

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 29th March, 2006

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### POINT OF ORDER

MR. SPEAKER TO RULE ON THE  
TABLING OF PAC REPORT

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

**Mr. Deputy Speaker:** What is it, Mr. N. Nyagah?

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, let me give an apology because I was unable to see you earlier on. However, the issue I want to raise requires the ruling of the Chair. I do not want to dwell on the Report of the Public Accounts Committee (PAC). I am an hon. Member of that Committee. A ruling is still being awaited from the Chair as to when we can discuss that Report. If you look at *The People Daily* today, it has gone into a great deal of quoting that Report. No other newspaper has done so. The point I am making---

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

**Mr. Deputy Speaker:** Mr. Weya, you are out of order! You are becoming quite disorderly! Please, you must be orderly!

Mr. N. Nyagah, of course, you know we were moving on to Order No.6, on Questions by Private Notice. However, you brought in a very important matter. I really do not know what it is all about because I have not read any newspaper. Again, you are right because you have not drawn my attention to this matter. You are again ambushing the Chair on this matter. Now, I would like to suggest that the matter by the Chief Government Whip, perhaps, could be raised this afternoon before the Chair gives its ruling, which it promised to give today. As you appreciate, I have not read the newspapers. If the Chief Government Whip had drawn my attention to this matter, I would have read that newspaper and I would certainly be in a position to respond. So, would you, please, hold your peace until this afternoon when I expect Mr. Speaker to make a ruling on the matter? You can then raise this issue there.

**Mr. N. Nyagah:** Thank you, Mr. Deputy Speaker, Sir.

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

**Mr. Deputy Speaker:** Mr. Weya, is your point of order on the same matter?

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

**Mr. Deputy Speaker:** Mr. Weya, I will not allow it. The Chair has ruled and concluded on that matter.

Hon. Members, let us move on to Questions by Private Notice. The first Question is by Mr. Ojode.

### QUESTIONS BY PRIVATE NOTICE

ARREST OF KQ CREW ON DRUG-  
RELATED OFFENCES

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

(a) How many Kenya Airways crew members have been arrested in the last three months on drug related offences?

(b) Could the Minister confirm whether the Kshs6.4 billion drug haul has been verified and tested?

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

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

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

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I have not received any written reply to my Question.

**Mr. Deputy Speaker:** Could I ask Ministers to, please, ensure that written replies to Questions are submitted in time? Mr. M. Kariuki, I think you have just handed over the written reply. It is even dated today. This reply could be availed to Mr. Ojode now, but, of course, he will not have the benefit of reading it. I order that it be now passed on to him.

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, I wish to apologise for that. I just managed to get the answer to this Question a short while ago. It is a very brief answer and I am sure Mr. Ojode will be able to follow the reply.

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

(a) Two people have been arrested on drug related offences in the last three months.

(b) The matter of the drugs verification and testing is being dealt with by the office of the Attorney-General who has applied to court for the authority to destroy the drugs. I can assure the hon. Member that the destruction will be carried out on Friday, this week.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it appears that Kenya, on several occasions, has been used as an important transit point for the illegal narcotic trade, especially between the Asian, South American and European countries. Could the Assistant Minister explain whether it is our laws which are lax or our policy ability which is wanting, or is just sheer greed for money amongst our people that has contributed to this sad situation?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, as far as the law is concerned, we will soon bring a legislation to create an authority that will co-ordinate all the agencies dealing with drugs in this country. The legislation will be published pretty soon.

As to the causes of why people go for drugs, I think that is common knowledge. This appears to be a lucrative business, but we are saying it is illegal. But I did agree that Kenya is a transit point.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, one of the reasons why we have a lot of drug trafficking in the country is because the Government does not vet would be investors. Anybody with money obtained from drug trafficking and wants to invest in this country, walks in free and invests it without the Government querying its source. What is the Government doing to ensure that they verify the source of money from foreign investors to ensure that it is not from this trade?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, Kenya has signed the International Convention Against Money Laundering. In his address to this Parliament, his Excellency the President said that an anti-money-laundering legislation will be brought before the House to take care of that.

Mr. Deputy Speaker, Sir, as far as investors are concerned, there is nobody who comes to invest in the drug business. This is an illegal business in this country. However, we welcome investors who want to put their money here, to invest in other areas of development.

**Mr. Deputy Speaker:** Mr. Assistant Minister, the hon. Member has asked you for the source of money that comes into the country for investment but not drugs.

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

**Mr. Deputy Speaker:** Order, Mr. Keter! You must allow the Chair to communicate to the hon. Assistant Minister without your interjection.

I just want to clarify the question. Perhaps, the Assistant Minister missed the point. The point was the source of the money that comes into the country for investment. Does the Government bother to know its sources? I think that was what the hon. Member wanted to know.

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, we do not allow money laundering in this country. That is why I went to the extent of saying that we have signed the UN Convention against money laundering. I am not aware if there are any investors who have brought their dirty money here. If there are, I will only be too happy to receive information on anybody who has brought dirty money here for investment. I am really not aware of such a thing.

**Mr. Weya:** Mr. Deputy Speaker, Sir, we need to know the machinery the Government has put in place to ensure that drugs do not move in and out of the country through our airports and ports. You will find that drugs are smuggled into the country through our ports and airports. We risk foreign Governments banning Kenya Airways from going to their countries because of drug trafficking.

The question the hon. Member asked is about the vetting of investors when they bring their money into this country. What machinery has the Government put in place to vet investors to find out the source of their money?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, at all points of entry, whether it is airports or ports, we do thorough searches on individuals and consignments that enter this country. We have arrested a number of people who are today in custody. Others are in prison, after having been found in possession of drugs. As far as Kenya Airways is concerned, it is unfortunate that two of their staff have been arrested in the last three months. There are similar arrangements in other airports to ensure that even the airline crews are thoroughly searched before they enter any country.

As far as money laundering is concerned, if there is any evidence of it, we will only be too happy to receive it. I think our major shortcoming in the law has been lack of domestic legislation. We have signed the UN Convention against drugs, but we have not domesticated it. We hope to do that before the end of this Session. A law will be in place to enforce this Convention.

**Mr. Deputy Speaker:** Last question, Mr. Ojode.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, could the Assistant Minister explain to this House why it has taken over-one-and-half years for these drugs to be destroyed? Could he also confirm or deny that Mr. Artur Margaryan and his brother are here to purchase these drugs?

*(Applause)*

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, this matter is before a court. These drugs are an exhibit before the court and their destruction is being carried out on the orders of the court. So, the matter is *sub judice*.

As for the persons who have been mentioned, I think we should be cautious. You should not take people's money and then make all manner of allegations against them.

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

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

**Mr. Deputy Speaker:** Order! Order, hon. Members!

Could I hear Mr. Ojode's point of order?

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister alleging that I have taken money from these people. He is rattling a bee and not a snake this time round. I have asked a simple question. I do not know whether he is the one dealing with these people regarding drugs. Could he confirm or deny that Mr. Artur Margaryan and his brother are here to purchase those drugs? It is simple! Let him not rattle a bee!

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, it is really common knowledge that since these drugs are in the custody of the court and the court has ordered their destruction, they are not available for sale. But my point was that you should not make allegations against foreigners, when you know they have given you money and you are trying to run away from a debt.

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

**Mr. Deputy Speaker:** I think the Chair will not dwell on this matter. Therefore, I order that we move to the next Question.

Next Question, Mr. Khamisi.

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

Order! Mr. Ojode, you are being disorderly! This House is run on rules by one person and not two people. Mr. Khamisi you have the permission of the Chair to ask your question.

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

Mr. Ojode, I order that you sit down, and that is the last time I am ordering you to do that.

#### EVICTION OF SQUATTERS IN KILIFI

**Mr. Khamisi:** Bw. Naibu Spika, naomba kumuuliza Waziri wa Ardhi Swali Maalum lifuatalo.

(a) Je, Waziri anafahamu kwamba zaidi ya maskwota 300 wamepewa noti ya siku 14 kuanzia Machi 20 kuhama kutoka ploti moja mjini Kilifi kupisha ujenzi wa kituo cha polisi?

(b) Ikiwa hivyo ni kweli, ana mpango gani wa kuwapa makao maskwota hao ambao wameishi katika ploti hiyo kwa miaka mingi?

**The Assistant Minister for Lands (Mr. Kamama):** Bw. Naibu Spika, ninaomba kujibu.

(a) Ninafahamu.

(b) Hawa maskwota walipewa pahala pegine pa kwenda mwaka 2002, upande wa Kisumu Ndogo, huko Kilifi. Lakini wengi wao waliuza ardhi zao na kurudi kuskwoti katika uwanja wa polisi.

**Mr. Khamisi:** Bw. Naibu Spika, sitaki kumshtaki Waziri Msaidizi kwa kulihadaa Bunge hili. Lakini ningependa kusema kwamba hasemi ukweli. Ukweli wa mambo ni kwamba watu hawa wamekaa katika ploti hio kwa zaidi ya miaka 50. Kama kweli walipewa ploti mwaka wa 2002 na wakarejea katika ploti ya polisi, kwa nini polisi hawakujenga kituo chao wakati ardhi yao ilipokuwa wazi? Kwa nini walingojea mpaka maskwota wakarudi kwenye ardhi yao?

**Mr. Kamama:** Bw. Naibu Spika, sijui kama Mbunge wa Bahari ananielewa vizuri. Nilisema kwamba hawa maskwota walipatiwa pahali pengine upande wa Kisumu Ndogo, huko

Kilifi. Hii ploti ilikuwa imetengewa ujenzi wa kituo cha polisi. Kwa hivyo, serikali inatafuta pesa za kuwajengea kituo hicho. Nina hakika pesa za kujenga kituo hicho cha polisi zitapatikana. Kwa hivyo, inafaa hawa maskwota warudi Kisumu Ndogo, mahala ambapo walipatiwa.

**Mr. Kagwima:** Bw. Naibu Spika, ningependa kumuuliza Waziri Msaidizi kama anaweza kuunda kamati maalum ya kuangalia shida za maskwota nchini. Tuna maskwota Rift Valley na sehemu nyingine za Mkoa wa Mashariki. Je anaweza kuharakisha kuundwa kwa kamati maalum ya kushugulikia maskwota ili kuhakikisha Wakenya wote wana makao ya kudumu?

**Mr. Kamama:** Bw. Naibu Spika, tuna ofisi maalumu katika Wizara yetu inayohusika na maskwota. Kwa hivyo, hatuna haja ya kuanzisha ofisi nyingine. Hiyo ofisi ipo na kazi inaendelea. Pia tuna mpango wa kuhakikisha kuwa maskwota wote katika nchi hii wanapatiwa ardhi kupitia mpango wa Settlement Fund Trustees. Kwa hivyo, kama mhe Kagwima ana swali la kuuliza anakaribishwa katika ofisi yetu inayohusika na maskwota.

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, we have seen how the Government is in blatant disregard of the laws of this country. It keeps on chasing squatters from their dwelling sites without giving them an alternative place to go. Could the Assistant Minister assure us that no more squatters will be chased from their settlements without being given alternative sites for settlement?

**Mr. Kamama:** Bw. Naibu Spika, ningependa kumjulisha Mbunge aliyeuliza swali hilo kwamba, Wizara itahakikisha kwamba siku zijazo, maskuota hawatafanyiwa vile alivyosema.

**Capt. Nakitare:** Bw. Naibu Spika, Waziri Msaidizi amechagua kuitumia neno "maskuota". Kuna vikundi viwili ambavyo tunavizungumzia. Kuna watu ambao walifukuzwa kutoka kwa mashamba yao, na hao si maskuota. Skuota ni mtu ambaye alikuwa akifanyia kazi tajiri katika siku za Ukoloni, na mwishowe akawachwa katika ile sehemu ya makao. Je, ni mpango gani Waziri Msaidizi alionao, ili kuwasaidia watu hao, walioangaishwa kutoka mwaka wa 1962, ili wajisikie kuwa Wanakenya halisi?

**Mr. Kamama:** Bw. Naibu Spika, nilisema hapo awali kwamba tuna mpango maalumu wa kuwapatia watu wasio na makao sehemu za ardhi. Kwa mfano, katika Mkoa wa Rift Valley, ambapo Bw. Nakirate anapotoka, tuna mipango zaidi ya hamsini ya kuhakikisha kwamba watu wasio na ardhi watapatiwa ardhi. Kwa hivyo, kama kuna watu ambao wana shida huko Trans Nzoia, wanafaa kuenda katika Ofisi ya Wizara ya Ardhi huko Trans Nzoia, ili wajiandikishe. Sisi tutahakikisha kwamba watapata makao.

**Mr. Khamisi:** Bw. Naibu Spika, sisi tuko tayari kuhama kutoka ploti hiyo ikiwa tutapewa makao mahali pengine. Waziri Msaidizi amesema kwamba iko ploti katika sehemu ya Kisumu Ndogo. Je, anaweza kutuhakikishia kwamba ni kweli ploti hiyo iko, na kama wananchi walioathiriwa wanaweza kuihamia kabla ya wakati wao wa kuondolewa kufika?

**Mr. Kamama:** Bw. Naibu Spika, ningependa kusema kwamba kuna maskuota ambao wana tabia ya kuhamahama. Wanapopewa sehemu ya ardhi, wao huiuza na kuendeleza shida zao katika sehemu nyingine ya ardhi. Ningependa kusema kwamba kama watu hao wana shida, wanafaa kwenda katika Ofisi ya Wizara ya Ardhi, huko Kilifi na kujiandikisha. Tuko na mpango wa kuwapatia watu wa Pwani sehemu ya ardhi huko Kwale na pia Kilifi. Kama kuna watu ambao wana malalamiko halali, wanafaa kwenda katika Ofisi ya Wizara ya Ardhi na tutatatia shida zao.

