicopters and aircraft have been used to scatter livestock. However, I request the hon. Member to report to our offices if he has further information.

**Mr. Raila:** Mr. Speaker, Sir, the hon. Minister is responsible to this House. So, he is wrong to refer the hon. Member to his office, when the complaint is against his own officers in the field. You have heard him say that when an incident like that occurs, they hold dialogue with the animals. Could he tell the House which language they use when they are holding dialogue with the animals? The Minister needs to take hon. Members more seriously. He needs to assure the House that he, himself, will carry out investigations in the field and give a proper answer to this House.

**Mr. Dzoro:** Mr. Speaker, Sir, I did not get what the hon. Member has asked!

**Mr. Speaker:** Order! The hon. Member has said that you wanted to have dialogue with the animals!

**Mr. Dzoro:** Mr. Speaker, Sir, I did not say that I wanted to have dialogue with the animals!

*(Laughter)*

*(Loud consultations)*

**Mr. Raila:** Mr. Speaker, Sir, there are loud consultations on the other side of the House!

**Mr. Speaker:** Order! There is too much consultation there. In fact, the Minister cannot hear what is going on!

**Mr. Raila:** Mr. Speaker, Sir, the hon. Member for Kajiado Central has raised a very grave matter, which the Minister is treating very casually. The hon. Member is complaining about sexual harassment of the members of his constituency! Thousands of cattle were killed as a result of that incident. But the Minister is saying very casually that the hon. Member should go and report to his officers on the ground! Those are the same officers that we are complaining about! Could the Minister treat this Question with the seriousness that it deserves? Could he give an assurance to this House that he, personally, will carry out investigations and report to the House?

**Mr. Dzero:** Mr. Speaker, Sir, I would like the hon. Member to know that the Questioner was in the park. All I said was that he should help in the investigations by reporting what he saw. He was a witness.

**Mr. Speaker:** Last question, Maj-Gen. Nkaiserry!

**Mr. Mwandawiro:** Jambo la nidhamu, Bw. Spika. Waziri anaelewa ukweli halisi. Hata kule Taita Taveta, askari wa wanyama pori wanawagandamiza wananchi, na Waziri amesikia malalamishi yao. Ni uchunguzi gani utakaofanywa? Serikali zinaanguka hivyo kwa kukataa kuwasikiliza wananchi.

**Maj-Gen. Nkaiserry:** Mr. Speaker, Sir, you have heard the Minister say that I was in the park. While I was in the park, I called the Minister and even the Director to take appropriate action. I was expecting him to tell me what action he has taken. The value of the animals that died, if calculated at Kshs10,000 per cow, would translate to Kshs30 million. That is very cheap to the Government. But I do not know the value of rape. Could the Minister find out the value of compensation to women who were raped? If they have been infected with HIV/AIDS, who is going to take appropriate action on those people?

**Mr. Dzero:** Mr. Speaker, Sir, my advice to the hon. Member and members of his community who claim that crimes were committed against them is to report the matter to the police.

**Mr. Speaker:** Very well! Next Order! Sorry! Order, hon. Members! We have gone up to 4.05 p.m. because one hour was taken up by points of order. That should not happen in future. It is an exceptional instance. I agreed to make it that long because it was a matter of grave [Mr. Speaker]

national importance. I wanted to get all the possible advice from my colleagues on how to proceed. Thank you.

Next Order!

## POINT OF ORDER

### INSECURITY IN MOYALE

**Dr. Galgallo:** On a point of order, Mr. Speaker, Sir. Last week, I sought a Ministerial Statement from the Office of the President concerning insecurity in my constituency. I can see the Minister is here, and I do not know whether he is ready to give it today.

**Mr. Speaker:** Mr. Minister are you ready? But we have already moved to another Order!

**The Minister of State, Office of the President (Mr. Michuki):** Mr. Speaker, Sir, I should actually have alerted the Chair that we are not quite ready. If you could give me until tomorrow afternoon, I would be ready.

**Mr. Speaker:** Okay, tomorrow afternoon and let us do it within the Order. Now, I repeat,

next Order and no retracting.

## 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 21st March, 2006.

*(The Vice-President and Minister for  
Home Affairs on 21.3.2006)*

*(Resumption of Debate interrupted  
on 23.3.2006)*

**Mr. Speaker:** The hon. Muchiri was on the Floor and he has five minutes of his time left.

**Mr. Muchiri:** Thank you, Mr. Speaker, Sir, for giving me the chance to complete my contribution.

Mr. Speaker, Sir, at the rise of the House, I had mentioned that in the Speech of the President, he indicated that the economy had expanded by 5 per cent. I think this is a positive indication that this Government is steering this economy to higher heights. When we took power, the economy was actually in the negative. This is something good and Kenyans will definitely give a positive verdict to this Government.

Mr. Speaker, Sir, the President indicated that a Political Parties Bill would be introduced. I want to say that, that Bill would be a very important legislation in this country. It is time we regulated the activities of political parties. The registration of political parties must now be left to an independent body so that whoever wants to start a political party can do it without any hindrance. We do not want political parties that are private companies. I think the Bill will be a step forward in that direction. There should be no reason for any one to feel jittery when a new political party is started. Political parties are created for the benefit of this country.

Mr. Speaker, Sir, I was also very happy to hear the President alluding to the introduction of a Wildlife Conservation Bill. It is very important to most of us who come from wildlife areas. We have the constant problem of elephant menace in many constituencies in this country. I am happy the Minister for Tourism and Wildlife is here. Elephants are a great menace in my constituency of Ndaragwa. In Raichiri, Mahianyu and Suguroi areas of my constituency, people are being troubled by elephants marauding in their farms. The Ministry should take some action in that direction.

Mr. Speaker, Sir, I also want to speak on the question of corruption. Although we are pre-occupied with mega corruption cases, it is time punishment for traffic offences are commensurate with the crime.

It may sound ridiculous when somebody has forgotten his driving licence and is taken to court and fined Kshs5,000. I think that fine is not little. I must thank the Government for the efforts it is putting in this direction.

Mr. Speaker, Sir, you are the Chairman of the Powers and Privileges Committee. This Committee must sit and look at some of the matters that relate to corruption.

**Mr. Speaker:** It is not constituted yet, Mr. Muchiri. You have to ask your side to hasten the reconstitution of the Committee, because it is not there.

**Mr. Muchiri:** Thank you, Mr. Speaker, Sir. I thought that Committee could do a lot of good to those who violate ethics under the Public Officer Ethics Act. Since the economy is growing at 5 per cent, I want to laud the institution of CDF.

With those remarks, I beg to support.

**Mr. Kenyatta:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to speak on the Presidential Address on the opening of the Fifth Session of the Ninth Parliament.

Mr. Speaker, Sir, this is a return back to the House after a very long break during which Kenyans went through something they had never experienced before in terms of the referendum that was held on the proposed new Constitution.

Mr. Speaker, Sir, I wish to take this opportunity to thank the millions of Kenyans who participated in that referendum for the peaceful manner in which it was conducted, and also for the result. I must also acknowledge that numerous issues came to the fore during that time. Tensions were high as people crisscrossed the country campaigning for their different positions.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, we cannot ignore the fact that when Kenyans spoke in rejecting the draft Constitution, they did it not because they did not have a desire for a new constitution. They rejected that draft constitution because there was no adequate consultation as to the content of that document.

*(Applause)*

Mr. Deputy Speaker, Sir, in your own words during the opening of this Session, you said that time had come for us as leaders to dialogue with one another and to consult. It is through dialogue and exchange of ideas that solutions are reached. But for dialogue to take place, and we have experience in trying to dialogue prior to the Referendum, there must be a conducive environment. It is important for me to say that without developing dialogue, the many issues touched on by the President, in his Speech, will not be achieved. In the very same breath, a new constitution was not achieved because we lacked the ability to dialogue. If truly we love this nation, and are determined to combat many critical issues that face the citizens of this land, we need the ability to dialogue and talk to one another and not at one another.

It is critical and this Government seems to show a very keen dislike for that word "dialogue," unless it is my way. Dialogue is a two-way street. It can only be created in an environment of trust. The President himself encouraged us, as Members of Parliament, to talk with one another. But the question is: Has he created an environment in which leaders can talk to one another? I beg to put it forward to this House that we have not created an atmosphere where leaders are able to talk to one another.

By extension, because of that lack of trust in one another and the inability to dialogue with one another, all the great things like economic growth and development are meaningless. This is because the inability to dialogue only produces a negative. A negative that we see in our nation is increased ethnic animosity. What we see that is on the increase is confusion, not just amongst leaders, but also amongst Kenyans who seem to have lost hope and direction. They seem to feel that they are completely misrepresented by a Government that refuses to dialogue.

Mr. Deputy Speaker, Sir, this nation is being faced by one of the worst droughts in recent times. As much as we talk about growth, this economy is equally going through its own drought, because no investor will invest in an environment of political uncertainty. When we look at the disjointedness in the operations of even our own security forces, we can see that there is a clear disconnect even amongst them; no wonder the increased cases of insecurity in our nation!

Mr. Deputy Speaker, Sir, we have a financial sector that Kenya has always boasted as being stable, and yet, today we cannot say whether we have one or two Governors of the Central Bank of

Kenya (CBK), or none at all.

The horticultural sector in our country has been the backbone of our export economy and yet, we see, as a result of unclear policies, this sector shrinking as investors who have invested heavily in this country seek other destinations. This is because of exchange factors and clear lack of commitment and direction from this Government. They are moving into a country like Ethiopia; a country that used to once say that Kenya was an island of peace, prosperity and hope in the sea of despair in our neighbours.

That confusion reigns even in this very House. Even the Chair is not clear about the very composition of political parties in this House. As I speak today, I look on the Government side and see hon. Members who were elected on my party's ticket sitting on that side. There is no clarity as to what they are doing there.

As a result of that confusion, there are hon. Members sitting behind me who are supposed to be on the Government side, for reasons---

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to question the Members of Parliament who are sitting on the Government side, when, in fact, he is a beneficiary of setting the precedent for hon. Members of the Opposition to sit on the very side in the last Parliament?

**Mr. Deputy Speaker:** Please, continue, Mr. Kenyatta!

**Mr. Kenyatta:** Thank you, Mr. Deputy Speaker, Sir. I would tend to believe that the reason we were sitting on the Opposition side was because of mistakes like that, and those were the mistakes that this Government was elected to rectify. It actually, therefore, means that this Government very soon will be back where it belongs, on the Opposition benches.

Mr. Deputy Speaker, Sir, it has become even impossible to hold Parliamentary Group meetings in the designated places, because, today, nobody knows which party is which. We have parties that are being announced every now and then in newspapers, and yet, Mr. Speaker will not open the Old Chamber for any group to hold a Parliamentary Group meeting, because nobody knows what a Government of National Unity (GNU) is or for that matter, what the Orange Democratic Movement (ODM) is. But these are political realities that have been created by the mistrust that has been established in this country by this very Government. These are facts which we cannot avoid. That is why even when we look at the reality, we are now almost half-half---

**The Assistant Minister for Roads, Public Works and Housing (Eng. Toro):** On a point of order, Mr. Deputy Speaker, Sir. Is the Leader of the Official Opposition in order to say that we are creating division when his party, KANU, under his chairmanship, has split into four groups?

*(Laughter)*

**Mr. Kenyatta:** Mr. Deputy Speaker, Sir, all those groups are sitting on the Opposition side, save for the ones that have moved into the Government side illegally, to occupy Cabinet positions against the Constitution and the written law of the land.

Mr. Deputy Speaker, Sir, why are these issues there? Why do we, as leaders, not ask ourselves why it has taken us this long to draw up a new constitution when countries, amongst them our neighbours, have done exactly the same in less than a year, or two? This is all as a result of the mistrust that pervades this House and the leadership in this country. It is a result of the mistrust that accedes to every community and corner of this land. I beg to say that unless that issue is resolved as a matter of urgency, we are not going anywhere. The issue of saying that all we are doing is waiting for the General Election, there is nothing else to wait for, unless we can actually address and talk to one another.

Mr. Deputy Speaker, Sir, in conclusion, I would like to say that when we accepted defeat in the last general election we said we would work with this Government on all those issues that were positive for this nation. But for that to happen, there must be an air of trust and respect. Also, there

must be an air that will accept compromise and the principle of give and take as being the only way a nation can move forward. You cannot have your cake and eat it. You must be able to take into account the feelings and views of others, especially when you recognise that this nation is composed of 42 different ethnic communities; each with their own insecurities and fears. Unless we do it, there will be more tribal clashes reminiscent to those in Likia. Tribal clashes were said to be a KANU syndrome. We now see them erupting as a NARC syndrome.

Mr. Deputy Speaker, Sir, what I would have hoped the President would have addressed is the issue of trust. He should build trust, and not just to rely on those around him. It is for him to take the lead so that others can follow. If anything said in his Speech, as well as in Mr. Speaker's Speech is to happen, we must be able to build trust and dialogue.

That can only come with leadership from the top. The people gave that leadership to President Mwai Kibaki and the NARC Government. If the Government is not ready to give this country leadership, create trust and a sense of security amongst all our communities, it should give way to new leadership.

With those few remarks, I beg to reluctantly support the Presidential Address, hoping that the issues I have raised will be addressed.

**Capt. Nakitare:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on the Presidential Address, to which everybody in the country listened to very carefully.

There are contentious issues that emanate from what we call reconciliation and dialogue as have been addressed by the Leader of the Official Opposition. In his Speech, the President identified issues which the Government has to improve on. It is, indeed, intelligent to tell Kenyans to hold together. Again, there is the admonition that he asked for this House, which also the Speaker emphasised. The integrity of this country belongs, and is bestowed to this House.

Mr. Deputy Speaker, Sir, what we have seen in the past is obviously embarrassing to this House. I am talking about the attitude of Members of Parliament, particularly those from the Opposition. Is withdrawing from a Parliamentary Committee dialogue? Is that intelligent? Is that healing? Is that the reconciliation we are looking for? How can this House handle issues that are supposed to be polished by the Committee?

A forest can change but the animals remain the same. Kenyans who fought for the Independence of this country from colonialism are imperialists themselves, because what they say is not what they do. It is a question that I have underlined from the President's Speech. The President is one man while Kenya has 31 million people. The President did not address the issue of displacement of people when he talked about the economy of this country.

Mr. Deputy Speaker, Sir, I must emphasize to this House, and it is vehemently clear, that there is no vocabulary that can describe the genesis of tribal clashes in this country. What do we mean by saying that the country's economy is growing when that growth is not being felt by the people? The economic empowerment of this country is not for the people by the people with the people themselves. We need fraternity in this country.

Mr. Deputy Speaker, Sir, it is not politicking outside this House that will bring stability in this country. It is not by way of whims that we will correct the mistakes that have been made in this country. My people in Trans Nzoia District are still crying. They need food and shelter.

Children have no way of knowing their ancestral homes because they were displaced by the Government. If one Government makes mistakes, and another Government comes to make other mistakes, we will have no way of making a right in future. What kind of future do we have for Kenya?

It is true that charity begins at home. Charity must begin from this House. This the august House and when we come here, we are legislators. We do not want to uphold politics and political differences. When we are in Parliament, we are supposed to be thinkers. We are supposed to be legislators. It is embarrassing for an argument to arise here and spill over to the streets. When hon.

Members fail to reason together in this House, and go out to demonstrate, that is thinking aloud, which is immoral. We have to have a way of modelling Kenya. We must support the presidency.

If we do not respect the institution of the presidency, anybody else who will occupy that seat in future will have to do the same things his predecessor did. We will have the same person admonish corruption and do it at the same time. You cannot say that what happened in the past, and what happened recently, should be forgotten, so that we build a new Kenya. Where will you do it? My people are still in the streets. They are displaced and hungry.

Mr. Deputy Speaker, Sir, why do we have tribal clashes in Likia? What happened to the Akiwumi Report on tribal clashes? Where is the Kiliku Report? Where is the Ndungu Report? These are the three questions this House must address. It is not a question of sitting back and talking about the documents, the presidency and what have you. We are a creation of animosity in the country. It is very interesting to note that what we talk about is exactly the opposite of our own appearance. We do not do what we pledge to do. Why can we not be action-oriented rather than give lip service? We are empty drums in the streets. We are being called names.

Why should a Member of Parliament be called names when he or she is supposed to be a legislator? We are judged by our dressing. Let us be judged by our behaviour. In that case, we will uphold unity. Why do we breach the Constitution? We have been ruled under a British model Constitution but we are now changing it. If we have to change it, why can we not be thorough? Why can we not scrutinise the areas we want changed? Do we have to argue and fight about it before we come to a conclusion?

Mr. Deputy Speaker, Sir, it is my belief and sincere hope that hon. Members of the Ninth Parliament came to this House with sobriety. We have a case to answer to the nation of this country. It is not the numerous political parties being formed that will make Kenya better. Those are mere religious sectors or sport clubs. We have to uphold what is important for our people. Our people desire peace and good governance.

I talked about corruption in the Civil Service. There has never been a commission which allowed civil servants to engage in business and at the same time serve the Government. There is no man who can serve two masters at the same time. If you try to do so, you will hate one master and love the other. Civil servants love money and hate serving the Government. If civil servants are better remunerated than their counterparts in the private service, you will never see corruption in the Civil Service even if you deny them the right to engage in private business.

It is very interesting when it comes to civil servants being told to declare their wealth. Some of them have been in the Civil Service long enough. They have fought for their rights and have their own wealth. Others joined the Civil Service recently but they are richer than some Members of Parliament.

We should, therefore, address the root cause of corruption. Let the Ndegwa Commission be abolished in this country. Let civil servants be non-political, so that they can effectively serve any Government that comes to power. Why do we over-burden them? I say this with a lot of concern. I want to emphasise this because our borders are porous.

With those few remarks, I support the Motion.

**Mr. ole Ntimama:** Thank you, Mr. Deputy Speaker, Sir. First of all, I want to say very clearly that truly, this country is in a crisis. We have had drought, famine and hunger and we are still nursing their effects up to now. Hunger has killed scores of our people including women and children like never before. We have corruption that is entrenched in every sector of this economy. It is a morass that we cannot get out of. It is very difficult to get out of this morass. Some people are saying that our economy is growing. What is growing when 60 per cent of our people are still living below the poverty line? We are being given fake figures. This is not the truth. It is not what is happening on the ground. Our people are hungry and poor. This country is divided into two groups of people, namely, the super rich and the poor. This cannot be denied.

Then there is, of course, the drug menace that has really taken hold of this country. This

country is a haven of drug barons who bring their cocaine and other hard drugs here. It has never been like this before. The biggest thing that has happened to this country is the "mamluki affair". There are many questions that have not been answered. Truly, we know that some of these issues are undisputable. There are some facts that are undisputable. We know very well that the Standard Group was raided. This was not an ordinary operation. When you go into a media house, destroy property, disable everything, take computers and burn newspapers, that cannot be referred to as an ordinary operation. This is official thuggery!

Mr. Deputy Speaker, Sir, the fact is that we were all treated with television cameras showing some white people and the Minister is denying that there were some foreigners among the raiders. We now know that some foreigners were involved in the raid because we saw white faces there.

**The Minister of State for Administration and National Security** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. For a fact, I know that the media house which has been mentioned by the hon. Member has gone to court. It has taken the Government to court. Is he in order to comment on issues that are before the court?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I would like the Minister to be careful not to cover up some of these grievances of the Kenyan people under the cover of security. We were all treated with the television cameras and everybody saw white faces there.

Could the Minister deny that these people were there? We all saw these people.

**Mr. Deputy Speaker:** Mr. ole Ntimama, the Minister's point of order was that the matter is before the court. Could you respond to that?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I do not know what is before the court and what is not. I am talking about the *mamlukis*. This has become a very big issue. The Minister cannot deny that this was a tribal cabal which planned and designed the raid to the Standard Group.

Mr. Deputy Speaker, Sir, we are told that, that tribal cabal clique---

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri amesimama kwa jambo la nidhamu akitaka kujua kama jambo ambalo liko kortini linaweza kuzungumziwa hapa. Hili ni jambo ambalo linatakiwa kutolewa uamuzi na Kiti. Lakini sio Mzungumzaji aulizwe kama jambo liko kortini au haliko kortini. Ni muhimu Kiti kitoe uamuzi juu ya swala hilo.