**Mr. Mwandawiro:** Jambo la nidhamu, Bw. Naibu Spika. Nafikiri hili ni jambo muhimu sana, ambalo tunafaa kujua kuhusu Pwani. Katika Mkoa wa Pwani, kuna maskuota wengi. Je, Waziri Msaidizi anasema kwamba tunafaa kwenda katika sehemu zetu za uwakilishi Bungeni na kuwaambia watu kwamba wakienda katika Ofisi za Wizara ya Ardhi watapata sehemu za ardhi? Na ni lini watakapozipata?

**Mr. Kamama:** Bw. Naibu Spika, sikusema hivyo. Sikusema vile Mbunge wa Wundanyi alivyosema, kwa sababu tukitangazia maskuota habari hiyo, utapata watu walio na ardhi wakijidai kuwa ni maskuota. Kwa hivyo, tuko na mpangilio halisi wa kuhakikisha kwamba wale watu wasio

na sehemu za ardhi, mambo yao yanaangaliwa sawa sawa. Yule atakayeenda kutangaza, hayo yatakuwa mambo yake. Hata hivyo, tuna mpangilio halisi, na watu wote walio na shida wanafaa kuenda katika ofisi za Wizara ya Ardhi na mambo yao yataangaliwa.

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

**Mr. Deputy Speaker:** Mr. Khamisi, we have finished with your Question. If you are not satisfied, under Standing Order No.18, you can---

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, those people have been given notice to vacate by next Sunday. This is a very serious issue. I want an assurance from the Assistant Minister, that those people will not be evicted from the plot, unless a proper place for settlement is provided to them. They are supposed to vacate by next Sunday!

**Mr. Deputy Speaker:** Mr. Assistant Minister, could you provide that assurance?

**Mr. Kamama:** Bw. Naibu Spika, ninajua kwamba jambo hilo ni la dharura. Nitakutana na maofisa wetu pale Kilifi na Mkuu wa Wilaya, ili kuhakikisha kwamba jambo hilo litatuliwa kwa njia nzuri.

#### SALE OF KENYA WILDLIFE TO THAILAND

**Mr. Ndolo:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism and Wildlife the following Question by Private Notice.

(a) What are the terms of the agreement between the Governments of Kenya and Thailand over the sale of elephants lions and giraffes to Thailand?

(b) What are the long-term benefits for Kenya in the deal?

(c) Could the Minister confirm that the necessary procedures were followed before the agreement was signed?

**The Assistant Minister for Tourism and Wildlife (Mr. Ndile):** Bw. Naibu Spika, naomba kujibu Swali hili wiki ijayo kwa sababu nililipokea ofisini jana, lakini kazi ya kulijibu haikukamilika.

**Mr. Deputy Speaker:** Bw. Waziri Msaidizi, this is a Question by Private Notice. It requires a reply within 48 hours. You got it yesterday!

**Mr. Ndile:** Bw. Naibu Spika, nitajaribu kulijibu kesho.

**Mr. Deputy Speaker:** What do you say, Mr. Ndolo?

**Mr. Ndolo:** Mr. Deputy Speaker, I have no problem with the Assistant Minister, Mr. Ndile, although I understand that he is a very capable Minister right now.

*(Laughter)*

**Mr. Deputy Speaker:** So, the Question is deferred until tomorrow afternoon.  
Next Question!

*(Question deferred)*

#### PAYMENT OF LOAN OWED BY KMC TO NBK

**Mr. Wario:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Livestock and Fisheries Development the following Question by Private Notice.

(a) Could the Minister confirm whether the Kenya Meat Commission (KMC) loan owed to

National Bank of Kenya of Kshs2,719,332,670.00 has been paid?

(b) If the answer to "a" above is in the affirmative, could he table documents to support the same and justify the payment?

(c) If not, could he explain why the funds had been allocated in the budget for FY2004/2005 under Vote D19, Head 640, Item 318?

**Mr. Deputy Speaker:** Where is the Minister for Livestock and Fisheries? The impression I had was that we would not have this kind of situation again. I thought we would not have a situation where Ministers fail to come to the House to answer Questions. Could I ask the Leader of Government Business to comment on this?

**The Vice-President and Minister for Home Affairs (Mr. Awori):** Mr. Deputy Speaker, Sir, I agree with you and did not expect this to happen. I will make sure that the Minister is here to answer this Question by Private Notice, tomorrow afternoon. I want to apologise on the Ministry's behalf.

**Mr. Billow:** On a point of order, Mr. Deputy Speaker, Sir. These Ministers and Assistant Ministers had their salaries increased last month so that they can be here to answer Questions. They also had their overseas trips cancelled by the President, so that they can be here to answer Questions. They are, in fact, very many and can assist each other to answer Questions. Could the Leader of Government Business undertake that public resources will not be wasted on people who are not willing to come and be in the House the way they were ordered by the President?

**Mr. Deputy Speaker:** Indeed, I think the Leader of Government Business has already apologised and emphasised on the issue. I understand that there is a code of conduct that was signed by Ministers, and one of the provisions in it is for them to be in this House and take Parliamentary matters seriously. Since the Leader of Government Business has apologised, I hope this is the last time this will happen. We, therefore, defer the Question to tomorrow afternoon.

*(Question deferred)*

That matter is over.

Next Question!

#### ARREST OF AMETHO VILLAGERS FOR USING TIGANIA WATER SUPPLY

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

(a) Is the Minister aware that 32 residents of Ametho Sub-location of Tigania North Division, a drought ravaged area, have been charged for using water from Tigania Water Supply without paying?

(b) Is he further aware that the Nyeri based Water Board is demanding Kshs4,000 from each of these residents in exchange for a commitment from the board to drop the charges?

(c) Why is the Ministry persisting in perpetrating such a discriminatory and insensitive act on villagers who are on the verge of starvation, even after my intervention to have the matter resolved amicably?

**The Minister for Water and Irrigation (Mr. Katuku):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that 12 residents of Ametho Sub-location of Tigania North Division are being charged for illegally abstracting water meant for domestic use from Tigania Water Supply and using the water for irrigation.

(b) I am aware that they are required to pay Kshs4,000 each for the volume of water they used during the two months of illegal abstraction. The figure was arrived at after negotiations between the affected residents at the District Water Office and Tana Water Service Board.

(c) My Ministry is advocating for an efficient and effective use of water to ensure equitable distribution of the scarce water resource.

The current domestic water demand for the supply of the area covered by Tigania Water Supply is outstripped by the supply capacity and only 600 consumers get water regularly out of 2,500 registered consumers. Abstraction of treated water from this water supply for irrigation use cannot, therefore, be permitted.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Munya:** Mr. Deputy Speaker, Sir, the Minister is totally misleading the House. Those residents have not used this water for irrigation. I have visited that area and it is a drought-stricken area. It has not rained there for the last two years! We held a *baraza* there with the DC and we agreed that since these people are not able to pay their annual subscription for the water supply, they should be allowed to use the water for the time being until they are able to raise the money.

Mr. Deputy Speaker, Sir, is the Ministry not practising discrimination when it transports water to North Eastern Province to distribute to starving people and charging the people of Tigania who are not able to raise any money now because there are no rains there?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the information I have is to the effect that this was due to illegal connections. We are trying to be fair to others. When we disconnected those who were carrying out irrigation, they went ahead and connected the water themselves. That is why they had to face the course of the law. I undertake to see how we can solve the problem of water shortage in the area. I will, maybe, even visit the area to see how we can improve water supply in the area.

**Mr. Manoti:** Thank you, Mr. Deputy Speaker, Sir. It is a known fact that where the main pipes get water from, people in the rural areas do not benefit from that water. Could the Minister make arrangements to make sure that wherever those pipes pass, residents of that area are given access points where they can get water instead of only supplying water to towns?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, it is a policy of the Ministry to ensure that everybody in this country has water. We will look at those issues as they arise. We will be connecting consumers when they apply where possible and where water will be available.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, the problem with most of our rivers is that they are over-exploited closer to the source to an extent that those who are downstream are adversely affected. In the early days, we used to have water bay leave officers who enforced the water laws. Can the Ministry confirm or deny that they are not training enough water bay leave officers or that they do not even have enough water bay leave officers in the Ministry to the extent that there is no one to enforce their laws? That is why Kenyans are suffering downstream.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, this is a case of law being enforced where people were disconnected. So, what he is saying may not hold water here. I would like to say that we may be lacking capacity in some areas, but we are trying to develop capacity through the new reforms where we are now establishing water boards and water companies so that local people can run and supervise water services.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Munya:** Mr. Deputy Speaker, Sir, the Minister is not responding to the real Question. Before he visits the area, and I hope that he will visit the area as he has promised, can he commit himself to drop the charges against those poor people? They have no money to pay because it has not rained there. Right now they are starving and some of them are dying. Where will they get Kshs2,000 to pay the penalty?



**Mr. Deputy Speaker:** Mr. Minister, I think that is a pertinent issue which I think you should address. Where do these poor, hungry and thirsty people get the money from?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I will look at the matter.

**Mr. Omingo:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to just give this House a casual answer that he will look into the matter? Can we be action oriented, Mr. Minister? What are you going to do for these people?

**Mr. Munya:** Drop the charges!

**Mr. Deputy Speaker:** Mr. Minister, the hon. Member is precise and I think the House needs to know what you are going to do about that specific issue.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I have said that we have two positions here; the hon. Member is saying that these people were doing this because they did not have water, and my position is that they were doing it illegally because they were obstructing other people. I want to get down to the ground, see what the true position is and then I will be able to make an informed decision about what to do about it.

**Mr. Deputy Speaker:** I think that is fair enough, Mr. Munya. You are asking when he will do that, I think you should consult the Minister and get the details from him.

**Mr. Munya:** Mr. Deputy Speaker, Sir, these people are facing criminal charges; they are in court! The Minister is not committing himself that he will drop the charges against them.

**Mr. Deputy Speaker:** I think to be fair to the Minister, he has said that he will go to the ground, get the facts and make an informed decision. I do not think we can push him further than that.

Before we move on to the next Order, I think Prof. Oniang'o wanted to raise a point of order.

## POINTS OF ORDER

### RAPE OF STUDENTS AT KANGUBIRI SECONDARY SCHOOL

**Prof. Oniang'o:** Thank you, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister in charge of Internal Security. I do not know what is in the air because there are so many women and young kids who are being raped. I am referring to the incident which happened over the weekend at Kangubiri Secondary School, where children were attacked and some of them were raped.

Mr. Deputy Speaker, Sir, the school environment is supposed to be safe and secure for our children. I would like to be given a Ministerial Statement from the Minister in charge of Internal Security in consultation with the Ministry of Education. They should tell us what exactly happened in that school. They should also give us the strategies they are putting in place to ensure that our girls in school everywhere in this Republic are actually safe and secure.

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, I shall endeavour to have this Ministerial Statement here, but I wish to state that the incident took place outside the school compound.

**Mr. Kamotho:** On a point of order, Mr. Deputy Speaker, Sir. Just before the end of the last Question, the Shadow Minister for Finance, hon. Billow, said that Ministers increased their salaries last month. Therefore, they have no reason for not coming to Parliament. If this is true, when was the National Assembly Remuneration Act amended to allow Ministers to increase their salaries? Can the Leader of Government Business confirm or deny?

(Applause)

**Mr. Deputy Speaker:** Mr. Kamotho, you are a very experienced Member of this House. You have ambushed the chair because you did not inform the Chair that you wanted to raise any matter. If you are seeking a statement from the Leader of Government Business, certainly, you ought to have communicated to me this information in advance like what Prof. Oniang'o and hon. Billow had done. You might as well be raising a very good point or requesting for a very good Ministerial Statement from the Leader of Government Business---

What is it, Mr. Kamotho? Is it a Question?

**Mr. Kamotho:** No, Mr. Deputy Speaker, Sir. I said that hon. Billow made a statement to the effect that Ministers increased their salaries last month. I am not seeking a Ministerial Statement. We want to get confirmation---

**Mr. Deputy Speaker:** That issue came about when Question No.4, by Private Notice, on the Order Paper was being asked. During that time, nothing was raised on that matter. So, we cannot now revisit matters which were dealt with under Question No.4. I am sorry for that, Mr. Kamotho.

#### HARASSMENT OF TRADERS BY KRA

**Mr. Billow:** Mr. Deputy Speaker, Sir, I wish to seek a Ministerial Statement from the Minister for Finance.

The Kenya Revenue Authority (KRA) has cracked down on traders who do not have Electronic Tax Registers (ETRs). Last year, there were three court orders that were given in Nakuru, Kisumu and Bungoma.

**Mr. Deputy Speaker:** Is the Minister for Finance present?

**Mr. Billow:** The Assistant Minister is present.

**Mr. Deputy Speaker:** Continue!

**Mr. Billow:** Mr. Deputy Speaker, Sir, the court orders were given in Nakuru, Kisumu and Bungoma, staying the operation and implementation of the ETRs by the KRA and yet, this week, KRA has, indeed, taken action on many traders charging them over Kshs500,000 as penalties and so on. Consequently, a number of businessmen closed their shops yesterday and they are now protesting because the KRA has disregarded the court orders. They are also protesting against the manner in which, outside the law, KRA officers went into their shops and ordered them to sign charge sheets and pay the penalties. I want the Minister to give a statement as to why KRA is defying court orders which were given in this Republic with regard to this matter.

Secondly, I want him to clear the air on Section 99 of the Constitution which is very clear that KRA, or any other institution, does not have the mandate to utilise receipts it collects from traders for the purpose of paying those who are buying the registers without the approval of this House.

Mr. Deputy Speaker, Sir, allow me to seek a second Ministerial Statement from the Minister for Finance with regard to the CBK Governor.

**Mr. Deputy Speaker:** You can go ahead.

#### THE FATE OF CBK GOVERNOR

**Mr. Billow:** Mr. Deputy Speaker, Sir, I also wish to request for a Ministerial Statement from the Minister for Finance on the status of the CBK Governor.

We are aware that the Governor was charged in court last week. Consequently, the

Government gave directions that he should step aside. However, we have read reports that the Governor is still in office.