**Mr. Deputy Speaker:** Hon. Wamwere, Standing Order No.74 states as follows:-

"No Member shall refer to any particular matter which is *sub judice* or to any matter which is in its nature secret".

As far as the Chair is concerned, what hon. ole Ntimama talked about did not relate to a matter in court. If whatever he is saying touches on a matter that is in court, then I am not aware of what is in court and what is not in court unless I am given details.

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Deputy Speaker, Sir, I am seeking your guidance. The Government has been sued by the clients of the hon. Member who was on the Floor. As the Minister in charge, I happen to be joined in that case. I want your ruling as to whether I am going to be tried here or in a court of law.

**Mr. Deputy Speaker:** I still insist that I did not hear hon. ole Ntimama touching on any matter that is in court. This afternoon there was a Question on the same matter asked by hon. Kamotho and it was not said to be *sub judice*.

With regard to whatever hon. ole Ntimama has said, I have not heard anything that can interfere with a matter that is in court. If, indeed, he touches on an issue that is before the court, I will hear it. I have not heard anything like that, so far.

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I want you to give me two extra minutes because my time has been wasted. Anyhow, what is not in court?

Another issue is that definitely, the Police Force is divided down the middle. There was insubordination. There were people who did some act behind the Commissioner of Police.



**The Minister of State for Administration and National Security** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. If the hon. Member is trying to agitate the police, then that is a different matter. However, I, as the person who is in charge of the police, the Police Force is very much intact.

**Mr. Deputy Speaker:** That is not a point of order! Mr. Michuki, that is a point of argument. When you get an opportunity to respond, you will be able to clarify those matters. However, the hon. Member is entitled to say what he wants to say. Wait until you get your turn!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I said that I am now worried about the Commissioner of Police. He comes from a marginalised community, what they call the peripheral tribes. He is not from the ruling elite. I am sure that although he has been the aggrieved party, they are probably going to victimise him.

**The Minister for Transport** (Mr. Mwakwere): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to refer to the Government as a ruling elite? Unless one does not understand the English language, that does not make any sense at all because the Commissioner of Police is also part of the ruling group. You can call him part of the elite!

**Mr. Deputy Speaker:** Would you sit down, Mr. Mwakwere? Hon. Members, let us be serious about points of order. Mr. Mwakwere, that is a very frivolous point of order which, under normal circumstances, should be punished. However, no punishment is going to be meted out today.

**Hon. Members:** Out!

*(Mrs. Mugo and Mr. Tuju  
stood up in their place)*

**Mr. Deputy Speaker:** Order, Ministers! Mr. Mwakwere, you are talking about what a word means and whether it is academic or not. I do not think that was a valid point of order. Having ruled that, that is not a point of order, I do not think there should be a point of order on that ruling.

Please, proceed, Mr. ole Ntimama!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, I think these people are deliberately trying to take my time.

**The Assistant Minister for Education** (Mrs. Mugo): On a point of order, Mr. Deputy Speaker, Sir. The Commissioner of Police was appointed by this Government. He was appointed from that ethnic community. Is the hon. Member in order to mislead the House that the same Government will victimise the Commissioner because he comes from a marginalised community?

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

This is a point of order! This is whipping ethnic emotions. Is he in order to mislead the public that the Commissioner of Police will be victimised because he comes from a marginalised community while he was in the same tribe when he was appointed and he has not changed his tribe?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, the other day, a person in the name of Dr. Alfred Mutua was talking about charging people and prosecuting others, including Mr. Raila. What has Mr. Raila done? He is just a whistle blower! He has blown the whistle and like all the whistle blowers, he must be allowed to tell us more. Actually, Mr. Raila knows more!

**The Minister for Foreign Affairs** (Mr. Tuju): On a point of order, Mr. Deputy Speaker,

Sir. Is it in order for Mr. ole Ntimama, an elder in this House and a very powerful former Minister, to mislead the House that the Government wants to victimise the Commissioner of Police?

**Mr. Deputy Speaker:** What is your point of order?

**The Minister for Foreign Affairs (Mr. Tuju):** Mr. Deputy Speaker, Sir, I am coming with the argument.

*(Several hon. Members  
consulted loudly)*

You are not going to threaten me! If you do so, you are going to waste your time.

Mr. ole Ntimama was a powerful Minister and he knows about ethnic violence and cleansing. Is he in order to start fanning the same ethnic animosity in this country with those statements?

**Mr. ole Ntimama:** I do not know anything about ethnic clashes! What I know is that the Maasai were suppressed and robbed of their land. That is the only thing I know.

*(Laughter)*

Anyhow, Mr. Deputy Speaker, Sir, the most important thing here is that they are afraid of Mr. Raila because he has a source of information from the Government. That is why these people are so jealous about him. We are asking him to continue talking and blowing the whistle so that some of the people who are rather more sycophantic than anything can go home and sleep.

*(Mr. Tuju and Mrs Mugo stood  
up in their places)*

**Mr. Deputy Speaker:** Order, Mr. Tuju! Please, continue, Mr. ole Ntimama! Order, Mrs. Mugo! I have already allowed you one point of order!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, lastly, I want to ask: Who is this man, Dr. Alfred Mutua? What are his duties?

**Mr. Deputy Speaker:** Your time is up, Mr. ole Ntimama!

**Mr. ole Ntimama:** But they spent my five minutes!

**Mr. Deputy Speaker:** Your time is up, Mr. ole Ntimama!

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

**Mr. Deputy Speaker:** What is it, Prof. Olweny? The matter is finished!

**Prof. Olweny:** On a point of order, Mr. Deputy Speaker, Sir. Last week, an issue was raised here about Mr. Tuju's remarks on hon. Members. It was agreed that whenever he stepped into this House, he should be asked to apologise. Could you, please, do the needful?

**Mr. Deputy Speaker:** On that matter, I will look at the HANSARD and I will give a ruling because I was not there.

**The Minister for Co-operative Development and Marketing (Mr. Ndwiga):** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to support the Motion on the Presidential Speech.

On the outset, I would like to say that I concur with the tone set by the Leader of the Official Opposition that in this House, we should be more concerned with reconciliation. This country looks upon this House to give guidance. While that is so, it is, therefore, very disheartening when you listen to hon. Members who want to contradict the speech given by His Excellency the President. Any Kenyan who has not seen the strides made by this Government in the last three years must be living elsewhere. He must be living in Mars and not in this country.

It is true that there are many challenges facing this country. The Government faces very

many challenges but we have achieved a lot in the last three years. There is not a single living person who, honestly, can stand on his feet and say that they have not seen what this Government has done in the last three years.

Mr. Deputy Speaker, Sir, listening to Mr. ole Ntimama, who said that the figures being given are fake, I wish to invite him and because he is also a pastoralist, I will talk about only one item; cows and milk, a subject which I am sure he will understand. In the last three years, the milk production in this country has increased by 137 per cent. The dairy sector alone has created many employment opportunities for our people and Mr. ole Ntimama ought to thank this Government for doing just that. However, we are hearing contrary things. If he wants, I can give him actual figures because we are not a Government that just merely talks. We are a Government that performs!

In the last three years, we have seen the revival of 541 moribund co-operatives. What does that mean in terms of employment, income generation and creating wealth for Kenyans? I would expect that a reasonable Opposition would, first of all, start by thanking this Government for pushing Kenya to where it is. Indeed, what do we expect of an Opposition? Hon. Members of the Official Opposition in Parliament are Members of Parliament elected by Kenyans just like everybody else in this House.

We expect all hon. Members to show decorum. We expect Members in this House to use reconciliatory tones. That is because whatever happens, all of us are in the same boat. It does not matter whether you are in the Opposition or in the Government. We are talking about the same country. However, I am extremely saddened by the statement made by my friend, Mr. ole Ntimama. As leaders, we cannot whip up ethnic emotions all the time! It is absolutely sad. There is no national leader worth his salt who would stand in this House and whip up ethnic emotions.

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to infer improper motive on Mr. ole Ntimama by saying that he is whipping up ethnic emotions?

**The Minister for Co-operative Development and Marketing (Mr. Ndwiga):** Mr. Deputy Speaker, Sir, some of us have been here long enough! We choose our words very carefully. I am sure that, by the time my friend will be here for the fourth term, he will understand some of these things---

**Mr. Bahari:** On a point of order, Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order, Mr. Bahari! You have just stood on a point order! Mr. Ndwiga is responding to your point of order. What do you want to add on top? Hold your peace and let him finish!

**The Minister for Co-operative Development and Marketing (Mr. Ndwiga):** Mr. Deputy Speaker, Sir, there is no amount of agitation that will stop me from saying what I want to say. Please, keep your peace.

I was saying that, as leaders in this House, our first priority is to unite our country. We should not divide it along ethnic lines. When we divide this country along ethnic lines, we will all be in trouble. It does not matter how much you feel against another tribe. The truth is: There is nothing you can do about it! They are here and this is their home. It does not matter how bad you feel. Kenyans will remain Kenyans. I will cherish the day you will realise that. Indeed, those of us who belong to the younger generation get ashamed when people preach tribalism. There is no room for tribalism in some of us and the future leadership of this country.

Mr. Deputy Speaker, Sir, Government appointments are not done on tribal lines. There is evidence right now that we have a very capable Commissioner of Police. That is a fact! All of us have seen what he has done. It does not matter where he comes from. He is capable! It is not just the Commissioner of Police! We have several other people in leadership positions who are doing very well!

**Mr. Kajwang:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order---

*(Mr. ole Ntimama stood up  
in his place)*

**Mr. Deputy Speaker:** Order, Mr. ole Ntimama! I have given the chance to Mr. Kajwang! Mr. Kajwang, please, proceed!

**Mr. Kajwang:** Thank you, Mr. Deputy Speaker, Sir. You have heard the hon. Member who is on the Floor say that we have a very capable Commissioner of Police. I agree with that. But how come the Commissioner of Police is complaining that the Minister of State in charge of internal security is working with other police officers under him, without informing him? Why are you misusing a capable Commissioner of Police?

**Mr. Deputy Speaker:** Mr. Kajwang, that is not a point of order! You have just asked Mr. Ndwiga a question! Please, hold on! When your time comes, you can raise that matter!

Mr. Ndwiga, please, proceed!

**The Minister for Co-operative Development and Marketing (Mr. Ndwiga):** Mr. Deputy Speaker, Sir, co-operative societies are my responsibility. I am not in charge of internal security and the police. I only said that the Commissioner of Police is very capable. Period!

I also said that there are several other Kenyans in responsible positions who are performing their duties without caring about their ethnic backgrounds. They know that they are serving Kenyans. That is the future of this country. That is what we want to see. That is the language that we want to hear from this House.

Mr. Deputy Speaker, Sir, I would like---

**Mr. ole Ntimama:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. ole Ntimama! It looks like hon. Members are just standing up to interrupt other hon. Members who are contributing! Mr. ole Ntimama, let me hear your point of order now!

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, is the Minister in order to say that the Commissioner of Police is capable when three people went behind his back and did something? How can he be a capable officer?

**Mr. Deputy Speaker:** Mr. Ndwiga, please, continue! I think that is similar to Mr. Kajwang's.

**The Minister for Co-operative Development and Marketing (Mr. Ndwiga):** Mr. Deputy Speaker, Sir, I am sure you must be saddened as I am, considering that, that is coming from an old Member of this House. You must be very saddened! If Mr. ole Ntimama can have this kind of behaviour in the House, we are setting the wrong examples for new hon. Members.

Mr. Deputy Speaker, Sir, but that notwithstanding, if this country is driven by Kenyans who do not care about their ethnicity; Kenyans with the interest of this country at heart---

I am happy that everybody is talking about drought and famine. All of us are together, whether we are in the Opposition or the Government. We are all emphasising that no Kenyan should die of hunger. That is very positive. That is a message that rings very well internationally. That is commendable.

In the same breath, let me remind Members that, whatever comes out of our mouths is taken as some kind of authority. As hon. Members, we should be careful about what we publish in the media. What is published is first read not by Kenyans, but the international community. What kind of country are we portraying? We want to engage one another very positively in this House.

With those few remarks, I beg to support.

*(Several hon. Members stood*

*up in their places)*

**Mr. Deputy Speaker:** Order, hon. Members! Just take your seats! There was a point of order raised by Prof. Olweny, regarding the remarks made by Mr. Tuju. Prof. Olweny said that the Chair ruled that when Mr. Tuju comes to the Chamber---

*(Mr. ole Ntimama walked towards  
the exit door)*

Order, Mr. ole Ntimama! The Chair is speaking! Could you take your seat for a minute?

The implication Prof. Olweny was making was that the Chair ruled that whenever Mr. Tuju comes to the Chamber,

he should apologise. Now, I have in my hands the HANSARD of the day and I can say for sure that, Mr. Speaker did not order that whenever Mr. Tuju comes into the Chamber, he will have to apologise. It was a statement by Dr. Godana. He asked whether that can be done, but the Chair said:-

"This is the first time this issue has been raised. I have made a statement which, I hope, everybody respects. If Mr. Tuju does not, I will deal with him firmly; that is, if he insults hon. Members again!"

That is what the Chair ruled. So, it was not ruled that he must apologise when he comes to the House.

**Mr. Angwenyi:** Stand up and apologise!

**Mr. Deputy Speaker:** Order! Hon. Members, frivolous points of order are not going to be entertained. I will strictly follow the Standing Orders. Frivolous points of order are punished by expulsion from the Chamber. So, be warned!

Mr. Muturi, please, proceed!

**Mr. Muturi:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to say one or two things about the President's Speech.

Mr. Deputy Speaker, Sir, they say that the taste of the pudding is in the eating. In my view, the President's Speech contains a long wish list. If you recall, the President laid some blame on this House for not having passed sufficient number of Bills that were presented to us last year.

Mr. Deputy Speaker, Sir, among the Bills that the President referred to as having not been passed and are to be re-introduced are: the National Social Health Insurance Fund Bill (2004); the Wildlife (Conservation and Management) (Amendment) Bill (2004), and the Banking (Amendment) Bill (2004). Those are few Bills. This House deliberated on them and indeed passed them. It is the President himself who returned those Bills back to the House, and yet in his Speech he lays blame on the House as not having passed these Bills.

Mr. Deputy Speaker, Sir, I want to start by differing with that position. He says: "A Small and Medium-Scale Enterprises Bill, The Deposit Taking Micro-Finance Bill, The Savings and Credit Co-operative Societies Bill and the Political Parties Bill". The reason I said that the taste of a pudding is in the eating is because, if indeed, high in the agenda of the President was the legislative agenda, we ought to be seeing by now those Bills which he referred to here. However, which Bills has his Government published this year? The Retirement Benefits (Amendment) Bill, The Kenya Maritime Authority Bill and the Tobacco Control Bill. The only Bill that he referred to is the Cotton (Amendment) Bill which has been published.

So, the reason I began by saying that this is just a wish list is, if indeed it was intended by the President that those Bills he has talked about here which touch on the economy were going to be given the priority and the seriousness that the President seems to place on them in his Speech,

we would be seeing them in publication already before the House. These are the four Bills that have so far been published and we have not seen anything like that. It, therefore, means that these statements alluding to the fact that these Bills are going to be brought to this House are actually a mirage.

Mr. Deputy Speaker, Sir, I want to contrast the Speech by the President with the very able and eloquent Speech by the Speaker, which preceded that of the President. The compulsive question that the Speaker asked about leadership was: "Are we equal to the monumental task that faces this country?" He further went on to say: "If I answer it, I am afraid because speaking the truth has been criminalised in our times". Criminalised by who? It cannot be by this side of the House. It must be by that side of the House. He spoke this in the presence of His Excellency the President. He said that: "This House must now urgently get out of this morass. Which morass? That is rivalry, propaganda, hate, suspicion and inertia". I want to say that regarding inertia, there has been a lot of it witnessed in this Government but because of what Mr. Speaker himself said in his Speech, and what the President said regarding the publication of the Political Parties Bill, one wonders, what is it that is proposed to be done in the Political Parties Bill?

Mr. Deputy Speaker, Sir, I want to suggest that if ever this Government is serious in introducing this Bill, it must begin by respecting the institutions of political parties. That Bill must have in its provisions a clause that says:

"A person shall not qualify to be nominated to run for elections on a political party ticket if they have not shown continued membership in that political party for a period amounting to at least six months".

That will help the situation whereby fellows run for nomination on a political party, they lose and then they jump ship to the other one and so on. That is why this House is comprised of so many funny people of so many shades. We will now not then be looking for househelps; people to help the Government in the House. I am told they are called househelps. You see, like the KANU hon. Members who were taken to the Government side to just go and help the Government here in this House.

The Speaker himself pointed out in his concluding remarks that:

"I wish also to appeal to political parties in this House to exercise disciplinary control over their membership and to endeavour to strengthen democratic ideals in the transaction of business in this House and in the Committees. Unless this is done, parties and multi-partyism may to our collective peril, become things of the past."

Mr. Deputy Speaker, Sir, to me, it was like the Speaker was actually addressing the President by telling him--- They are related because to some extent in the formation of the Political Parties Bill there is a connection. He is sounding a warning that we are killing multi-partyism and he says: "You must strengthen democratic ideals in the transaction of business of this House and in the Committees" Quite prophetically in the Committees, it is just last week that we saw the fiasco in the formation of the House Business Committee. Mr. Speaker was prophesying that unless we exercise democratic ideals we run the risk of ruining this country.

Mr. Deputy Speaker, Sir, Mr. Speaker did point out that: "Indeed it is important that we exercise restraint and compulsion when debating in this House. Let us respect one another. We may not quite like the ideas coming from so many people but I think it is important in this House that we show leadership by being able to tolerate even those very good ideas that you may think are very obnoxious because it is the right of those hon. Members to say what they have to say and it is my right to express myself in a manner that I best understand".

It saddens me when I see an hon. Member going by this statement by the Speaker. A person that was elected into this House under the sponsorship of a political party that is not forming the Government standing on the other side here pretending to answer a Question on behalf of the Government. There must be some disconnect. We have killed multi-partyism through poaching. I was told that, that is a friendly term to use in the House.

**Mr. Deputy Speaker:** Mr. Muturi, I think there is no "poaching" of hon. Members here. Can you use a better word?

**Hon. Members:** Use "stealing"!

*(Laughter)*

**Mr. Deputy Speaker:** Let me finish with him first.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, I said that token appointments were given to people who have no serious political ideals, democratic or otherwise, who answer Questions in the House.

Mr. Deputy Speaker, Sir, touching on the issue of---

**The Minister for Co-operative Development and Marketing** (Mr. Ndwiga): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that this Government started poaching hon. Members from the other side when, indeed, if he can remember towards the end of the last Parliament, his party is the one that started this trend?

**Mr. Muturi:** Mr. Deputy Speaker, Sir, this Government believes that one wrong will right the other. That is wrong.

Mr. Deputy Speaker, Sir, let me fault this Government on the expenditure it spent on Kroll and Associates to investigate Goldenberg-related cases. How much have they spent? When is that report going to be tabled before this House? Who are the culprits?

**Mr. Deputy Speaker:** Your time is up!

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, thank you for the opportunity to contribute to the very eloquently delivered Speech by His Excellency the President. This Speech directed itself to the needs and aspirations of this country. At a time when there is so much animosity and disrespectful utterances from politicians, His Excellency was able to focus himself on the needs of this country and ignored all those sideshows which have been going on.

The Presidential Address was forthcoming, honest and very focused. I would like to congratulate His Excellency the President for accepting the referendum results. All over the world, it is unusual for governments to admit defeat. This Government did not even attempt to rig like we witnessed in the past. Instead, it has given the way forward for Kenyans to realise a new Constitution. We must admit that the President was elected by a popular vote. He is the one to show the way forward. We all know that there is only one Government at a time. Therefore, there are no two governments to give direction in this country.

Mr. Deputy Speaker, Sir, what the President has done by appointing a committee of eminent persons; people who are well respected in their fields, is laudable. These people are not politicians. The appointment of Ambassador Kiplagat as the chairman of this committee is worth noting. This gentleman successfully steered the Somalia peace process. The President could not have appointed a better person to lead that committee. If we go thorough the curriculum vitae of those people who were appointed to that committee, we notice that they are not politicians. They are the cream in the academia world. They are people who are well trained and I believe they will advise the Government on the way forward.