**Mr. Deputy Speaker:** Mr. Billow, please, let me clarify something for you. There is a Question by Private Notice that has been filed by hon. Ndambuki on the same matter of the CBK Governor and it will be on the Floor of the House tomorrow in the afternoon. Therefore, I think the Minister should ignore that part concerning the CBK Governor and deal with the matter of cash registers. The matter of the CBK Governor will be dealt with during Question Time when we will be dealing with the Question already filed by hon. Ndambuki.

*(The Assistant Minister for Finance  
(Mr. Kenneth) stood up in his place)*

Do you want to say something, Mr. Kenneth?

**The Assistant Minister for Finance (Mr. Kenneth):** Mr. Deputy Speaker, Sir, I know that the matter concerning KRA's Electronic Tax Registers is, indeed, of great concern to this country. However, the bulk of the team that we work with in Treasury, including the Director who represents us in KRA, are in Washington, USA, and will be back on Friday. I want to request that we be allowed to respond to this matter on Tuesday, next week if only hon. Billow would accept that.

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

**Mr. Billow:** Mr. Speaker, Sir, he has just said that the people who are implementing the programme of ETRs are in Washington. However, this matter is important because businesses are being closed down by KRA. Businesses are being interrupted and, therefore, this is an urgent matter. I think it is important that the Assistant Minister responds to it.

**Mr. Deputy Speaker:** Mr. Billow, we cannot wait for the officers in Washington to come back. The Government is here in Nairobi and we demand that Ministerial Statement immediately.

*(Applause)*

**The Assistant Minister for Finance (Mr. Kenneth):** Mr. Deputy Speaker, Sir, I did not say that we are not going to work on it. What I said is that the majority of the people we need in order to make a decision together are not in. I was just requesting the Chair---

**Mr. Deputy Speaker:** Order, Mr. Kenneth! The Ministerial Statement must be brought tomorrow.

Next Order!

*[Mr. Deputy Speaker left the Chair]*

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

## PROCEDURAL MOTION

### EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER NO.33

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

THAT, this House orders that the Business appearing in today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday Morning, a day allocated for Private Members' Motions. I beg to move.

**Mr. Twaha** seconded.

*(Question proposed)*

**Mr. Maore:** Mr. Temporary Deputy Speaker, Sir, it is true that many of our Motions are not mature yet to be moved as Private Members' Motions today. Secondly, there is still the controversy about the composition of the confused House Business Committee. So, it is in order that we carry on with the next Motion instead of the current one.

**Mr. N. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion, which is basically something that has been done repeatedly over the years. Essentially, the reason for exempting this day from normal business is that we have seven days of discussing the Presidential Address. It is not because of any other points that are being raised.

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

**Mr. Omingo:** Thank you, Mr. Temporary Deputy Speaker, Sir. While I reluctantly support this Motion I would like to state a few things. What Mr. N. Nyagah is telling us are obvious facts that are known to Members of Parliament. I am sure all of us do understand that this Procedural Motion is supposed to take place. This will also eat into the business of Private Members' Motions. I think the Standing Orders Committee should convene to see to it that we do not accuse hon. Members of being lazy in dealing with our own affairs. We need to sit and adjust our sitting hours to bring quality to debate in this House and discharge our responsibilities.

*(Question put and agreed to)*

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

### MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday 21st March, 2006.

*(The Vice-President and Minister for  
Home Affairs on 23.3.2006)*

*(Resumption of Debate  
interrupted on 28.3.2006)*

**The Temporary Deputy Speaker** (Mr. Khamasi): I understand Mr. Oparanya was on the Floor. Mr. Oparanya, you still have nine minutes.

**Mr. Oparanya:** Mr. Temporary Deputy Speaker, Sir, yesterday I commented on the sugar industry to which the President alluded in his Speech, that a Sessional Paper will be brought to this House to discuss the sugar industry. The sugar industry supports about 6 million people and employs 250 people directly and indirectly. That Sessional Paper that the Government intends to

bring to this House is too late. It should have been brought to the House long time ago. However, farmers have suffered. Their income has been reducing, year in, year out.

Farmers have been crying about outgrower companies which continue to exploit farmers and yet the Government is not doing anything about it. A Bill came to this House which was not discussed during the last Session. I hope that this Bill will be given priority during this Session.

Mr. Temporary Deputy Speaker, Sir, we need to support the sugar-cane farmer. Sugarcane farmers are small-scale farmers. In my constituency, the majority of farmers own two acres of land. These farmers do not have access to credit facilities that they can use to develop their farms. During the last Budget, the Government announced that it was giving the Agricultural Finance Corporation (AFC) Kshs2 million to lend to the farmers. I advised my farmers to go to the AFC for the loan. The conditions are so rigid that they do not favour small-scale farmers. In order to get a loan you need to have 20 acres. Which small-scale farmer has 20 acres of land?

If money is given through any institution, the Government should make sure that this money is available to the small-scale farmers who are unable to raise money to develop their farms. The Government owns most of the sugar companies in this country. The Government is a major shareholder in Nzoia Sugar Company, Muhoroni Sugar Company and Chemelil Sugar Company. It also has some shares in Mumias Sugar Company. Who is supposed to develop the sugar industry? There must be a shareholder interest, a supplier interest and a customer interest. Here is a Government which has invested in these companies, but it is still exploiting the farmer. The Government says that it will bring a Sessional Paper into the House and yet it owns these companies. As a shareholder, the Government must make sure that these factories are equipped with modern machinery so that they are able to increase their output in order to compete effectively come 29th February, 2008, when the COMESA safeguard measures end.

Mr. Temporary Deputy Speaker, Sir, there is a lot of importation of sugar in this country. The Government is supposed to expand the factories in order to ensure that we have adequate sugar in this country, but that is not being done so that the same Government can benefit from the importation of sugar.

We have been importing sugar into this country for the last 30 years. We have been importing 200,000 tonnes of sugar for the last ten years. Have we not increased our production so that we can stop importing the 200,000 tonnes? Come next year, the world market prices for sugar will go up. Therefore, those who have been benefiting from the sugar industry might think that they will use that money for election campaigns, but they will be shocked because it will not be there.

Mr. Temporary Deputy Speaker, Sir, Mumias Sugar Company which is located within my district pays Kshs2.7 million to the Treasury. None of this money is ever utilised in developing the district. This money is paid averagely every year, but it is not benefiting farmers. Come the Sessional Paper and the Sugar Bill, I am suggesting that any money for Sugar Development Levy must be retained at the factory level so that it is used to develop the farmers and infrastructure in that area. This money should be used to ensure that there is development within the factory area.

Sugar Development Levy has been misused. During his Speech, the President said that those people who have stolen money will be charged. I hope that those people who have stolen sugar money will also be charged. According to the PIC Report of last year, Kshs650 million was misused on research. To date, those people who misused this Kshs650 million have not been arrested. They are still walking free. This case has made our people poor. I hope that the people involved will be brought to book.

Mr. Temporary Deputy Speaker, Sir, the President mentioned that 5.5 million people are now mobile phone users. The charges for Safaricom and Celtel are quite high. This is one of the countries with the highest charges on mobile telephone use. Telephone bills are over-taxed. You will find that there is 16 per cent VAT and 10 per cent Excise Duty. We were told that we would

be an industrialised nation by 2020. How can we industrialise if communication is quite expensive? We need to look at that issue. If you go around the world, you will find that Kenya is one of the countries where using a mobile phone is very expensive.

Mr. Temporary Deputy Speaker, Sir, the President mentioned in his Speech that many investors have come into this country. But, surprisingly, he did not mention the companies that came back to Kenya or how many local people they have employed. What I know is that Asian companies are thriving here because they have connections with the Government. They employ Indians without proper qualifications and they are taken as expatriates. We have local people who can do those jobs even better. We want figures to confirm such statements.

Mr. Temporary Deputy Speaker, Sir, unemployment is a critical issue. The Government cannot just mention it in passing. We need proper planning to ensure that our people are employed. It is a shame that, after 43 years, our people are still going hungry. We are told that there are strategic reserves. Every year, we are told that there are strategic reserves to last two years. We are now begging for donor funds and support because we do not have enough food to feed our people! Where did those strategic reserves go? We have a lot of money which is set aside every year for food.

With those few remarks, I reluctantly support the Motion.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, [The Assistant Minister for Information and Communications] ahsante sana kwa kunipa fursa hii kusema machache kuhusu Hotuba ya Rais.

Ningetaka kuanza na swala la mazungumzo. Hakuna mtu ambaye anaweza kupinga mazungumzo baina ya Serikali na Upinzani. Lakini, ni muhimu kuelewa kwamba mazungumzo yanayosemwa siyo mazungumzo. Naamini ya kwamba wanapodai mazungumzo, wanachotaka wapinzani ni utawala na mamlaka. Hali hiyo haifai kwa sababu tulifanya uchaguzi na wapinzani wakapewa kazi ya kupinga. Waliochaguliwa kuunda Serikali walipewa kazi ya kutawala. Sasa Upinzani hauwezi kudai kutawala. Ni lazima waendelee na kazi yao ya kupinga na sisi tuendelee na kazi yetu ya kutawala.

Ni muhimu sana wapinzani waelewe maana ya Upinzani, ili waweze kuboresha maisha ya wananchi. Sio kubomoa Serikali, nchi na maendeleo. Upinzani hauna idhini ya wananchi ya kutawala. Wasiseme: "Kama hatutawali, hakuna atakayetawala!" Hata Kiongozi wa Upinzani aliposema kwamba Serikali ya umoja wa taifa haina uhalali wa Kikatiba, hakumaanisha hivyo. Kama angemaanisha hivyo, angeenda kortini kushtaki uhalali wa Serikali hii ya umoja wa taifa. Lakini hawajafanya hivyo! Hiyo inaonyesha hawaamini madai wanayoyasema hapa.

Bw. Naibu Spika wa Muda, isitoshe, Serikali hii imekuwa---

**Ms. Abdalla:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Msemaji aliye Sakafuni amesema kwamba Kiongozi wa Upinzani alisema kwamba Serikali ya Umoja wa Kitaifa haifai na akamweleza aende kortini! Yeye hafahamu kuna kesi kortini na Bw. Spika alifafanua jambo hilo kinaga ubaga, ama alikuwa akilala kama kawaida yake?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! In my view, that is not a point of order.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, kujibu baadhi ya mambo ya nidhamu ni kunipotezea wakati!

**The Assistant Minister for Roads and Public Works** (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could she withdraw the allegation that Mr. Wamwere sleeps all the time in this House, because it is not true?

**The Temporary Deputy Speaker** (Mr. Khamasi): I said that, that is not a point of order. Mr. Wamwere, you were on the Floor!

Proceed!

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, naomba niongezewe dakika mbili ambazo zimepotea.

Serikali hii imeufanyia Upinzani ufadhili wa hali ya juu kwa sababu imewaleta Serikalini hata kama hawana idhini ya kuwemo Serikalini. Shida iliyoko ni kwamba ukiwapa wapinzani shubiri, wanataka pima! Ukiwapa tabasamu, wanataka busu. Wanataka yote kwa pupa! Ndiyo sababu ni rahisi sana watakosa yote.

Bw. Naibu Spika wa Muda, ningependa kuzungumzia suala la ukabila. Rais angeonea zaidi kuhusu swala hilo. Ukabila ni adui mkubwa sana kwa nchi hii. Kama ningekuwa na uwezo, ningependa Wabunge waitazame filamu iitwayo "*Hotel Rwanda*." Hiyo filamu inaonyesha hasara ambayo inaweza kupatikana katika nchi kutokana na itikadi za ukabila. Wengine wanachochea ukabila kana kwamba hawaelewi hasara zake. Wengi hapa wameisifu serikali ya Tanzania kwa kusimamisha ukabila. Lakini tumesahau kwamba wamefanya hivyo kwa sababu wamegombeza siasa za ukabila na uundaji wa vyama vya kikabila. Tunastahili kuiga mfano huo.

Bw. Naibu Spika wa Muda, nchi hii ingeunda sheria ya kugombeza matamshi na siasa za kikabila! Mtu akipatikana akitoa matamshi ya kuchochea ukabila, anashtakiwa na jinai ya kueneza itikadi mbovu.

Bw. Naibu Spika wa Muda, kuhusu ufisaidi, tunashukuru kwamba watu 150 wamefikishwa mahakamani kwa makosa hayo. Lakini wananchi wanataka "damu" zaidi. Wangetaka kuona watu wengi wakifikishwa mahakamani kwa kosa hilo. Ufisadi haumo mijini peke yake. Ukienda mashambani, visa vya ufisadi ni vingi! Lazima ufisadi huo upigwe vita pia. Ningependa kuomba Utawala wa Mikoa uwache kuunga mkono ufisadi huko mashambani. Katika eneo langu la uwakilishi Bungeni, maafisa wa Utawala wa Mikoa wanaunga mkono ufisadi. Wale wanaopiga filimbi kuhusu ufisadi wasiwe wanafutwa kazi. Wale waliopoteza kazi zao wanastahili kurudishiwa kazi hizo.

Kuna wale walipoteza kazi zao wakati walifichua sakata ya Goldenberg. Kuna wafanyakazi walipoteza kazi zao huko Grand Regency kwa sababu walifichua ufisadi. Hakuna haja kungoja sheria iwepo, ili warudishwe kazini.

Bw. Naibu Spika wa Muda, lazima tuwe na vigezo sawa vya kuwahukumu wafisadi. Hatuwezi kila wakati kuuliza anayehusika na ufisadi awache kazi. Lakini watu wengine, hata wakifunguliwa mashtaka, tunang'ang'ania waendeleo kuwepo kazini. Ikiwa tunasema Mawaziri waache kazi, hatuwezi kusimama hapa na kusema Gavana wa Benki Kuu ya Kenya aendeleo kuwa ofisini, ingawa amefunguliwa mashtaka ya ufisadi.