As much as people try to say that there were no consultations, it is worth noting that the mandate of this committee is not to write a new Constitution, but to come up with the way forward. After presenting their recommendations to the Government, it has been made quite clear that all stakeholders will be part and parcel of the process. It is time we honoured and respected these eminent people. We do not have to go outside this country to source for professionals to help us. We should commend His Excellency the President for appointing that committee of eminent Kenyans.

Mr. Deputy Speaker, Sir, I also would like to commend His Excellency the President for showing this House that we need to focus on the issue of legislation. It is legislation that will make

a difference in this country, not the shouting we have witnessed from senior hon. Members who should be showing maturity in politics. They should not be bickering all the time---

**Mr. Deputy Speaker:** Order, Mrs. Mugo! You have used the word 'bickering' which is unparliamentary.

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, could I say "making a lot of noise or shouting"? Is that better?

**Mr. Deputy Speaker:** Mrs. Mugo, you must withdraw the use of the words "shouting" and "bickering".

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I withdraw both words. But I think the House got the gist of what I meant. The President has shown a lot of reconciliation. He has also shown that he wants the people's trust.

**Mr. Balala:** On a point of order, Mr. Deputy Speaker, Sir. Maybe I need to advise the hon. Member---

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I do not need to be---

**Mr. Deputy Speaker:** Order! The hon. Member has stood on a point of order!

**The Assistant Minister for Education** (Mrs. Mugo): I do not need his advice!

What I was about to say before I was interrupted is that the President said that Parliament is the supreme organ of the Government. He did not say the Executive is the supreme organ as was asserted in the in the past. Therefore, he placed responsibility on this House. This House has to guide this nation maturely and responsibly.

Mr. Deputy Speaker, Sir, if we, as hon. Members, fail the electorate by not showing the way, we are to blame because the President has ably acknowledged that we are the supreme organ.

Mr. Deputy Speaker, Sir, it looks like my time is up.

**Mr. Deputy Speaker:** Order, Mrs. Mugo! I think the Clerk-at-the-Table has made a mistake. You have only spoken for five minutes.

Proceed and complete your other five minutes!

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I hope you will compensate the two minutes which have passed by.

May I also commend the President for establishing the Ministry of Youth Affairs because we have many youth in this country who are just idling in the market places. The President said about 72 per cent of our population comprises of the youth. Therefore, something needed to be done urgently to look into their affairs.

Mr. Deputy Speaker, Sir, I would like to request that we allocate enough money for that Ministry. That Ministry should also have offices up to the constituency level, so that they are able to have officers in the DOs' offices to deal with the youth's problems at the grassroots level. I would like this Ministry to focus on artisan kind of training. They should train our youth in skills that they will use to start small businesses now that a fund will be established for them to allow them to do so. That will reduce insecurity, give the youth something to do and play a major role in alleviating poverty.

Mr. Deputy Speaker, Sir, whereas I would like to acknowledge that women are a bit disappointed because of losing two positions in the Cabinet, this Government has shown that it is interested in bringing women in the area of decision making unlike some parties, which did not even nominate women to this House.

I would like to commend KANU because they nominated most women in this House. The NARC, especially the NAK also nominated women. The LDP did not nominate any woman. Women from Luo-Nyanza have complained---

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

**Mr. Deputy Speaker:** What is it, Mr. Kajwang?

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, is the hon. Member on the Floor of the House



correct in talking about LDP as a parliamentary party when the other day she voted that LDP is not a party?

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, when I said that, I meant that---

**Mr. Deputy Speaker:** Order, Mrs. Mugo! Please, sit down! The gentleman is not through with his point of order. In any case---

**Mr. Kajwang:** Mr. Deputy Speaker, Sir, the point of order is this; only yesterday but one, the other side of the House voted overwhelmingly and said that it is only NARC which is a parliamentary party, and there is no other party known as LDP. Now, how come that today the proponent of that view is suggesting that LDP did not nominate any woman?

**Mr. Deputy Speaker:** I do not think we need to dwell on this. I think the Chair has ruled repeatedly that parliamentary parties are known. They are NARC, KANU and other smaller ones. The nominations were done by NARC, KANU and other parties. The LDP is not a parliamentary party.

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I was talking about constituted parties as they are known.

**Mr. Deputy Speaker:** I am reminded there is one!

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Deputy Speaker, Sir, I am complaining on behalf of women because, over the weekend we saw officials of some of those parties trying to confuse women in Afraha Stadium in Nakuru by urging them to support them, so that if they get to form the next Government, they will support women in their gender aspirations. We know, for sure, some of these parties are not gender friendly. The women from that region have been complaining bitterly on being left out.

Mr. Deputy Speaker, Sir, we, as women, would like to tell them we are not blind, we can see. We will definitely not take lip service. So, forget about women supporting you in your endeavours. We will only support those who support women and that goes by nomination.

Mr. Deputy Speaker, Sir, I also want to commend this Government and tell hon. Members that the second tranche for bursaries is almost out. The cheques are already being written and very soon, they will be in the accounts. So, you can see how committed this Government is in fulfilling its mandate in education as well as in issues of other Ministries.

So, when you try to tell people that this Government has not delivered, you should know that the Kenyan public is well versed and educated to know how much money has been put for use by the masses of this country, be it in education or in the CDF projects.

I beg to support.

**Mr. Balala:** Mr. Deputy Speaker, Sir, finally, you have given me this opportunity in my rightful role as a Back-bencher. I am glad to utilise this opportunity and comment on the Presidential Address. As a Back-bencher, I will be excited to be contributing in this House. I wonder why it took us up to March 2006 to reopen Parliament while we had crises.

Mr. Deputy Speaker, Sir, I also wonder why we cannot separate the powers of the Executive from those of this House. It is important that we decide on our calendar so that we plan our own agenda and when to return to conduct business of this House.

Regarding the issue of Bills and the blame that we had performed poorly last year, I thought the Government should have taken responsibility. Most of those hon. Members nominated to the House Business Committee belonged to the Government and they should have brought Bills to this House appropriately. Hon. Muturi has said that apart from some Bills not being brought here, some of them were rejected by His Excellency the President. Seven Bills going through, out of 25, is poor performance. We also did not consider returning to this House early this year to conduct House business. I wondered when I saw the list of Bills. I am also glad that hon. Muturi presented the Bills here. It is only the Cotton Bill which was printed, but the rest were not in that list.

Mr. Deputy Speaker, Sir, I wondered what happened to the Coconut Bill, the Mnazi Bill, the Minerals Bill that concerns the Titanium and other minerals of this country. Those are the natural resources of this country. I believe the failure to approve more Bills in this country squarely lies on the Government side.

Mr. Deputy Speaker, Sir, there is tension that was created five months ago by the referendum and division of this country. However, it is a pity that we cannot reconcile. I wondered if we will continue with the same spirit. I saw the intolerance in the composition of the House Business Committee and wondered if we will continue being one-sided. How can we collaborate together in the Departmental and Sessional Committees? This House belongs to us all, as Kenyans. It does not belong to one side. I think it is important to consider that.

Mr. Deputy Speaker, Sir, it is good to be impressive and show the figure of 5 per cent economic growth. But I want to say that the economic growth was felt in the elite sectors of this country. The young, women, poor and the physically challenged did not benefit from the growth. We have seen the swelling groups of people in the slum areas. Who is addressing those issues? Sometimes I ask myself: "What is wrong with us as Kenyans?" Kenyans are hard-working people. They like to contribute and participate in issues when given a chance. However, there are very many obstacles on the way.

Mr. Deputy Speaker, Sir, businessmen are perceived to be old thieves because a few of them collude with the Government to steal. Businessmen are not facilitated. They are always obstructed from contributing and playing their rightful role as private citizens, to this economy. Most of their problems are key to the detriment of this economy. The Government should be a facilitator and not an obstacle to development.

Mr. Deputy Speaker, Sir, when I see the Kenya Revenue Authority (KRA) behaving as if it is the only arm of Government that can do anything and everything with impunity, I wonder. The usage of Electronic Cash Registers was stopped by the courts, and yet as recently as yesterday, KRA officers went round business premises to arrest people who did not have them, demanding cash fines of Kshs500,000 and ignoring the court ruling. What is KRA doing? Who is KRA? It does not respect the law. The KRA has become an intimidator and harasser of the business community. Its officers walk into business premises intimidating business people on issues regarding VAT and PAYE. Every week, KRA officials walk into business premises harassing the owners, and it is proud to say that it has raised its target of tax collection. Is that a way of creating an atmosphere of doing business in this country? Business people are the main contributors to this economy.

Mr. Deputy Speaker, Sir, the key issue is the Port of Mombasa. The Port of Mombasa is an asset that we cannot joke around with. Today, as we speak, the clearing long room of the Mombasa Port has been transferred to Nairobi. Is that a conspiracy to kill the economy of Mombasa and that of Coast Province? Why can we not create a free port that can create more jobs and expand the economy? Why can we not intervene and solve the tea auctions problem in Mombasa that has allowed Dubai to compete with our economy? The conspiracies are being carried out by this Government, and particularly the KRA.

Mr. Deputy Speaker, Sir, when we talked about the youth issues here, I wondered when I would lead this country. This country remains one of the nations with old leaders for the old people. The minority domineer the young majority. I wonder if we will give a chance to the 72 per cent of our population, who are the youth, to lead this country. "No!" By forming the Ministry of Youth Affairs, we thought that the youth had found employment. But that is not the case. I am the one who approved the National Youth Policy Sessional Paper in 2003. Why does it take too long for it to be implemented? Sessional Papers will be brought here. However, everything that will be passed may take another two years to be implemented. Tomorrow will never come for the youth of

this country.

Mr. Deputy Speaker, Sir, when I look at the situation currently, I commend the Minister for Local Government for upgrading towns to become cities. But we should do that in a constitutional manner. Why can he not bring an amendment in the Constitution to bring devolution to the people of Kenya? Change the Constitution! Agree and have amendments. That is not proper management of our towns and cities in our region. We need a proper way of doing it. I wonder if bringing the Local Government Bill is the solution to the mismanagement in our cities and towns. I do not think so. I think if we empower our people properly, give them the right resources and put the legal framework in place the way we had passed it in Bomas, that may be the good way to do it.

**The Minister for Local Government** (Mr. Kombo): On a point of order, Mr. Deputy, Speaker, Sir.

**Mr. Balala:** Mr. Deputy, Speaker, Sir, I am well informed about the Local Government Act. I have been a former mayor.

The drought we are experiencing in this country is not happening for the first time. It happens every year. The amount that was mentioned by his Excellency of Kshs2.5 billion that we have and that of Kshs6.3 billion that we are expecting to come in until June is purely an expectation of hand-outs. With all due respect to the Ministry concerned with special projects, is that another scandal or conduit where money is released to the NARC activists to distribute food in areas where there is food, while areas like North Eastern and Ukambani have no food and nothing reaches the areas? Even if 162 boreholes were really dug in those areas, that does not mean that there is water in those areas. Digging of boreholes does not mean that water has to be found.

Mr. Deputy Speaker, Sir, recently, we watched on television a clip on camels, other livestock and children who have died in North Eastern Province. What are we doing about that? The culture of hand-outs has to stop. We must have a policy on food security, irrigation and building of dams. We need to have a proper framework to create an environment where we can work.

We need to walk the talk when we write speeches. Speeches can be written by any expert. However, when we write and read speeches, let them be implementable. Let us not have a wish list where we are just talking about goodies in the form of Bills, yet they cannot be turned into a reality on the ground.

**Mr. Balala:** Mr. Deputy Speaker, Sir, I am concerned about the way we are running this country. Do we want a future for Kenyans? Do we want to be better than the rest of Africa, or do we want to be the worst in Africa? I believe the dream of this country has to be achieved, and not shuttered by selfish individuals, who want to mismanage this country. We need to actually rise above---

**Mr. Deputy Speaker:** Order now, Mr. Balala. Your time is over!

Proceed, Dr. Kibunguchy.

**The Assistant Minister for Health** (Dr. Kibunguchy): Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity to say something about His Excellency the President's Address.

I would like to start off by thanking His Excellency the President for his Address that was both inspiring and gave hope to Kenyans. I would like to commend the Government for some of the good things it has done for the last three years. We can count them and they can be seen. At the same time, I would like to say that there are certain things which tend to tarnish or spoil or make dirty the image of the Government. As part of the Government, it is our duty to speak out and say the things that tend to spoil or mar the image of the Government. We must be strong enough to say them. We must suggest what should be done about them.

I would like to commend the Government for sustaining the free primary education initiative. The Assistant Minister for Education has just told us that the second tranche of the

bursary for this year has been released.

Mr. Deputy Speaker, Sir, we must also at the same time condemn some of the actions of this Government, even if we are part of the Government. It is said that there are many ways of skinning a cat. I would like to say that certain ways are clinical and clean. But certain other ways are dirty and messy. I would like to say that the operation that was carried out on the Standard Newspapers and KTN was one of those that I can say was messy and bloody. We must be bold enough to point out where we have gone wrong.

There are two characters who have occupied the minds of Kenyans. They have also taken up space in our newspapers. They have taken up radio and television airtime. These are the so-called "Armenians". I would like to say that, as a Government, the best thing we can do for Kenyans in this matter is to put these two fellows on a plane on a one-way to hell. We should do that because they are spoiling the image of the Government. I am saying that this Government has done nice things but little things are spoiling its image. As part of the Government, I would like to say we must be able to look at ourselves in a mirror and see where we are going wrong.

The issue of corruption has also occupied the minds of Kenyans. I would like to say that we must be able to deal with corruption of the present and past corruption. I agree with the Minister for Justice and Constitutional Affairs, who said that we must be able to look at all shades of corruption. I am saying so because whether corruption happened last year or ten years ago, it was robbery of the people of Kenyan. We must be able to look at all types of corruption.

Sometimes I wonder whether some of the people who speak loudest in this country can pass the test. Are they beyond suspicion? Can they look in the mirror and tell Kenyans that they are clean? We must reach a stage where we can say that they are clean. I say this with a lot of humility that, some of the people who have told Kenyans they want to be the President of this country are not clean. I think time has come for Kenyans to look at somebody, not because he is handsome and dresses in a trendy way; and not because he comes from a particular tribe or region. I think the issue of corruption can only be dealt with once we are bold enough, as Kenyans, to elect people who are transparent, clean and accountable. Where I come from, we say that a calf that will be sweet is known in its early days. We also say that for us to be able to build a walking stick, it must still be green. That is what we are saying; that the people who want to be the President of this country should be able by now to tell us that they have not been involved in corrupt practices.

Mr. Speaker, Sir, I will conclude my contribution by touching on the issue of famine and drought in this country. It is very sad that at this time, over 43 years after Independence, we can watch people in our television literally dying because of hunger. We have said this many times that one of the issues in which this Government has failed is that we have not managed to transport or move food from areas that produce it to those areas which do not produce enough food. I think a system must be put in place. At the same time when people in the North Rift and parts of Western Province, like Lugari, had bumper harvest last year, our brothers and sisters in several parts of this country were facing drought. At the same time when we were having problems selling our produce to the National Cereals and Produce Board (NCPB), there were people in this country who were dying of hunger. A way must be found where what is produced in a certain area can easily and quickly be transported to the areas that have no food.

Mr. Deputy Speaker, Sir, issues of famine and drought in this country need to be looked at in two ways. First, we must be able, at this time, to give incentives to people who can produce agriculturally. We should be able to give incentives to farmers who produce food year in, year out to feed Kenyans. How can we do this? One of the things that we can do is to make sure that whatever inputs are required by farmers, for example, fertilisers and seeds, are given out at a subsidised and reasonable price.

The other areas that we need to look at are the areas that are perpetually devastated by

drought. We should be able to put programmes in place that will help people in the drought-prone areas. How can people in such areas get water? Once we have water, we can produce anything. We need to look at these issues in order to move forward.

Mr. Deputy Speaker, Sir, I want to agree with my colleagues who said that the economic growth rate of 5 per cent and above has not yet translated into the fight against poverty in this country. We still have very many people, even in places where we think there is fertile soil, who are extremely poor, landless, squatters and survive from hand to mouth. Of course, the big question follows: Where is the 5 per cent growth rate confined? I would like to state with a lot of respect that what we have managed to do in this country is to make the rich richer and the poor poorer. When you walk around, imperatively, you will find that there are many more cars on our roads this time round than at any other time in this country. Who can own cars? Is it not the rich? It is the middle class and the upper class only who can own cars. These are the people who have benefitted as a result of the 5 per cent growth rate.

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

**Mr. Kosgey:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion on the Presidential Address.

Right from the outset, I would like to say that the purpose of any Government is to protect the lives and property of its people. That is, indeed, a cardinal purpose. If a Government fails to protect the lives and property of its citizens, then, it has lost the moral authority to govern the people who have elected it.

Mr. Deputy Speaker, Sir, on Wednesday, 22nd March, 2006 and Thursday, 23rd March, 2006, officers of this Government, that is, the Administration Police and the forest guards descended upon the people of Ng'atikong living in Kipkurere Forest and meted out on them a barbaric and primitive act by burning and looting their property in the name of protecting forests. The people of Ng'atikong have lived in Kipkurere Forest since the early 1940s. I am not talking about the whole of Kipkurere Forest, rather it is about a very small portion of it which is inhabited by 250 families. Quite a large number of these families belong to the Ogiek community who have remained marginalised in this country even by this Government. The Administration Police officers came one evening, burnt down houses and anything that could catch fire including livestock. They burnt a calf which is an innocent animal yet this Government describes itself as one that cares for the well being and welfare of the people.

Mr. Deputy Speaker, Sir, we are experiencing hunger caused by drought in this country and yet this Government went to an area and burnt food creating turmoil and desperation. I submit that this Government has lost the moral authority to govern if it cannot protect our people. The Government moved into an area where people have stayed for the last 70 years in the name of protecting a forest. I am not talking of the whole forest.

Mr. Deputy Speaker, Sir, if you look at the whole of Kipkurere Forest, there are large areas which have been used as farms by the forest officers in order to protect their farming activities around Kipkurere Forest Station and they would target the people of Ng'atikong and say: "These people must be evicted." They are not the cause of the destruction of the forest. The Government did recognise that these people exist and gave them a very small portion to occupy.

Mr. Deputy Speaker, Sir, the policy of evicting people mercilessly must be stopped. There must be guidelines on how to evict people. You cannot go to an area and tell people to move out and yet they have occupied that land for 70 years without providing an alternative. If the Government wants to use an area for afforestation or any other purpose, it must provide alternative settlement land before moving people. You cannot just go out and burn houses and property because you want to create havoc. We have seen houses being burnt in areas like Likia and Mau

Narok. Why are we still burning property? Why is there no fire in Central Province and Eastern Province? Is this fire only found in Rift Valley or are we being targeted for reasons which are very well known?

**An hon. Member:** Why?

**Mr. Kosgey:** I do not need to elaborate! Mr. Deputy Speaker, Sir, Ng'atikong Primary School was built in 1955. This school has 450 children. On Friday only half of them were present in school. This shows that the policy of free primary education, which the Government is pursuing, is being frustrated by certain officers. Worse still, when I met the Minister in charge of internal security he was not aware that this was happening. I wonder who these invisible Government officers who carry out operations at the top are, when the Minister does not know.

Mr. Deputy Speaker, Sir, without a secure environment, there can never be development. In the last two years, there have been 38 incidents of robbery with violence in the small town of Kapsabet. An average of 38 incidents for a town of that size is scaring to everybody and yet, the police are doing nothing. In fact, on four occasions, the businessmen themselves arrested the robbers and took them to the police station! They were told the following day that the robbers had escaped! They cannot arrest and detain. They let that person escape. Where is justice?

Mr. Deputy Speaker, Sir, in the last incident, a business lady, whose husband happens to be a police officer in Bungoma, was attacked! The husband was informed that his wife had been attacked. He was able to move with some of his men from Bungoma and arrived at Kapsabet, when the local police had not taken any action! Can you imagine that? Law and order has completely broken down in this country. The police are sleeping on their jobs! Others are colluding with the criminals. In fact, the latter is much more prevalent.

Mr. Deputy Speaker, Sir, we are talking about dialogue and reconciliation. We agree to talk to one another. But there must be an environment for that dialogue. There can never be dialogue when hooded policemen are raiding the offices of the *Standard*. There can never be dialogue when forest wardens are burning peoples' houses. There can never be dialogue when an eminent person--- I do not know what is "eminent"! We are all eminent! They are appointed to a committee without consultations. First of all, you should create an environment for dialogue. There can never be dialogue when hon. Members from this side are poached or lured to take positions on the other side. Those fellows are sitting there without consultations from this side.