Bw. Naibu Spika wa Muda, tuliambiwa ya kwamba wahusika katika sakata ya Anglo Leasing, ingawa walirudisha pesa, ni lazima wafunguliwe mashtaka ya kushiriki katika ufisadi. Kabla ya Anglo Leasing kujulikana, kulikuweco na Waziri aliyekuwa wa barabara na ujenzi ambaye alilipiwa safari na kampuni ambayo Wizara yake ilikuwa imeipatia kandarasi ya kutengeneza barabara ya kwenda Mombasa. Waziri huyo pamoja na maafisa wake na bibi yake walilipiwa safari ya kwenda ulaya. Huyo Waziri alisimama hapa baadaye na akakiri---

**Mr. Lesrima:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to discuss a fellow Member without moving a substantive Motion?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Lesrima! Hon. Wamwere has not mentioned anybody so far.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, jambo hili liliongeva Bungeni.

Hata hivyo, ninalotaka kusema ni kuwe na vigezo sawa. Waziri huyo alikiri kwamba kampuni ilimlipia bibi yake safari ya kwenda ulaya na akarudisha pesa hizo baadaye. Sasa ninauliza, kama kosa lilifanyika, litaisha kwa sababu pesa zilirudishwa?

**Mr. Poghiso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Chair

satisfied that the hon. Member is not actually discussing a Member we know of in this House?

**The Temporary Deputy Speaker** (Mr. Khamasi): You need to challenge him to say who it is.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, ninaongea juu ya mhe. Raila Odinga. Alikuwa hapa na akasema kwamba ---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Wamwere! You are now getting into more trouble. To do so, you need to bring a substantive Motion here. Until you have done that, you cannot proceed on that line. Follow the House rules.

**The Assistant Minister for Information and Communications** (Mr. Wamwere): Bw. Naibu Spika wa Muda, huyo Waziri alifanya ufisadi na inatakikana achukuliwe hatua.

Kwa hayo machache, ninaunga mkono.

**Mr. H. M. Mohammed:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii.

Bw. Naibu Spika wa Muda, ninafurahi kwamba tumerudi kwa Bunge. Mwaka uliopita ulikuwa mgumu sana kwa sababu kulikuwa na mambo ambayo si ya kawaida. Tulikuwa tukishindania matunda mawili; chungwa na ndizi. Hiyo vita ilikuwa ngumu sana. Sijaona vita mbaya kama hiyo maishani mwangu, tangu nilipokuwa kwa siasa.

Bw. Naibu Spika wa Muda, watu wakishindana, mmoja hushindwa na mwingine anashinda. Na yule anashindwa anapanguza vumbi na kuendelea na kazi. Lakini jambo ambalo linanishangaza ni kwamba wale wameshinda ndio wako na hasira. Badala ya kufurahi, wako na hasira nyingi sana. Labda ni kwa sababu watu wengine wamekosa kuwa mawaziri. Nataka kuwaambia hawa kwamba kukosa kuwa Waziri si hoja. Mimi nilikuwa Waziri miaka mingi sana na wakati huu nimekosa hiyo nafasi. Lakini ninakaa hapa bila hasira. Ningependa kuwaambia wenzangu ambao wamekosa kazi ya Uwaziri wawache hasira na waendeshe kazi zao pole pole.

Bw. Naibu Spika wa Muda, ufisadi ni kitu kibaya sana kwa nchi. Umeangusha mataifa mengi katika dunia na hasa katika bara la Afrika. Miaka kumi na tano iliyopita, nilikuwa hapa nikichangia Hoja kama hii ya Hotuba ya Rais na wakati huo nilikuwa Waziri katika Afisi ya Rais. Nilisema ufisadi umezidi katika nchi hii. Nilisema kuwa watu wamekuwa maskini, wameshindwa kulipa karo, wameshindwa kununua vyakula na nguo kwa sababu ya ufisadi. Niliongeza kusema kwamba ufisadi umefika asilimia 45 katika nchi yetu. Nilipomaliza kuzungumza nilienda kula chakula cha mchana. Kurudi ofisini, nilipata barua ya uhamisho kutoka Afisi ya Rais hadi orofa ya tatu ya Reinsurance Plaza.

Wakati Serikali hii mpya ilipochukuwa mamlaka, nilifikiria ufisadi utasimama. Serikali hii imechaguliwa kwa sababu ilitoa ahadi kwamba itamaliza ufisadi. Lakini inaonekana ufisadi katika nchi hii bado unanawiri na unaendelea. Wananchi wa Kenya wanataka ufisadi ukomeshwe. Wananchi hawana haja sana kurudi kwa mambo yaliyofanyika hapo nyuma. Kurudi nyuma sana, kutaleta balaa. Ninafuraha Waziri wa Haki na Mambo ya Katiba yuko hapa. Ningependa kumueleza akomeshe ufisadi. Afunge brake na wale watu ambao wako katika hili gari la ufisadi wateremke na gari liende bila hao watu. Ningependa kuzungumza juu ya ardhi. Nafikiri nimeona Serikali nne tangu nikiwa mchanga. Tumewahi kuwa na serikali ya mkoloni, ya Hayati Mzee Jomo Kenyatta, ya Rais Mstaafu Bw. Moi na hii ya sasa inayoongozwa na Rais Kibaki. Serikali ya mkoloni iliwapa watu mashamba makubwa na mpaka sasa hati za mashamba hayo zinatambuliwa kisheria. Hayati Mzee Kenyatta, kwa mfano, aliwapa watu wake mashamba makubwa. Hati hizo zinatambuliwa hadi sasa chini ya sheria zetu. Rais Mstaafu, Bw. Moi, alifanya vivyo hivyo. Hata mimi nilipata sehemu ndogo ya ardhi. Inajulikana wazi kwamba mimi sina shamba kubwa. Hata kama ningepewa shamba kubwa singalikubali kwa sababu sijui kulima. Nafikiri Serikali ya Rais Kibaki haijawapa watu mashamba yoyote hapa nchini. Naipongeza Serikali hii kwa sababu haijahusika katika ufisadi wa mashamba. Lengo langu la kurejelea historia hiyo ni kuhimiza Serikali hii isifuatilie mambo yaliotendeka miaka ya zamani. Tuendeleo kwa utaratibu.



Waziri wa Haki na Mambo ya Katiba anafanya kazi nzuri. Wakati alipokuwa katika Wizara ya Maji alifanya kazi nzuri. Ningemuhimiza aendelee vivyo hivyo na asifanye mambo kwa hasira.

Bw. Naibu Spika wa Muda, ningependa kuzungumza juu ya idara ya polisi. Polisi wanawasumbua watu wangu. Kutoka Liboi hadi Nairobi kuna zaidi ya vizuizi 100 vya polisi barabarani. Polisi hawa wanasimamisha magari na kuwashukisha watu. Kisha wanawapokonya wasafiri kila kitu. Nasikia kwamba hata wanaingiza mikono yao ndani ya nguo za akina mama. Sielewi kile wanachokitafuta. Kuna kizuizi kimoja katika daraja la Garissa. Vizuizi vingine viko Madogo, Bangali na Ukase.

Bw. Naibu Spika wa Muda, kwa hayo machache, ningewasihi polisi wawache kuwasumbua wananchi.

**The Minister for Livestock and Fisheries Development** (Mr. Munyao): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of the Speech made by His Excellency the President at the opening of this Session of Parliament. I have been in this Parliament now for quite sometime and I have heard many speeches. But you will bear me witness that this Speech was a statesman's Speech. I have had discussions with people in various areas in the country and they all attest that the Speech by His Excellency the President moved Kenyans. Therefore, we ought to support it fully without reservations.

Mr. Temporary Deputy Speaker, Sir, economic issues worry all governments in the world. However, these issues are very well addressed in the President's Speech. There is no country which will advance without taking care of its economy. We need to improve our economy together, so that we can achieve greater heights of prosperity. Our economy has been growing for the last three years. If this was happening since Independence, we would be among the most developed countries in the world. We are developing significantly under the NARC Government unlike what used to happen under the former regime. If our economy was growing at the current rate way back in 1978, we would be at the level of countries like Korea, Malaysia and others.

Mr. Temporary Deputy Speaker, Sir, last year, I accompanied the Head of State on a tour of the United States of America to attend an assembly on the Millennium Development Goals (MDGs). During the tour, especially in New York, we met 10,000 Kenyans. Everyone of them had a lot of confidence that if Kenyan economy continued in the same pace, Kenya will be a wonderful country. The kind of support we were getting all over was amazing. We also came through the United Kingdom and had a meeting with investors at Marlborough House. Again, we met over 10,000 Kenyans; both students and investors. All of them had confidence that Kenya was moving in the right direction. I say this because most hon. Members and other people in the country have been talking about the good things the NARC Government has done for this country. But why do some people not appreciate this? I would like to appeal to hon. Members of both sides of the House to appreciate what is good and criticise what is not. Do not just criticise for the sake of it.

There is nothing better than the development we are experiencing today in all parts of the country. There was one time in this country where if you did not sing the song of so-and-so, your area would be completely neglected in terms of development. Today's development is based on the poverty index. The poorer your area is, the bigger share of Government revenue you get. This is one of the things we, as leaders, in this country must appreciate. We should come out and speak about it openly. I would appeal to all the hon. Members to try and educate *wananchi* in their constituencies on what the Government is doing for them. We should get them to support this Government because of the good things it is doing.

Mr. Temporary Deputy Speaker, Sir, Kenya is experiencing its most difficult time during the current prolonged drought. We have never experienced something like this before. The drought has cleared many things, particularly livestock, in many parts of the country. We have tried to do whatever we can to save the situation. We tried to provide grass and water to livestock farmers in

the 22 affected districts countrywide. However, we also have some constraints. So, there were limits we could not go beyond.

We realised that many farmers who believed in holding livestock lost most of the animals they had, to the drought. Therefore, my Ministry is collecting data to establish the level of loss incurred by livestock farmers. Restocking and multiplication of livestock will be our major agenda. Based on the outcome of the data we are collecting, we intend to provide a heifer and a bull to each family engaged in livestock farming in the affected districts.

Mr. Temporary Deputy Speaker, Sir, the prevailing drought has caused a lot of suffering to people in the affected areas mainly due to lack of food. We know that there are areas which have never experienced famine in this country. We also know that there are people who know how to fight famine. For instance, skipping a day without eating is a way of fighting famine.

However, the way the Government handled the food distribution process in most of the affected parts of this country is laudable. The affected people are being provided with foodstuffs comprising mainly of mixed diet, cooking oil and drinking water. Everybody here knows as much as I do that this is not the first drought the country is experiencing. So, we have something to compare. We can compare the way the current famine is being handled with the way previous famines were handled.

I would also like to applaud the Government for the concern it has shown to the youth of this country. The other day, the President officially launched the Ministry for Youth Affairs. That confirms that the Government's commitment to look into the welfare of this country's youths is unmeasurable. There is no other better way of investing in this country's future than addressing the plight of our youths, who comprise 68 per cent of the Kenyan population.

Mr. Temporary Deputy Speaker, Sir, the NARC Government does not, and will never, support corruption. I would like everybody to speak in support of the Government for that commitment. Corruption has held back this country in terms of development. We should, therefore, work together and clear corruption among ourselves as well as in the Government, so that, together, we strive for better achievement.

With those remarks, I beg to support and ask everybody to support the Presidential Address.

**Mr. Poghiso:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the debate on the Presidential Address.

Every time we begin a new Session of Parliament, we listen to a Presidential Address. I would like to be on record as having stated, each time I stood here, that this is meant to be the state of the State address.

Mr. Temporary Deputy Speaker, Sir, like many speeches issued by this Government, the Presidential Address has become a compilation of presentations by Ministers, which are put together and read to us. This means that the trend does not present the state of the State. It does not show the imbalances in the country. It only portrays the positive things, which the Government would like to highlight to show that it is making progress.

We would like to see a situation whereby the President actually pinpoints some of the things that are challenging the Government. Those are things which will help us to understand the actual state of this State. That would be the biggest challenge. This has not happened only this time. It has always happened.

Mr. Temporary Deputy Speaker, Sir, the concept of the state of the State should be able to tell us, for example, that this country is not balanced. There are people who are in the periphery and others who are in the centre, whereas they are supposed to be one.

The idea of a Government should be to bring those people who are below par to par. The aim should be to try and balance things during budgeting as well as through Bills and Motions that

are brought to this House, so that those who are marginalised can have a chance to catch up with the rest of Kenyans.

Mr. Temporary Deputy Speaker, Sir, I represent a community which is always playing catch-up. I wonder from which point they are trying to catch up. I have stated here several times that the constituency I represent, Kacheliba, is very interesting. It is a constituency which has been administered by two countries. Before 1970, it was administered by Uganda. It fell under Kenyan administration in 1970.

Is there any special programme for Kacheliba Constituency? There is none. Is there any attempt to bring Kacheliba Constituency up to a point it can catch up with the rest of this country? There is none. The Presidential Address does not include issues like these ones. It does not even give hope to the people. Whenever the President talks about ASAL areas, he talks about the North Eastern Province although there are 22 ASAL districts in this country.

Even when we talk about supplying drinking water and other commodities to famine stricken areas, many times the President talks in terms of the North Eastern Province, not knowing that there are many other dry areas deserving the same treatment. That is what I expect.

Mr. Temporary Deputy Speaker, Sir, I also expect this Government to begin to understand that every Government that comes and passes will be held responsible for leaving some of its own people suffering. My constituency has gone through so much. It took so long for relief food to reach there. In fact, food distribution commenced only this month despite the fact that people have been starving all along.

Secondly, we had a very interesting situation where there was an outbreak of meningitis in Kacheliba Constituency but the Ministry of Health took its time to respond. Meningitis is a very dangerous disease, especially for those of us who live on the border of this country with other countries. It can cross the border and sweep across an entire region. It can even reach Nairobi.

Mr. Temporary Deputy Speaker, Sir, people thought that as long as the disease was contained in Kacheliba, it was okay. Meningitis is capable of spreading to areas beyond Kacheliba Constituency and even reaching Nairobi and into Government offices.