**An hon. Member:** They are hon. Members!

**Mr. Kosgey:** They are not fellows! They are hon. Members. But they are sitting on that side without consultations from this side! They have caused lack of dialogue and reconciliation. We, in the Opposition, are willing and ready to dialogue! But we do not see the Government creating the environment for that to happen.

Mr. Deputy Speaker, Sir, we have been talking about the 5 per cent economic growth. We do not see it. People are getting poorer out there. We are forced to question the 5 per cent economic growth. Are they using the new methods of calculations? Go back to the old method and compare the figures.

Mr. Deputy Speaker, Sir, we have been told many things about the free primary education. We agree with them. But the biggest problem facing parents is payment of secondary school fees. Some national schools have hiked fees up to Kshs100,000 per term!

**Mr. Deputy Speaker:** Order, Mr. Kosgey!

**Mr. Kosgey:** Mr. Deputy Speaker, Sir, I need more than ten minutes!

**Mr. Deputy Speaker:** I will go to the Back Bench!

Mr. Karaba!

**Mr. Karaba:** Mr. Deputy Speaker, Sir, thank you for giving me this chance to contribute. I would like to confirm that the Speech by the President was excellent and to the point.

The President said very clearly that we should be proud of the free primary education. It has been accepted by all the people in Kenya. But there has been an over-enrolment in primary schools, with some classrooms having over 250 pupils. My Committee discovered this problem in Butere-Mumias when we visited Western Kenya. One teacher was handling a class of 250 pupils. This is something that can be exemplified by the fact that this number compromises the quality of education. That is why I am asking the Government to step in and provide more teachers.

Mr. Deputy Speaker, Sir, since the inception of free primary education, teachers have had it rough, with over-stretched facilities. This has led to very many pupils getting half-baked education and many people have now resorted to taking their children out of the country. Recently when we visited Uganda, we noted that more 45,000 students from Kenya are studying in that country. When you ask them why, they say that the cost of education in Kenya is either too high or the standards are low. I am, therefore, asking the Government to reduce the cost of education and attract more students.

We also note that secondary school education has frustrated students. You will note that those joining public universities will have to score B+ and above. But majority of those who score below that mark will end up being condemned and they are the ones who throw stones in the streets.

Mr. Deputy Speaker, Sir, it is also important to note that our public universities are over-congested. That leads to inadequate provision of education and eventually half-baked graduates, which is counter-productive to our economy. I urge the Government to make sure that proper planning is done to provide free education in both primary and secondary schools and provide quality facilities in universities.

Mr. Deputy Speaker, Sir, the CDF has given us a very great boost. It is true that CDF money has been used to put up very many schools in the country. But it has become very difficult to register a school. It takes almost one year to do it, yet it is only a file which is supposed to be opened. That is complicating our work as Parliamentarians. When the schools are constructed, it even becomes more difficult to get teachers from the Teachers Service Commission. We have a shortage of over 45,000 teachers. With such a huge shortage, how can we talk about education and economic development in this country? We must be daydreaming. We need to address the issue of shortage of teachers as a matter of priority. This is where development starts. This is something that the Ministry should come out clean on. The replacement of teachers should be an issue that will have to take about a year. What happens to that budget which is already allocated to the Ministry when the teachers have not been paid their salaries during that time when they are not working, or retired or retrenched? We need to be told the truth about what happens to this money. When we talk about developing a country like Kenya which at one time was at the same level with the Tiger countries, the only difference is that the Tiger countries put a lot of emphasis on education unlike what we did here in Kenya. We take it for granted.

Mr. Deputy Speaker, Sir, another thing that we need to note more about education is the level at which the Government comes in to assist. We have very many students who are unable to proceed with their education just because they cannot afford to pay for it. As a result, the drop-out rate is high. We have very brilliant students dropping out of schools. Those who can take their children to academies will have them go through good secondary schools and even universities; where they will acquire quality degrees. In the end, these are the same people who will rule us later. So if we are to talk about future development in this country, we need to take care of all the students who qualify from primary schools, so that they can join secondary schools and later access higher education.

Mr. Deputy Speaker, Sir, I want to talk about the way we procure items for implementation of programmes in this country. It is a sad situation that it takes up to three years to procure electric

poles to connect power to schools, hospitals or people's homes. It has taken my constituents two years now to procure the same. We paid almost Kshs6 million and yet, up to now, power has not been connected. It has taken more than two years to buy a pole either from South Africa or Tanzania. If we have to take all these years to buy poles, surely, are we serious? Let us address ourselves to the Procurement Act and get serious about it, so that it does not take long to procure goods.

Mr. Deputy Speaker, Sir, the 5 per cent growth rate is commendable, if it is true. This Government promised that the moment the economy improves, teachers in the country would be paid their salary increment. There are two phases remaining and that is what they are hoping will happen. I am, therefore, asking the Ministry to fulfil the promise that was made to teachers, that the moment we attain a 5 per cent growth rate, it will address itself to their pay package. We need not wait until they go on strike, and threaten the Government, to address their plight. The Government needs to take note that teachers have been harassed a lot. We all know that teachers are taking care of the free primary education programme in this country. They work for many hours, but they are not well remunerated.

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

**Mr. Deputy Speaker:** Hon. Members, I would like to inform you that the lighting system is not working. However, the timing is working. The lighting system will be rectified.

Yes, Member of Parliament for Bura Constituency!

**Mr. Wario:** Ahsante, Bw. Naibu Spika. Ninachukua fursa hii kumshukuru Mwenyezi Mungu aliyetuweka hai na kutujalia fursa ya kujadiliana juu ya Hotuba ya Rais, ambayo ninaamini inakejeli na kuchezea shere werevu wa Wakenya.

Bw. Naibu Spika, nimesema mara nyingi kwamba mtu hupewa cheo na Mwenyezi Mungu na kunyang'anywa cheo hicho na Mwenyezi Mungu. Watu wengi husahau kwamba cheo ni amana kutoka kwa Mwenyezi Mungu. Wao hutumia vyeo vyao kuwadhulumu wanyonge. Ninasema hivyo kwa sababu ya ule uvamizi uliotekelezwa na maofisa wa usalama katika maeneo ya makazi ya Kipkurere katika Wilaya ya Uasin Gishu.

Katika kisa hicho, maofisa wa usalama waliovalia sare zao rasmi, na kujihami kwa bunduki, walionekana katika televisheni wakitekeza nyumba walimokuwa wakiishi wanawake na watoto. Maofisa hao waliharibu mali na mimea ya vyakula ya maskini. Sina budi kumuomba Mwenyezi Mungu awachukulie hatua wale wanaowadhulumu wanyonge.

Bw. Naibu Spika, sina unyonge wa kuficha ukweli. Ninasema kwamba Serikali hii imefanya kazi na pia kuharibu mambo mengi katika muda ambao imekuwa mamlakani. Ninataka kuzungumza kama mtu mzima. Sitaki kuichambua Hotuba ya Rais. Pengine nikiichambua, mambo kadhaa yataharibika. Lakini, nitasema kwamba mambo kadhaa yalifanywa na mambo kadhaa yameharibika.

Katika Hotuba yake, Rais amegusia juu ya Bunge kukosa kutekeleza wajibu wake. Alisema kwamba kati ya Miswada 25 iliyoletwa Bungeni katika Kipindi kilichopita, Miswada saba peke yake ilipitishwa na kuwa sheria. Ninamlaumu Rais kwa hali hiyo. Katika Kipindi hicho, tulipitisha Miswada kadhaa lakini Rais alikataa kuweka sahihi ili iwe sheria na badala yake kuirudisha Bungeni kwa sababu moja au nyingine.

Wanaofaa kulaumiwa zaidi ni baadhi ya Mawaziri wake, ambao hawajui kushirikiana na Wabunge wenzao. Wengi wao hawatutambui kama wawakilishi wa watu katika Bunge hili. Wanaona kuwa sisi tunafaa kudhalilishwa tu. Kwa sababu ya huo mvutano, Bunge halikuweza kupitisha Miswada mingi katika Kipindi kilichopita. Kwa hivyo, ni lazima Wabunge washirikiane ili tuweze kutekeleza wajibu wetu.

Hivi juzi wakati wa kuunda Kamati ya shughuli za Bunge, upande wa Serikali ulikwamilia nafasi mbili ambazo zilistahili kuchukuliwa na Upinzani. Serikali ingekubali kuupatia Upinzani



nafasi hizo mbili na shughuli za Kamati hiyo ziendelee kama kawaida. Sasa tunasubiri kuona mambo yatakavyokuwa. Hakuna hata Mswada mmoja utakaopitishwa na Bunge hili katika Kipindi hiki. Upande wa Serikali una tabia ya kuonyesha uwezo ulionao katika Bunge hili. Nguvu hazipitishi sheria!

Bw. Naibu Spika, katika Hotuba yake, Rais alisema kwamba uchumi wa nchi hii umekua kwa asilimia tano katika kipindi cha miaka mitatu iliyopita. Kwani, wale wanaotunga sera za nchi hii hawaendi madukani kununua unga, sukari au chumvi? Bei za bidhaa hizi hupanda siku baada ya nyingine. Hali halisi ya kiuchumi nchini na utafiti wa Serikali haviambatani. Wale wanaotuambia kwamba uchumi wa Kenya umekua yafaa watuambie hali ya bei za unga, sukari na chumvi hapa nchini.

Kadhhalika, katika Hotuba yake, Rais alisema kwamba anajivunia uongozi bora, na haswa uongozi katika sekta ya fedha, ambao alisema umeboresha uchumi wa nchi hii. Sina shaka juu ya swala hilo. Lakini, Gavana wa Benki Kuu ya Kenya, Bw. Mullei, amekosea nini? Mbona kuna mzozo juu ya uongozi wa Benki Kuu ya Kenya? Ukimfungulia mashtaka Gavana wa Benki kuu, inamaanisha kwamba uongozi katika benki hiyo, na katika taasisi zote za Serikali zinazoshughulikia maswala ya kifedha, hauko sawa. Mbona kuna shaka namna hii?