Mr. Temporary Deputy Speaker, Sir, I want to challenge the Ministry of Health to give an account of what it did from the time we reported the first case of meningitis until 50 people had died. Where was the Ministry of Health and what were its officials doing? Innocent school children died from meningitis. Meningitis is a bacterial infection and where people are crowded, it spreads very fast. It spread and killed so many people without any response from the Ministry of Health. Finally the vaccine was given to everybody after we had lost so many people. It is not all rosy as the Minister for Livestock and Fisheries Development wants us to believe. We need to work for the minority groups in this country.

Let me talk about water. Who needs more water in this country? I thought it was natural that we should be taking more water in the dry areas where people have no water. But is the water going there? With regard to education, who needs more money for education than those who have been left behind in education? But is that the criteria for giving out the money? I was surprised to hear the Minister who spoke before me saying that it is the poverty index which is used for development purposes. That is a good way to do it, but it is not the way it is being done.

Mr. Temporary Deputy Speaker, Sir, recently when there was drought, the Government introduced some soft loans for livestock farmers. However, the requirement for those loans is that you have to have a title deed as a security. I cannot believe that you would demand for title deeds from pastoralists, whose lands, in accordance with the Constitution, are known as trust lands. There are no title deeds in trust lands. So, you cannot then demand that they secure the loans using title deeds. The Minister must come up with very relevant ways of securing loans in areas where people do not have title deeds. The Minister and the others who are responsible for this do not know what

the other hand knows. You cannot expect people whose land is under one title to get title deeds. Where will they get title deeds to secure the loans? This is what I mean by referring to the imbalance that exists on the other side of the rosy side of the Government. We have kept saying these things all over and now we have begun to complain.

I would like to talk about security. I know that the Government has tried to contain security in the land. We are now seeing a situation which if left to continue at this rate, we are going to have a lot of problems, especially in the rural areas. Recently, two of my constituents who were travelling from Kisumu back home after they had sold their livestock were stopped and raided by people who were dressed like policemen. They robbed them of Kshs275,000 in the Malaba Forest. Who are these people who were dressed like policemen, stopped a matatu and got two people out and robbed them? We are still pursuing this particular case. There are many cases of insecurity in the country.

Mr. Temporary Deputy Speaker, Sir, I appreciate what the Government is doing in terms of bringing Bills to this House. One of the Bills that I appreciate is the one on political parties. We will not go far in our democracy if we do not strengthen political parties. This is one of the Bills that should be given priority in this House, so that we can come up with an orderly way of running political parties and not the chaos that exist right now where you do not know who is in the Government and who is not. As we have complained, we have people from this side sitting on that side and vice versa. When we streamline political parties, we will be able to know where one's loyalty is. That is very important for us.

A Speech like this one has to be commended because it is an input of some people, but the Government should not forget the less represented people and the marginalised people. Let us not talk about only the rosy side. We should bring out what the Government is doing to lift the lives of the people such as those in Kacheliba Constituency.

With those few remarks, I beg to support.

**The Assistant Minister for Transport** (Ms. Mbarire): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

I rise to support this Motion. Before I start my contribution, I wish to take this opportunity to congratulate hon. Martha Karua, for being appointed the Deputy Leader of Government Business. To us, this is a great development and we look forward to one day having a woman as the Leader of Government Business. This is a good beginning for us and we are very proud.

I want to dwell mainly on issues relating to the youth of this country. I do this as a young person who feels strongly for the young people out there who are suffering and who have been seeking and crying for a voice. They have been calling out, regime in, regime out, to be supported and recognised for who they are. I want to talk about them, so that this House can begin to realise that we have a generation out there that has no hope, no one to look up to and it is only we who can speak for the young people.

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

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

Mr. Temporary Deputy Speaker, Sir, our youths have suffered for many years. At the time of Independence, young people went to school and they were told: "*Someni vijana na mwisho wa kusoma, mtapata kazi nzuri sana*". I heard that song every single morning before I went to school and that made me want to read very hard. I believed that after reading, I was going to get a good

job. Today, you read, get your first and second degrees and you do not get a job. At Independence, young people found jobs waiting for them. The Government was keen on exploiting their potential. Indeed, at the time of Independence the Government was run by young people.

The successes of the Independent Government were made by the young people. We had Ministers and Permanent Secretaries in their 20s and early 30s at the time of Independence because the then Government realised the potential that lay in those young people. The Government knew that they were full of energy, had great ideas, were not resistant to change and they meant well for the nation. Over the years, we have demonised being youthful. Being youthful today means that you are a drug addict, an alcoholic, jobless and a foot soldier for the politician. That is what being youthful today is equated to. Because of that, we have frustrated youths in this country who have nothing to do with themselves, with no hope and they come to political rallies in large numbers seeking for hope and answers. We stand in front of them and tell them that we shall do this and that for them. However, as soon as we are out of those political rallies, that is where their issues end. We are happy that they danced and sang for us and we won but we forget about them. I am happy that for the first time, this Government has taken the issue of young people more seriously. I am happy that the President for the first time, since I became a Member of Parliament, spoke about young people in this Parliament. I would like this House to realise that we have youth who are in no meaningful employment and they have inadequate pay. We have young people whose potential is not being nurtured, recognised or channelled in a positive way. We have young people who do not have any avenue to ventilate their hopes, frustrations or say what it is they want with themselves. We have young people who have economic potential but no one recognises it. We have young people who do not have anywhere they can engage in decision making and young people who are out of place in the current political arrangement.

Why do I say so, Mr. Temporary Deputy Speaker, Sir? I am yet to see any political party meaningfully engage young people beyond rallies. I want us to think seriously about these issues and, therefore, embrace the National Youth Policy Sessional Paper that is yet to be laid on the Table of this House. I want us to support the National Youth Policy Sessional Paper because it provides for the establishment of a National Youth Council that will be used as the platform for young people to engage meaningfully in decision making, with the Government and to engage in development of their lot.

The National Youth Council is going to have representation through meaningful democratic elections from the grassroots to national level. I want to tell this House that it is only Kenya that does not have a National Youth Policy and a National Youth Council in East Africa. Uganda has had it for the last ten years. Tanzania, South Africa, Zimbabwe and Swaziland have it. In fact, whenever young people are called to international fora, we really do not know who they are speaking on behalf. They are just hand-picked. We want young people to be engaged.

More importantly, we want to see young people being given resources directly by the Government to engage in income generating activities. I am happy that we have a Ministry for Youth Affairs. However, we want it to be given adequate resources so that they can give credit to young people to participate in income generating activities. We want to see more young people being involved in decision making at all levels of governance. I also want to see young people being seen for who they are. There is goodness and energy in young people. If we want to develop this country, we cannot afford to leave 70 per cent of our population behind.

However, I also want to challenge hon. Members. They have the Constituencies Development Fund (CDF). That money can also be used to develop young people in your constituencies. We should not wait until it is elections time and we start to mobilise young people to be our foot soldiers. We should wake up and help those young people. They are not a cursed lot that they must continue taking *kumi kumi* and dying or taking *miraa* and getting into drug addiction

because nobody cares about them. They are bound to get into drug addiction. How does it feel to be a young person, 30 years old, with a degree at home still depending on your parents for your next meal? You are bound to get frustrated! Let us, please, give young people a solution. Let us support that Sessional Paper and make a difference for these people.

Mr. Temporary Deputy Speaker, Sir, I wish to further speak about famine. I feel unhappy that Kenyans continue to die of famine. I think this is a problem and it is going to cost us Kshs10 billion to alleviate the famine that is there right now because we have not planned well. In the last Session, we had an allocated time to just discuss the same issue. The question we want to ask ourselves is: Do our people have to continue to die for lack of food yet we have people who can think and we have the resources? This Kshs10 billion that we are using right now to feed the hungry could have been used to ensure that they never get hungry at all. How do we explain that Ukambani, for as long as I was born, is always famine stricken year in, year out yet all the major rivers pass through there? Why do we have to let all the water go down to the Indian Ocean and we do not harvest it for use at a later date? I think we need a National Water Harvesting Policy for this country so that we can harvest water when it rains to be used when it does not rain.

With those few remarks, I beg to support.

**Ms. Abdalla:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to speak after my eminent sister who gave a good show of what this Parliament would be should we get the 30 per cent representation.

I would like to begin by first congratulating the Kenyan Team to the Commonwealth games held in Australia.

*(Applause)*

I say so because they have given us one of the rare opportunities in recent times where Kenya can showcase a positive aspect of our nation and make us proud of being part of this country. That shows a good example of how the youth of this country can positively contribute in cleaning up the mess the past generation has brought us. However, my only concern is: How many of those medal winners at Melbourne will be running for Kenya in 2008? We, as a nation, seem to be out-sourcing the prides

of our nation, be it the management of our institutions such as the Kenya Power and Lighting Company (KPLC) or our athletes. We need to do something about out-sourcing the best we have in our nation.

Mr. Temporary Deputy Speaker, Sir, in that regard, I would like to ask the current Government through the Directorate of Personnel Management (DPM) and the relevant Ministry to deal with this pertinent question of why we, as Kenyans, are unable to manage our institutions. Is it that we are genetically incapable of managing them or is it that we just need an opportunity to be able to practise corruption? We need to critically analyze that and come up with a solution as to why we are unable to manage our institutions.

*(Mr. J.M. Mutiso crossed the  
Floor without bowing at the Bar)*

**Prof. Olweny:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you see Mr. J.M. Mutiso talk to another hon. Member and then just walk across the Floor without bowing at the Bar?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Where is Mr. J.M. Mutiso?

**Ms. Abdalla:** We did not see him! He did not do that!

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. J.M. Mutiso, you need to do the right thing.

*(Mr. J.M. Mutiso bowed at the Bar)*

**Ms. Abdalla:** Mr. Temporary Deputy Speaker, Sir, my concern relating to out-sourcing the prides of our nation is one that if not addressed, we might end up even having to out-source the Executive in this country. I, therefore, urge the Government to take this matter very seriously.

I welcome the President's Speech in relation to the doubling of the foreign direct investment. That is definitely a positive aspect that we hope will trickle down to all sectors of our economy and especially to people who are less represented in several areas. I am, however, concerned that in this era of international money laundering, the country should take more serious steps in vetting any foreign investors so that they do not come here and transfer their illegal activities and damage the youth of our country and entire economy. In that regard, I would like to urge the Ministry of Foreign Affairs, in conjunction with the Office of the President, to come up with a policy to vet the supposed foreign investors, such as the ones that are masquerading around town.

Mr. Temporary Deputy Speaker, Sir, I am happy that the Government has established a Ministry concerned with youth affairs. I am also happy that, for once, a member of my community was appointed to head it. Coming to this Parliament makes one a tribalist. In that regard, I would like to congratulate Dr. Kuti.

Mr. Temporary Deputy Speaker, Sir, in his Speech, the President promised that a Sessional Paper concerning the youth will be tabled in this House. The problems of the youth are clearly stated in the NARC Manifesto. The solution is providing the 500,000 jobs that were promised every year. The President and the Minister in charge of the youth should be working on how to provide jobs, rather than giving us another Paper that will only collect dust on our shelves.

I am glad that the Government is taking serious action on one problem that the youth is facing. There are vigilante groups which come in different forms. They include Baghdad Brothers, *Mungiki* and the rest. Dealing with the criminal aspects of those vigilante groups is dealing with a small portion of the problem. The problem is multi-sectoral. It has mental health and employment dimensions. So, as the Government rounds up those youths for illegal activities, we need a long-term solution to their problems. We do not just need to take them to court.

Mr. Temporary Deputy Speaker, Sir, the President also raised the issue of a Gender Policy Paper in his Speech. That is welcome. But that is another policy paper that is more rhetoric on details that are well known. The Government's action to reduce the number of Ministries speaks for itself. It does not need much to know that the gender policy is mere rhetoric and not action. My colleague, Ms. Mbarire, congratulated Ms. Karua for being elevated to the position of Deputy Leader of Government Business. I would also like to congratulate her at a personal level. However, that elevation does not have a gender dimension. Ms. Karua is the best in the Government! The Government had no choice but to elevate her to that position.

The President also mentioned the Bills that will be brought to the Floor of this House. One of them is the Statute Law (Miscellaneous Amendment) Bill. He mentioned the increase in the number of judges and judges of appeal. Much as that is a welcome move in the improvement of justice services in this country, we must also be vigilant to ensure that the vetting process is amended. The system must be vetted to avoid past problems. Previously, undesirable elements have been appointed to such serious positions. I would also like to urge the House to be vigilant against Ministers who bring amendments to cover up their disrespect for the rule of law. Some of

them would be very happy to amend sections of the law that they have violated.

Mr. Temporary Deputy Speaker, Sir, on the issue of corruption, much as we are making a lot of noise and taking some action, will the money in foreign accounts that was identified by Kroll and Associates be brought back into the country and channelled to boost the economy? Without bringing that money back, this House will be a talk shop. Even if we imprison corrupt people, as a nation, we must get the resources that were lost.

Finally, the Government is not using past lessons to come up with new development measures. Since Independence, the Government has been working on a slum upgrading project as a poverty alleviation measure. The repayment is pegged on a minimum of 30 per cent less than the market value. That is done to enable the slum dwellers to repay back those loans. But that has been ignored by the Government in the case of the new Pumwani Highrise Project. The repayment amount per month is 110 per cent of the market value of renting those houses. The Government wants to recycle slum dwellers. For that reason, I urge the Ministry of Housing to know the market value of those houses. That way, we will upgrade the slums instead of coming up with highrise buildings and expanding the slums.

With those few remarks, I beg to support.

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

Mr. Temporary Deputy Speaker, Sir, the President covered many areas of concern in this country. The first thing that this Government has done is to ensure continued economic growth. That has been impressive in the last three years. However, even in that growth, from a negative growth in 2002 to a positive of 5 per cent last year, the economic benefits are not being felt at the grassroots. The Government must try to ensure that those benefits are felt by *wananchi*. I have a lot of sympathy for people in drought-stricken areas. They are dying. On one hand, we had an economic growth of 5 per cent last year and, on the other hand, people are starving to death. That is not acceptable! Therefore, we must confront that issue head-on. We cannot be happy with a 5 per cent economic growth rate that is not translating to better lives for our people.

Mr. Temporary Deputy Speaker, Sir, I am disappointed in that respect because there are areas which are very productive. Coffee, pyrethrum, tea and other crops are grown in those areas. However, if you look at the exchange rate of the Kenya Shilling against the dollar from 2002 to date, the Kenya Shilling has moved from Kshs78 to the dollar to Kshs72. That means that, for every dollar sale of tea, the farmer is losing Kshs6. I am very concerned because the Central Bank of Kenya (CBK) has consistently said that it is not their business. Then, I wonder: What business do they have? Who are they serving if the Kenyan farmer is starving and I, being a Member of Parliament and getting a huge salary, say: "It is not my business!" What business do they have?

There are also losses in tourism. We earned US\$700 million last year. For every dollar of that amount, we are losing Kshs6. That is Kshs4.2 billion lost through exchange rate alone. That is money that could have gone to *wananchi*. That money could have been taken to Coast Province to help the people who are starving in Ganze Constituency. The President himself said that he requires Kshs6.3 billion to move food from Kitale, Uasin Gishu - the bread basket of Kenya - to areas where people are starving. That money can be got by simply moving the Kenya Shilling/US Dollar exchange rate. It is simple! We say that we do not have money and yet it is staring us in the face. I do not understand that. I would like to encourage the Minister for Finance to seriously look into that. We run our economy in such a way that we hurt the poorest of the poor in this country. That is not fair.

Mr. Temporary Deputy Speaker, Sir, the other issue I want to raise is that we appear to support certain exporters. Our exports are more expensive today than Tanzanian and Ugandan exports, simply because of the exchange rates. Why can the Minister for Finance not see that he is



hurting the economy of this country, the manufacturers, the people who are productive, our farmers and livestock exporters? Why does he want to protect importers of sugar and other commodities? Is that why we are here? We really have to confront these issues.

Secondly, we consistently keep talking about bringing direct foreign investment. According to the statistics, we realised Kshs5.3 billion from foreign direct investments in 2004 and Kshs10.5 billion last year. Compare that amount of money with the Kenyan diaspora's contribution of Kshs50 billion last year. This means that whatever direct foreign investment comes in is peanuts, compared to what Kenyans contribute to this country. Unfortunately, and this is something that needs to be looked into, nobody has given statistics on what we might call "domestic direct investments". How much domestic investment did we do last year? I am sure that more than Kshs10.3 billion was realised from direct domestic investment. Maybe, an hon. Member put up a small house and invested in a small business somewhere and wananchi invested in farming, but that money has not been quantified. We must put more effort in encouraging domestic investment rather than keep talking about foreign direct investment, which is too little. The foreigners can run away when things change.

Mr. Temporary Deputy Speaker, Sir, I am glad that His Excellency the President said that he will strengthen regional co-operation. This is a good policy and we should do that. I support that policy very strongly. The trade between Kenya and the rest of the region amounts to 48 per cent of the total export rate. However, I am disappointed with the countries our Cabinet Ministers visit. They do not visit the Democratic Republic of Congo (DRC), Burundi and Southern Sudan, which has been visited by Mr. Mungatana and Mrs. Ngilu. This is a huge potential market for Kenya. The Minister for Trade and Industry has not found it useful to visit Southern Sudan. Therefore, where is the effort of trying to boost trade in the region? Does it really happen? Most Ministers and hon. Members visit Japan, Australia, Europe and the United States of America. How many of us have visited our region? It is only the Departmental Committee on Defence and Foreign Relations that has tried to build regional integration in this area.

*(Applause)*

Nobody else has tried to do this.

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

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

The building of regional integration should not be left only to the Departmental Committee on Defence and Foreign Relations, of which I am a Member. We have pleaded with Ministers to visit the region but they do not do that. This is where we have comparative advantage in terms of our exports. Why do we concentrate on far-away lands and not on our immediate neighbours? I think His Excellency the President should crack the whip on this issue so that Cabinet Ministers and civil servants can concentrate on the region more rather than visit far countries where they are accused of trying to get *per diem*. Their interest is not to serve the country but to earn money. Kenyans might be forgiven for thinking so. Why do we not concentrate our effort on where we have comparative advantage? Therefore, are we not guilty of perhaps, trying to earn money and not serving the country? Let all of us think about that matter.

Mr. Temporary Deputy Speaker, Sir, I am glad about the legislative agenda which is very

heavy. Only seven Bills were passed out of 25 Bills brought before the House in the last Session. However, hon. Members cannot be blamed for that. We have severally requested for the extension of this House or even to sit on Fridays. Why have we not been allowed to sit on Fridays? Why do we not change and start sitting on Fridays? We have a lot of work in this Session, but will we achieve anything? We ought to have longer sitting hours or more sitting days so that we can deal with the very heavy legislative agenda.

Mr. Temporary Deputy Speaker, Sir, I support the proposed Small Entrepreneurs and Micro-Finance Bill that will come before this House. However, let it be Small Entrepreneurs Micro-Finance Bill and not Micro-Banks Bill. This is because there is a danger of creating more banks rather than micro-finance institutions which can serve wananchi.

On the Banking (Amendment) Bill, 2004, I would like to encourage the Minister for Finance not to come and convince the House to legalise illegalities. We will not pass that Bill if he tells the banks which have stolen money from Kenyans for years that we will legalise that.

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

**Mr. Omingo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. On the outset, I would like to state that we are debating the Presidential Address that contains the exposition of public policy. From the very beginning, the Speech was fantastic with flowing good words. However, if you read it carefully, you will find a lot of lamentations in it. This is simply because the truth as they say, has been criminalized. We say what we do not do and do what we are told not to do.

Having said that, there is an element we must also correct as a House. When the President read out his Speech, he was opening "last year's Session". He referred to the previous year of the Third Session during the State Opening of Parliament. We must keep our records straight. The business before the House from now on is supposed to be on the Fifth Session. Therefore, we need to amend the Speech by deleting "Fourth" and replacing it with "Fifth", so that we can be consistent and fair. We are dealing with legitimate business before us in a Session that the President opened. Otherwise, we will debate the Speech the President made here last year because he talked about opening the Fourth Session of the Ninth Parliament.

Mr. Temporary Deputy Speaker, Sir, I want to go back to the comments made by Ms. Mbarire. I think it is true that being young is a crime in our society. What she forgot to tell the House is that the Permanent Secretaries who were 27 years old at that time are still in office. Those who were Permanent Secretaries at Independence are still in those positions, if not Ministers. There is a generation vacuum in this nation. We pretend to tell our young people to read because they will be the leaders of tomorrow, whose tomorrow has never come. They are the same people we read about in history and civics during our primary level. We sang for them at the helm of glory. Now, they want our children to sing for them and they pretend to serve the youth of this nation. That is why when the President talked about electronic governance, the same people clogged the process of computerization. The Treasury does not want to computerise the processing of vouchers because the truth, in terms of audit trails, will prevail. They would like to pull out vouchers from the files. They encourage corruption. Therefore, if we are serious on our issues, let us live with the times. Let us tell our youth that they are the leaders of tomorrow and their tomorrow has indeed come. That is why those people are not in a hurry to computerize Government services because some of them were born before computers were made. Of course, I know I will grow old one time. When I demand to be heard as a young man, I am told that my time has not come and I am too young to comment about issues. Even when you are old enough, you are still called a young man because they have refused to exit.

Mr. Temporary Deputy Speaker, Sir, these people will not go soon. They are here to stay, unless we demand those positions immediately. Like yesterday, they will keep on sitting on the

youth. Nobody will listen to the youth!

Mr. Temporary Deputy Speaker, Sir, I want to say that what you could do at the age of 30 you cannot do it at 90. It is impossible and, therefore, I support the President's intervention of empowering the youth who form 70 per cent of our population and who are below the age of 30.

Mr. Temporary Deputy Speaker, Sir, on corruption, I am going to draw the attention of the Chair and the House to corruption in our offices. I want to challenge anybody today to keenly read the *Kenya Gazette Notice* that has Government appointments and they will find that it has names from one region. In fact, you do not have to read through that gazette notice because members of a particular community are the only ones who are serving the public. We are perpetuating corruption through public appointments. I want to suggest that other Kenyans who are not appearing in *Kenya Gazette Notice* should forget reading it. They should consign it to a central place or another area where the names come from. This is corruption at high levels. Two-thirds or three-quarters of people come from a certain region as if other Kenyans do not exist and anybody challenging me should just pick any *Kenya Gazette Notice* at random and read the names. They should consign them to specific areas where the concerned people come from.

Mr. Temporary Deputy Speaker, Sir, we are talking about a Government the President actually says is one of unity and yet it is a Government of a certain class. This is a Government of class. Unless you belong to a particular income bracket, class or age group, you will always be a past tense to them. It will never give you a hearing. That again is causing disunity. We have financial impropriety where somebody has committed a crime. I am talking about imbalances. In one case you are told you will step aside as we investigate. In some cases you will sit in office as investigations are going on. I mean, are we serving Kenya? Are we serious about fighting graft? No one beholds the truth as it will come out and that is why I always say you cannot carry your own weight. Somebody must be there to lift you and the Government has decided to lift its own weight and Kenyans are watching. They are hot on its heels and they are going to lift it sooner than later.

Mr. Temporary Deputy Speaker, Sir, on Government spending there is this issue of wastage. Ministers have heard for themselves public officers in the the public service complaining that Ministers want to buy new vehicles and carpets in an era where we have people suffering from poverty. I raised the matter of limousines in 2003 and I was told that I was a daydreamer because they thought I was interested in the Government positions and offices that I did not have. Today, limousines are being brought even beyond the prescribed rates. They are still crisscrossing on our roads.

Most interesting is that we have abused our offices to an extent that you go to visit your grandmother with a Government flag flying high. I compare this with primary school kids who are excited to have been bought school uniforms to go to primary schools and even put them on even on Sundays. You find a Minister on Sunday besides the small hut of his grandmother flying a Government flag. What wastage is that? This excitement must come down and let us go back to the people who elected us and give them the gift of development.

Mr. Temporary Deputy Speaker, Sir, the role of Parliament is to enact laws but who is to blame when it is not doing so? I want to put the Chair on notice that it also participates in terms of also giving us the agenda, particularly re-organising our own rules in Standing Orders. I do not know the last time the Standing Orders Committee met to review our sitting arrangements. I mean, is that too big an order? Are we waiting for a Constitution to come in place to review our working conditions? In other words, we are also part of the system to blame, but the Chair needs to consult hon. Members whether we should increase our working hours or not. That can be done through the Standing Orders Committee and thus reorganise Parliament.

Mr. Temporary Deputy Speaker, Sir, when we talk about farming, it is too close to my heart. My farmers are sitting on matured cane. Let me ask a question: Why would you want to

broaden productivity if you cannot harvest what you already have? SONY Sugar Company cannot take any more capacity and our farmers do not require any more motivation. They are already motivated. What we want is a market for the crops. The Minister for Agriculture, hon. Kirwa, had fantastic ideas when he started. I think he must have been punctured mid-stream. He forgot about what he was supposed to have done. Now, we have sugar being imported left, right and centre. It is a shame! We keep on talking about some things and we do other things. Farmers are lamenting. Why do we want to increase capacity if we cannot harvest what we have already? Can we do something about capacity in terms of processing what we have? The rates of payment for our produce are so meagre and that is why some farmers have pooled together and they are going to go on strike. They have vowed not to work for the rich lords to enjoy our sweat. We must improve the rates we pay our farmers.

Mr. Temporary Deputy Speaker, Sir, on insecurity we have organised and organised insecurity. The Government of the Republic of Kenya organises to create insecurity on its own people. Look at Kipkurere where a police officer is torching a house of a resident Kenyan person with an identity card, who voted for this Government. They were "rattled". Kipkurere people have changed their faith. At the international community we behave like beasts and yet we have a Government in place. The concerned Minister talked to the Member of Parliament from Kipkurere and said that he never knew about the attack yet the Government can use its policemen to raid *The Standard* while at the same time also punishing our people out there. We are saying the Government should carry its own weight and Kenyans are going to come your way soon and vote you out. That is the truth!

I beg to support.

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to contribute to this very important Motion. First, I want to thank the President for very well presenting exposition of his Government's policy. This country is where it is because of lack of performance by this House. This House has allowed disorder to take root in this country. How can you develop when you have got disorder? Development can only be achieved if you have got order. How do we get order from Members of Parliament as leaders in this country?

**Mr. Poghio:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Angwenyi in order to mislead the House by saying that this House has allowed disorder?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Angwenyi, did you say that? Did you say this House has allowed disorder?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, yes, I said that.

**The Temporary Deputy Speaker** (Mr. Khamasi): Can you withdraw it?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, can I substantiate my remarks?

**The Temporary Deputy Speaker** (Mr. Khamasi): No! Can you withdraw it?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, for the sake of continuing to contribute---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Angwenyi! That is wrong and you are imputing an improper motive on the part of the Chair. Can you withdraw your remarks?

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Right. Can you proceed!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, last week on Wednesday, we witnessed wastage of time for a whole day discussing one small item which was the composition of the House Business Committee, where dialogue was sought and the request was made---

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Angwenyi! I want to restate what the Chair ruled yesterday. Prof. Olweny, please, do not just interfere or interrupt your colleague for the sake of it. It must be a real point of order because Mr. Angwenyi has only ten minutes within which to deliberate. Can you say what your point of order is?

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, my point of order is: Was hon. Angwenyi in order when he said we wasted time and yet we debate in this House?

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, you realise that Prof. Olweny has raised that point of order in order to make his presence felt in this House.

Mr. Temporary Deputy Speaker, last week on Wednesday, we spent the whole day discussing the composition of hon. Members in the House Business Committee. Imagine discussing one item for a whole day in a country where three-quarters of its population is suffering from famine; a country where 72 per cent of our youth are unemployed; a country that has destroyed its environment to the extent that we cannot get rain any more. This is a country where rivers traverse various regions, and yet our people are dying of hunger. It is quite unfortunate that with these kind of problems, hon. Members can dare spend a whole day discussing one item, such as the formation of the House Business Committee.