Bw. Naibu Spika, Wakenya milioni saba wanalala hoi. Hawana mwelekeo. Wengi wamekufa. Serikali ni nyepesi ya kukana vifo vya watu. Watu wamekufa kwa njaa na kiu. Katika Hotuba yake, Rais alisema kwamba Serikali yake imepeleka malori 20 peke yake kusaidia katika ugawaji wa maji ya kunywa katika sehemu zilizoathiriwa na ukame. Hali ilivyo katika sehemu hizo inahitaji juhudi zaidi kutoka kwa Serikali. Wilaya nyingi katika sehemu kame zimeathirika. Malori yote ya wanajeshi wa Kenya yana kazi gani? Serikali inatangaza janga la kitaifa la ukame na inatuma malori 20 ya maji. Tunaelekea wapi? Ni wilaya ngapi ambazo zimeathiriwa na matatizo ya ukame? Ukipeleka malori 20 ya maji, tutafanyaje kule Bura na hatuna maji?

Bw. Naibu Spika, sisi tunakata sera na sheria. Mara nyingi tunazungumza juu ya maswala ya kijinsia ama "affirmative action", lakini kwa maswala ya ukame hakuna maswali ya dharura. Mbona pesa maalum zisitengwe? Miezi mitano iliyopita, Rais alitangaza janga la ukame na baada ya miezi mitano inayokuja, atatangaza janga lingine. Kwa nini tusiwe na sera ya ukame? Tunajua ni wilaya ngapi ambazo zimeathiriwa na ukame na ni sehemu ngapi ambapo tuna tisho la kukabiliwa na ukosefu wa chakula. Kwa nini tusiwe na sera maalum? Kwa nini Serikali inatangaza janga kila siku? Hiyo ni kazi ya wazima moto na kazi yao kamwe, haijengi nchi.

Ninafurahi kwa sababu Rais, katika Hotuba yake, alisema kuwa anatambua kwamba asilimia 72 ya Wakenya ni vijana. Hata hivyo, amechelewa! Angejua jambo hili mapema ili alete sera na sheria ambazo zingeboresha hali ya vijana wetu. Sisi leo tunafahamu kuwa hii ni kampeni. Mwaka wa 2007 uko karibu sana. Rais amekumbuka kuwa asilimia 72 ya Wakenya ni vijana kisha akakumbuka kuwa hawana kazi. Ni vizuri amekumbuka lakini huu ni wakati mbaya kwa sababu vijana wanajua anawachezea shere.

Bw. Naibu Spika wa Muda, ninatumaini sote tunakubaliana kuwa Katiba ni kitu muhimu. Fisi akiwa na njaa huita wenzake ili wawinde pamoja na akishinda, yeye hupigana na wenzake ili asiwagawie kipande cha nyama walewaliowinda pamoja. Wenzetu hawasomi! Nimetoa mfano wa fisi na siku ita mtu ye yote fisi.

Juzi, kulikuwa na maswala ya Katiba na tukakaa hapa mpaka saa sita usiku ili tushirikiane. Kilio chetu kilianguka kwa masikio ya watu ambao hawasikii. Kwa sababu wako na idadi kubwa ya Wabunge katika Bunge hili, kamwe hawatambui watu. Basi, tukaenda kwa mahakama ya wananchi na wananchi wakahukumu. Leo, badala ya kuleta washikadau wote ili tuulizane ni wapi tumekosea na ni wapi tutakosoa, tumeambiwa kuwa Serikali imetengeneza Kamati ya watu mashuhuri ili kushughulikia maswala ya Katiba. Mtu mashuhuri zaidi ni Mkenya na yuko kule nje ambako anatungojewa. Hii Kamati ya watu mashuhuri inangojewa na watu mashuhuri kule vijijini.

Bw. Naibu Spika, nikimalizia, Rais amesahau maswala ya ufugaji. Mpaka tutakapoboresha biashara ya mifugo katika nchi hii, maswala ya ukame hayatashughulikiwa. Rais amekumbuka na amegusia sekta zote na vile zinavyofanya kazi, lakini kwa bahati mbaya, amesahau ufugaji. Miaka michache iliyopita, maswala ya sehemu kame na ufugaji yaliwekwa mbele. Baada ya miaka mitatu, hakuna kitu ambacho kimefanywa kuhusu ufugaji na Rais, katika Hotuba yake na mpango wa Serikali; amesahau ufugaji. Ningetaka kumwambia asisahau ufugaji kwa sababu unachangia asilimia 10 ya Gross Domestic Product ya nchi hii.

Mwenzangu amesema kuwa Serikali inajali maslahi ya akina mama kwa sababu kuna wawili katika Baraza la Mawaziri. Ningetaka kumwambia kuwa ni sikitiko kubwa kusikia haya kutoka kwake. Yeye ni mwanamke na angekuwa wa kwanza kutetea haki za wanawake. Wanawake

wawili hawatoshi! Wanawake wanafaa kuongezwa katika Baraza la Mawaziri.

Kwa hayo machache, ninashukuru.

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to speak after this wonderful Kiswahili speaker. Most of the times, it is semantics. I also support the President's Speech. It raised very pertinent issues that are food for thought for all of us.

I wish to state that this Parliament stands indicted for being ineffective in our legislative programme. The President said that we have passed very few Bills, and it is true. I hope and, I have said here before, that our Committees will wake up and do their work and make it easier for plenary sessions to conclude Bills. Your office and the Office of the Clerk of the National Assembly have a duty to help us do that. It is not good for us, as a Parliament, to have the dubious distinction of being the least effective in legislation in the whole of the Commonwealth. That is not good and we can do better. We have enough people and good hon. Members and enough Bills come to this House. I hope that this time, we will be able to pass more Bills.

Mr. Deputy Speaker, Sir, this country is suffering from excessive bad politics. The country is so polarised and awash with hatred. The tribalism that we buried in 2002 has reared its ugly head again. Everywhere you go, leaders are now talking in terms of their tribes. Leaders are only soft with members of their tribes. If the sense of healing, dialogue, accommodation and nationalism is devoid in this House, God help our country.

There are many things that this Government has done. Kenyans are enjoying a lot more freedom than ever before. The concept of the Constituencies Development Fund (CDF) and bursaries is a very positive issue to the people of Kenya. I laud the move by the CDF Committee to bring a Paper to increase the CDF allocation. We shall all support that move because it is going to assist the people of Kenya. However, we must also, as leaders, learn to appreciate and speak with appreciation, that the Government is doing something good. To echo the words of Mr. Speaker, we must move away from the situation where the role and target of a politician is just simply to look at the next election. We have Kenyans and their destiny is in our hands. I think we can do better.

Mr. Deputy Speaker, Sir, if this Parliament wants to give this country a new Constitution tomorrow, it can do it. If this Parliament wants to lower the political temperature in this country, it can do so. If we want to speak with each other instead of speaking at each other, we can do it. Why do we not rise to that occasion?

Mr. Deputy Speaker, Sir, this country is faced with a terrible famine. I have said before that this is a time when we need the Ministry of Special Programmes and the Government to take seeds and fertiliser to high productive areas so that we produce enough food. We also need sufficient storage capacity in areas like the one you represent that suffers perpetual food and water shortage. It does not make economic sense to start taking seeds and fertiliser to areas where we have not had rains for two years and to areas where we are not having rain and give it to farmers.

It makes a lot of sense to take the seeds to Kitale in the Rift Valley Province to produce food more cheaply and have sufficient stocks. For a country whose mainstay is agriculture, it hurts us to constantly cry out for food relief. We can do a lot better than that.

Mr. Deputy Speaker, Sir, let me talk about the environment. Recently, we went to Budalangi. This is for my colleagues who come from the lake region and are staring at me. They have to wake up! When we went to Budalangi, we found out that for the last six months or so, Lake Victoria has receded by 60 metres! That is a disaster waiting to happen! You can imagine Lake Victoria, that takes care of the livelihood of over 30 million people around it, receding by 60 metres in just about six months! The ecosystem of Lake Victoria is under terrible threat! The catchment areas have been destroyed. The volume of water flowing into the lake has reduced!

I know of my colleagues who are excited about some destruction going on in Yala Swamp in form of development. It is not development! We have to protect that lake! We have to protect the catchment area of Lake Victoria. Otherwise, many of us who come from the lake region; that is, in Kenya, Uganda, Tanzania and Rwanda, are at a state of peril.

Mr. Deputy Speaker, Sir, you can imagine how many fishermen will be deprived of their livelihood. You can imagine the disaster we shall have with our only fresh-water lake. We also know that Lake Victoria is one of the shallowest lakes on this Continent. It has a depth of just about nine metres at the deepest. If it has receded by 60 metres within six months, that must worry everybody.

Mr. Deputy Speaker, Sir, the East African Community - to whom we pay some money - and the Lake Victoria Management Commission, must send out an appeal. I want to suggest that we have a Summit of Heads of States of countries concerned with Lake Victoria, to discuss on how to save it. Otherwise, it is a worrying thing.

Let me turn to the Constitution. Many of my friends, including the wonderful Kiswahili speaker, have made very cynical remarks about the Kiplagat Committee. Let us not be cynical about everything! Go and tell them what you think. They are simply collecting views on what to do next. You do not have to sit there for the Committee to be meaningful. They can take your views and use them to give this country a new Constitution.

Finally, I want to repeat my appeal again! As leaders, let us lower the temperature of politics in this country, and give an opportunity and room for economic activities.

With those few remarks, I beg to support.

**Mr. Oparanya:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to contribute to the Presidential Speech.

Mr. Deputy Speaker, Sir, as you know, this country depends on agriculture. About 70 per cent of our population depends on agriculture. Sugar-cane is grown in my constituency. The President mentioned that a Sessional Paper will be brought to this House to revive the sugar industry. It is now too late! The Government has been in power for the last three years. The sugar industry supports 6 million Kenyans. It also employs 250,000 people directly and indirectly.

### ADJOURNMENT

**Mr. Deputy Speaker:** Order, Mr. Oparanya! You will have nine minutes tomorrow! You will proceed from there.

Hon. Members, it is now time to interrupt the business of the day. The House is, therefore, adjourned until tomorrow Wednesday, 29th March, 2006, at 9.00 a.m.

The House rose at 6.30 p.m.