Mr. Temporary Deputy Speaker, Sir, recently, I saw a television clip of a young girl of 11 years old in Garissa District whose weight is a mere eight kilogrammes, and that her sister had died of hunger. Two weeks ago, I had the opportunity to join a delegation of a Committee of this House that toured Egypt. In that delegation, there were two Egyptians who had worked in Kenya. They asked me: "How can one die of hunger in Garissa District when Tana River just passes by?" They also added: "Here in Egypt, we get water from the River Nile, whose source is 5,000 kilometres away at Lake Victoria. From these waters, we feed a population of 75 million people."

**Hon. Members:** That is because of the Nile Treaty!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, the Nile Treaty does not forbid us from using the waters of Tana River. Some of the people who are dying live near the banks of Tana River. How can one say we are not wasting time? Why can we not think about using those waters, so that our people living near such water bodies do not die of hunger?

**Hon. Members:** You are right!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I heard some hon. Members mourning that they come from disadvantaged districts of this country. I have been here for nine years now and I have heard that cry year in, year out, when we discuss the Budget. We are told that special funds have been allocated for the ASAL. When will that cry end? If this House has not contributed to that misery, why have we not allocated adequate funds to those areas and make sure that the programmes that we have budgeted for are implemented, so that our people do not die of hunger? When will hon. Members who come from the so-called potential areas, which are quickly becoming unpotential, shoulder the burden of supporting the ASAL areas? There must be a stop to some of these issues. Otherwise, we will contravene the Pareto curve of welfare.

Mr. Temporary Deputy Speaker, Sir, we need to bring order to this country, so that when we embark on something, we achieve it before we move on to something else. I travelled around this country during the Referendum and I saw hordes of young people who have not been employed and there is no likelihood of them being employed in the next 20 or even 30 years. It is sad that they will attain the retirement age before they get employed. This House, every year, passes a Budget without looking into whether the Government can create public jobs. A month ago, this Government allowed machines to be imported to facilitate the picking of tea in our tea estates. As soon as those machines arrive in this country, more than 200,000 people will be rendered jobless. This House is capable of stopping importation of such machines. That is why I am saying this House is allowing chaos.

Mr. Temporary Deputy Speaker, Sir, disorder is ungodly. If you look at the way God has organised you, everything is in order. The eyes are facing the front, the canal system is down, so that you can excrete. The feet are also wide, so that they can support the body. When you allow disorder, there are only two results, both of which are very bad. One is chaos. We begin killing each other and running away from Committees and giving out public reports to gain political mileage. We then begin to make emotive statements and dividing the nation of Kenya. That causes chaos. When chaos penetrates into our country, it becomes difficult to uproot it.

The second consequence we may suffer, which is not as bad, is to create a despot out of a priest. Some of us may think that President Kibaki is a very weak and meek person, which is not the case. However, with the advisors he has around him, he could easily create dictatorship in this country, in the next few months. I can see that happening soon. We saw policemen raid a media house. Why did they do that? They could have walked into the media house in broad daylight and said that they wanted to close it down. The Government has the mandate to close down a media house if it is found to be inciting violence in the country. Why did they have to use force? It is shocking that we are not doing anything to improve the lives of our people.

We are demanding to have Mombasa made a free port. If that was done, it would be creating, within five years, a million jobs. That has already been done in Dubai and Djibouti. I cry for this country. We must create some order.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Twaha, you had stood up earlier to contribute on this Motion but found out that we were on a different issue. You can take the Floor now.

**Mr. Twaha:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii ili nichangie Hoja iliyo mbele yetu, ambayo yahuu usajili wa shukrani za Nyumba hii kwa Hotuba ya Rais. Hotuba ya Rais ilikuwa nzuri. Iligusia mambo mengi kuhusu sekta nyingi za maendeleo, ambazo zaweza kubandilisha maisha ya Wanakenya. Alipokuwa akiisoma Hotuba yake, waandishi wa habari waliwapiga Wabunge picha wakiwa wamelala. Katika Bunge la Tanzania, jambo hilo limechunguzwa na kujulikana kwamba Wabunge hawalali katika Chumba. Wanachofanya ni kutafakari Hoja. Kwa hivyo, ningependa kuwaambia Wabunge wenzangu, na Wakenya kwa jumla, kwamba Wabunge huwa wakitafakari Hoja wanapofunga macho wakiwa katika Chumba.

Rais alizungumzia mambo mengi, lakini la muhimu lilikuwa swala la ukame ambao umetukabili na ukosefu wa chakula katika sehemu fulani za nchi yetu. Katika sehemu yangu ya uwakilishi Bungeni huko Lamu, kulikuwa na mkutano kuhusu malisho ambao ulihusisha watu wa Lamu na Ijara. Huko kuna ukame mwingi na baadhi ya wakulima wa Ijara wamehamisha mifugo yao na kuipeleka huko Lamu. Kwa hivyo, kulikuwa na mvurutano kati ya watu wa Ijara na wale wa lamu kuhusu malipo. Ningependa kushukuru Serikali, hasa Wakuu wa Wilaya na Tarafa ya Lamu, kwa kuingilia jambo hilo na kulisuluhisha, kwa sababu lingelela ugomvi. Ningependa kuwaomba wenzangu katika wakati huu mgumu, kustahimiliana na kukaribishana. Mfugaji akija kwako kuomba nyasi kidogo ili awalishie mifugo wake, mkaribishe kwa sababu si kupenda kwake kwamba ukame umeikumba sehemu yake. Siku nyingine, ukame waweza kuwa pande yako na wewe pia utake kusaidiwa. Wakenya wote ni ndugu na ni lazima tuishi pamoja na tusaidiane katika maendeleo.

Jambo lingine mhe. Rais aligusia kuhusu watu wa Lamu ni Mswada kuhusu ukuzaji wa pamba, ambao utaletwa Bungeni. Sitaki kuongea juu ya Mswada huo, lakini kama watu wa Lamu kile tunachotaka zaidi ni pesa. Kubadilisha jina la bodi na kuwa halmashauri hakutawasaidia wakulima. Juzi tulisikia kuwa Kshs250 milioni zilitolewa ili kufufua sekta ya pamba katika Mkoa wa Nyanza. Sijasikia kama sekta ya pamba katika Mkoa wa Pwani imepata pesa zozote. Wilaya ya Lamu inazalisha kilogramu milioni 10 za pamba kila mwaka, na tunastahili kusaidiwa vile

wakulima wa Nyanza walisaidiwa.

Mhe. Rais pia aligusia katika Hotuba yake mpango wa kupunguza umaskini. Katika Wilaya wa Lamu tunataka kumaliza umaskini. Kuna mradi wa makao, lakini wakulima wameshindwa kulipa ada za mashamba yao. Mpaka leo, wana madeni. Tumependekeza kwa Serikali kutumia pesa zetu za CDF kuwalipia hawa wakulima ada za mashamba yao ili wapate hati ya umilikaji ardhi, na waweze kumiliki mashamba yao. Hiyo itawawezesha kuwa na msingi wa maendeleo. Inasikitisha kwamba Serikali haijatumia kufuatia ombi letu hilo. Ningependa Serikali itilie maanani jambo hilo ili kumaliza umaskini. Deni tunalodaiwa ni Kshs24 milioni na tuna pesa za kulipia, lakini Serikali inatucheleweshwa. Tunaomba tukubaliwe tuwalipie hawa maskini ada za mashamba ili wapate mikopo kutoka benki na kufanya biashara. Pia vijana wataweza kupata kazi.

Bw. Naibu Spika wa muda, Hotuba ya Rais iligusia mambo mengi lakini nadhani alisahau kuzungumza juu ya shida ya wananchi kutokana na wanyama wa pori. Wakulima wetu wanasumbuliwa sana na wanyama wa pori, na hatupati ulinzi kutoka kwa Serikali. Wakati watu wanapoumizwa na wanyama hakuna fidia yoyote wanayolipwa. Hapa Bungeni tulipitisha Hoja iliyoletwa na mhe. Kiunjuri katika Bunge. Tuliipitisha Hoja hiyo, lakini Serikali ilishindwa kuleta Mswada Bungeni. Tuliupitisha Mswada wa mhe. G.G. Kariuki, lakini bado wananchi wanateswa na wanyama pori. Ningependa kumwomba Waziri Dzero au msaidizi wake, Bw. Ndile, kwamba kama wanataka wanyama wa kupeleka Thailand wawachukue kutoka Lamu kwa vile hatupati watalii wa kuona wanyama pori. Kile tunachopata ni masumbuko kutoka kwa wanyama hao.

Ningependa kuishukuru Serikali kwa kutoa kandarasi ya kujenga jetty inayotumiwa kuingia kisiwani Lamu. Wananchi wanafurahia jambo hilo na tunaishukuru Serikali.

Watu wanasema kuwa uchumi wa nchi hii umeimarika kwa asilimia tano, lakini faida yake haionekani. Ninependa kulipinga wazo lao kwa maana katika sehemu yangu ya uwakilishi Bungeni nilipewa Kshs24 milioni mwaka jana na mwaka huu tulipata Kshs29.5 milioni, na hili ni ongezeko. Kwa hivyo kusema uchumi haujaimarika kwa asilimia tano si kweli. Ni vizuri tutoe makosa panapofaa, lakini ukweli ulipo pia usemwe.

Kwa hayo machache, naomba kuiunga mkono Hoja hii.

**The Assistant Minister for Education** (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute in support of the President's Speech. I would just like to say that he addressed key issues of national importance and it is up to us also, as hon. Members, and people in the Government, to see how we can support him towards realizing those goals.

The President raised the issue of our performance as hon. Members in terms of how many Bills we are passing and also issues regarding the quality of the kind of Bills we get through as well as the quality of our contribution. In addition to talking about adding more time for debate, as hon. M'Mukindia has suggested, I think one of the biggest problems relate to lack of quorum and technical appearances. We are not really spending enough time even though we come to Parliament and get paid for it. So, I think one of the ways of addressing this issue is by, maybe, finding a way of checking when you come in, where you enter your name and that you will be expected to stay in Parliament for a minimum number of hours. So that there will be no issue of just making some technical appearance.

Secondly, I think it is also important that we pay only those who are in the House for at least two hours. You should be able to clock in when you come in and clock out when you come out. It is also important to pay on the basis of contributions. It is not just enough to come and sit in Parliament. There must be ways of gauging Members who contribute. I am not talking about the numerous points of order as the basis for judging our contribution, but in terms of actual contribution to Motions. In other words, I am saying that we must find a better criteria of ensuring that these allowances that are paid to hon. Members in a sitting are actually justified on the basis of

both the time that we spend in a sitting as well as our participation in Parliamentary Debates. Other ways of promoting informed debate would be the live coverage on radio and television that we have talked about. I think that will be a way of getting us, as politicians, when we get our voices heard by our constituents and other people in the country. I think we will be more motivated to want to contribute even more.

In terms of research support, we were supposed to have been facilitated with internet facilities but it is taking too long. We are almost going into the next elections without internet. As long as we are trained on how to use the internet, this is one way of improving the quality of debate because hon. Members would have an opportunity to do research on their own in order to improve on both the content of their contributions as well as the quality.

Mr. Temporary Deputy Speaker, Sir, I think part of the reason why many Bills are not being passed, or some of them are not going through, is because sometimes we bring our vested interests to the House. So, we will support an idea only because it supports our political orientation, it supports certain politicians, or it is not against certain people and so on. If we can deal with the issue of vested interests and base our contributions in Parliament only on objectivity, I think we will get far in terms of ensuring that we do better than we have done.

Mr. Temporary Deputy Speaker, Sir, I have to mention, of course, the issue of better drafting of Bills, but more important is the issue of consultation. Consulting widely with hon. Members and others who have vested interests in specific issues that are of interest is important.

Several Members have spoken about the youth, and hon. Mbarire, the best representative of the youth in this Parliament, spoke very articulately on the issues. The President himself has done a great deal in terms of, first, establishing the Ministry of Youth Affairs and insisting that we will have budgetary allocation as well as support for particular projects that will support the youth. I would like to throw this question back to the youth themselves. I think it is not going to be easy for them to just assume that they can have power and jobs without fighting for them or without being part of that context. In other words, it is important for the youth to understand that they must be members of political parties that are ruling or they must influence or make their presence felt in political parties. So, if they dominate political parties, then it goes without saying that a lot of the Ministers and people in positions of authority will be young people. That is not going to be possible unless they ensure that they are well-represented in organisations that are governing this country.

The youth are also the best messengers in promoting national issues. They are very well placed to do that. A lot of the young people do not see their friendship in terms of ethnicity. Young people relate well irrespective of where they come from. Problems of ethnicity only begin when we get to politicians. We can take advantage of this attribute of our youth and use it in our political parties to ensure that political parties support national issues as opposed to ethnic candidates and narrow issues that are only meant to support specific groups.

Mr. Temporary Deputy Speaker, Sir, they can also use their abilities to innovate and take risks. The youth have the capacity to be dynamic. They can really support, not only the political parties that they would like to identify with, but also other organisations that offer to support them. We need to draw up programmes that will support self-employment amongst the youth. It is not enough, therefore, to just complain that things are terrible. Again, it is not just enough to complain that the youth are not being represented by politicians who are in positions of authority if the youth themselves do nothing to influence that position by way of voting. The youth need to vote for people they think will consider their unique interests. They should also go beyond that and try to do their best to change the negative image that some of them have portrayed in the eyes of the public as people who are available for sale. The youth are viewed as people who are available for purchase by us politicians. They are known to be drug users and alcoholics. They should shun



backward traditions. Most of the time, the youth are seen as people who float excuses in order not to engage in gainful employment.

There are opportunities that can be taken up and it is not enough to just cry and complain that things are terrible when the youth themselves are not doing enough to ensure that they get out of their current situation. The youth should ensure that whichever Government they support thinks about their own issues and represents those issues at all levels and spheres of life.

The issue of corruption has been spoken about. It is really a big problem and sacrifices will have to be made in order to eradicate corruption. These sacrifices will require the implementation of recommendations of reports even where those recommendations touch on some of the people we think support us the most. Ultimately, the best supporters of any regime are the majority of the people who decide on who becomes a leader. Those people are clean and do not have any baggage on them. It is up to them to really talk strongly about the issues and if action is taken, we are more likely to have their support as opposed to a situation where we do not take any action. But, again, we should ask ourselves questions. Even as we accuse others of corruption, are we ourselves completely free of corruption? How do we run our Constituency Development Fund (CDF) committees? Do we put in, as Members of those committees, our own relatives, friends and political supporters? Who are in our bursary committees? When we dish out the bursary money, is it always on the basis of need?

We can even pose questions to the media because they are here. It is important that they highlight cases of corruption. But do they sometimes report in a certain way as opposed to being objective? The general public often talks about corruption, but are they not the first ones to want to bribe even when it is not necessary or to give "thanks" even when what they got was on the basis of merit? How do, for instance, Ministers recruit people to senior positions? When you recruit on the basis of ethnicity, that is corruption. You know, corruption is not just about money. So, these are important issues and before we start blaming others about whom reports have been written, we also need to ask ourselves: Are we completely beyond reproach even as Members of Parliament? The general public and people who have been charged with the responsibility to run specific institutions in this country also need to ask themselves that question.

Mr. Temporary Deputy Speaker, Sir, we, therefore, must report people who are corrupt and despise them at all costs. Sometimes we find them in church and they contribute a lot of money, say, Kshs1

million. The bishops also know that some members of the church are corrupt and yet they ask them to sit in the front row of the church. When you go to a pub and everybody knows that you are corrupt, the poor say, "*Patia mzee kinywaji.*" So, we must despise the corrupt.

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

**Mr. Khaniri:** Thank you, Mr. Temporary Deputy Speaker, Sir, for according me this opportunity to make my remarks on the Speech that was delivered by His Excellency the President during the Official Opening of this House.

At the very outset, I want to join my colleagues who spoke earlier in welcoming us to this Session after a very long recess. This has been the longest recess this House has been subjected to for the 11 or so years that I have been in this House. It was a long recess that saw many events come and go. The most notable of them all was the November 21st Referendum where this Government suffered a humiliating defeat. I hope and pray that they have learnt from that defeat, that this country does not belong to the Government, but that it belongs to the people of Kenya. I hope you have learnt that you may be very many here, but outside there you are very few. If you have not learnt a lesson from that referendum, you will have yourselves to blame.

Mr. Temporary Deputy Speaker, Sir, going back to the Speech, many will agree with me that it was a very flowery Speech with very many promises to Kenyans. The President has always

done that. In fact, I want to congratulate him for putting together a very good team of speech drafters who always write very good flowery speeches. It is very impressive. I have served in this Government and I am very sure that not even 30 per cent of what he said here will be implemented. This is a Government that has been known to give lip service and false promises to Kenyans. Kenyans are tired of these rhetorics.

A good example is what the President said about the issue of youth. He said that the youth of this country will be fully integrated in the economic activities of this nation. When he said that I stopped and wondered: "When did the President start believing in the youth of this country?" Right from day one, when he was appointing his Ministers and Permanent Secretaries, he picked retirees who are 60 and 70 years old and put them in positions of power. He has a bloated Cabinet of 33 hon. Members, and 12 of them are above 70 years old, while another 12 are above 60 years old. How many youth are in this Cabinet? If he was looking for youth, why could he not go for Mr. Kiunjuri or Alfred Nderitu for that matter? Why are the old men messing up his Government?

Mr. Temporary Deputy Speaker, Sir, I am telling the youth of this country: "Be warned, this is a Government that has no time for the youth". It is high time we stood up to be counted. We are not saying that we will not wait for 2007. We hope it comes sooner than that and we will take over the leadership of this country so that we can take care of the issues pertaining to the youth.

We all know that the idea of forming a Ministry for Youth Affairs was an afterthought. Why did he not do this in 2003 when he was forming his first Government? This is child's play. He is not serious! This Government is just trying to give the impression that it cares about the youth because it knows that elections are just around the corner and it has now discovered that the youth are about 72 per cent of this country's population. I want to tell you that you are in trouble! That 72 per cent of Kenyans will definitely vote against this Government. That you can rest assured. No doubt, I am one of them and I want to tell you that you can rest assured that you will not get any votes from the youth. You have let us down and we are disappointed with you!

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the constitutional review process. When Kenyans rejected the Kilifi Draft in the November 21 Referendum, it was a clear demonstration that they had no confidence in this Government steering the constitutional review process. So, when the President came here and told us that he has formed a group of eminent Kenyans, who is eminent? What criteria was used? Who decides who is eminent? When I saw the Chairman of the so-called Committee of Eminent Persons addressing a Press conference and saying that, amongst other things, they have been mandated to find out why the Kilifi Draft did not go through, I just laughed and said: "This Government has a National Security Intelligence Service (NSIS). You do not need to form another group to tell you why you lost the Referendum. The NSIS will give you that information. That is what they are paid to do!"

Mr. Temporary Deputy Speaker, Sir, that is another gimmick of wasting taxpayers' money. We have no confidence in that team of Eminent Kenyans. If the President was serious about giving this country a new Constitution after he lost the Referendum in what they called the "Government Project", he should have humbled himself, sat down with the Orange Democratic Movement (ODM), leaders who represent the views of the majority of Kenyans, and map the way forward. The Committee of Eminent Kenyans will not take us anywhere. It is a waste of Government resources and I think we should reject it in totality.

The Government is giving Kenyans lip service with regard to the war against corruption. I want to agree with Mr. Raila that Kenyans have been given a bad cheque. It amazes me that, after three and a half years, after assuming power, we are still talking of prosecuting old cases. Shame! What a shame? Why did we not do that in 2003? Why did we wait to have our own cases; to pretend that we now want to prosecute old cases? This is a Government that took over leadership on a platform of zero tolerance to corruption. One wonders: Why are there new cases of

corruption? I heard one Minister say that they have prosecuted 150 cases. When Kenyans complain about corruption, they rush to roadblocks, film traffic officers taking bribes of Kshs3,000 or Kshs5,000 cases, take them to court and say that they are prosecuting corruption. That is not the corruption that we are talking about! We are talking about corruption that has brought the economy of this country to its knees. Prosecuting policemen who take Kshs2,000 from *matatus* is not fighting corruption! Let us start from the top, as the President himself promised.

Mr. Temporary Deputy Speaker, Sir, regarding insecurity - and I am happy that the Leader of Government Business is here - I would like to tell this Government that the people of Kenya have lost confidence in its ability to provide them with security. The first and topmost responsibility of any Government is to ensure the security of its citizens and their property. How can you convince Kenyans that you can guarantee their security when there are mercenaries roaming our streets? They have been identified---

**Mr. Ojode:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interfere with him. I did not want to cut him short. When the hon. Member is talking about insecurity, is he aware that the Government has brought in Mr. Artur Margaryan to deal with insecurity matters?

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

**Mr. Khaniri:** Mr. Temporary Deputy Speaker, Sir, it is disturbing to many Kenyans that those people are still walking up and down our streets. They have not even been summoned to record a statement with the police. We hear that they just went willingly and recorded a statement. There are very serious allegations that have been made against those mysterious individuals in our country. How do you expect Kenyans to trust you with their security?

With those few remarks, I beg to support.

**The Assistant Minister for Lands** (Mr. Kamama): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, at the outset, I want to say the President gave a wonderful Speech with very realistic promises, and not far-fetched as alleged by some Members. A good number of his promises will be implemented within a very reasonable time frame.

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate our athletes who have just returned from Melbourne, Australia, for doing a sterling job during the Commonwealth Games. I think every youth in this country is proud of their performance. I wish the Minister of State for Youth Affairs was here to get the feelings of most Members in as far as youth policy is concerned. There is a lot that we want to do for the youth.

In that regard, I want to thank the President for creating the Ministry of Youth Affairs, albeit belatedly. However, they say better late than never. Within the next two years, this Ministry will come up with solid policy on youth affairs and I am sure the youth will benefit.

Mr. Temporary Deputy Speaker, Sir, I also want to thank the President for giving the people of East Pokot their own district. Since Independence, we have yearned for a new district and we are now happy.

**Mr. Raila:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that the Government gave his people a district when he knows that the Government has no power to do so? That has to be done by Parliament.

**An hon. Member:** It is illegal!

**The Assistant Minister for Lands** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, with due respect to my friend, hon. Raila, before I joined this Government, the Government took over the KICC from KANU through an Executive Order. I think we were given this district through an executive order.

**Mr. Raila:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is important

for hon. Members to respect the law. The law is very clear. There is nothing like an Executive Order. The President has no right to create new districts. It is unconstitutional!

**The Assistant Minister for Lands** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is just wasting my time.

Mr. Temporary Deputy Speaker, Sir, looking at the benchmarks that were being expounded in that document, we realise that our GDP growth is about 5 per cent, tourism went up by about 15 per cent, transport and communications about 9 per cent, manufacturing about 4.1 per cent, trade, about 9.5 per cent, building and construction, about 3.5 per cent and horticulture by about 13.2 per cent. This is a great achievement---

### QUORUM

**Mr. Kimeto:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Do we have quorum in the House?

**The Temporary Deputy Speaker** (Mr. Khamasi): Yes, indeed, there is no quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! We have a quorum now. Please, proceed, Mr. Kamama!

**The Assistant Minister for Lands** (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, an hon. Member was trying to object to what we call Executive Order. However, I am surprised that he was one of the Ministers in retired President Moi's Government, but he never opposed the districts that were created during that period. So, I think sometimes it is hypocritical to talk about things when it is expedient to do so.

Mr. Temporary Deputy Speaker, Sir, our economy is really improving; judging from the following benchmarks. Cement consumption in this country went up by about 12 per cent. Also, the credit that went to farmers grew by a certain percentage. So, I think there is some semblance of improvement in our economic growth, although I know that the trickle down effects of the growth of this economy have not actually gone to the grassroots; the common man. That is our assignment as people in Government to make sure that, that is realised.

Mr. Temporary Deputy Speaker, Sir, on the issue of drought I think the Government did its best, but I must also admit that we managed it through what we call, management by crisis. I think, in future, we need to respond very quickly when we have such problems. I am happy that the Government has spent about Kshs3.8 billion to address the issue. But I think we need about Kshs8 billion to address it.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the issue of corruption. I am happy that Ms. Karua was appointed to the Ministry of Justice and Constitutional Affairs. I would urge her to deal with the cases of corruption; old and new. She should deal with Goldenberg cases, the Ndung'u Report and the Anglo Leasing scandal. We should deal with these issues very firmly and conclusively.

Mr. Temporary Deputy Speaker, Sir, I would like the issue of lawyers also to be investigated. We have about 6,000 lawyers in this country. About 2,600 of them have actually been branded as corrupt. There are many complaints from the public that a good number of them are corrupt. The complaints office has actually established this. So, a good number of them also have contributed to corruption in this country.

Mr. Temporary Deputy Speaker, Sir, on the issue of wealth declaration, I fully support the

President. I would like that information to be made public. Using that information, we will know those who have stolen from us. I know quite a number of them are on the Opposition side. So, that step will go a long way in informing us who stole from Kenyans. We know that one family owns land the size of one province in this country. The rest of the Kenyans are left to occupy an equivalent of seven provinces. So, we should conclude the constitution-making process by bringing on board our colleagues from the Orange Democratic Movement (ODM). Indeed, the Minister for Justice and Constitutional Affairs, Ms. Karua, has promised to do so. We want our colleagues from the ODM to come on board so that we can make a Constitution that will take care of all Kenyans.

I am sure that the Government side cannot make a new Constitution alone. We want the ODM to work together with the Government side to conclude the constitution-making process. Let us wait for the report of the committee of Eminent Persons appointed by the President to look into the contentious issues on the new Constitution that Kenyans want and then we will bring together the two teams.

Recently, we were told that the Government plans to sink some exploratory oil wells somewhere off the coast of Lamu Island. We want the exercise to be fast-tracked, so that our youths can get employment.

Mr. Temporary Deputy Speaker, Sir, over the years, trade in this country has grown by about 9.5 per cent. If we want to succeed as a country, we should transform Lokichoggio Airstrip into a free port. We want a special port for the people of Ethiopia. Ethiopia would like to access Lamu as its own port, but it has been very difficult for that country to achieve that objective.

I am told that they now want to use a certain port in Djibouti. I think we should give the Ethiopians a port. Even the people of Sudan want a port in our country. So, if we want to develop, let us provide ports to Ethiopia and Southern Sudan.

Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity.

**Maj-Gen. Nkaiserry:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the Presidential Address.

I would like to begin by raising an issue of law. Section 16(2) of the Constitution of Kenya provides that the formation of the Cabinet of the Government of Kenya shall be based on written law. The written law in this respect is the National Assembly and Presidential Elections Act of 1998.

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

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

Section 17(5) of this Act does not allow the President to appoint Ministers from Opposition parties without authority from those parties. So, this is an issue which the Chair must address. From today, we demand that the issue be addressed, so that we get clarity. Even the President mentioned in his Address to this House that he wants legislative leadership. It is, therefore, critical that the Chair addresses this issue.

Mr. Temporary Deputy Speaker, Sir, in his Address, the President specified that the economy of this country has improved. Why then has he not given a strategic plan on how to redeem the people who have been affected by the current drought? He did not mention the issue of restocking the livestock that was lost to the drought. This is a very critical issue.

Mr. Temporary Deputy Speaker, Sir, the President did not say whether his Government intends to redeem or waive the loans owed to the Agriculture Finance Corporation (AFC) by

people who have been affected by the drought, as the Government did when coffee farmers incurred losses arising from a similar situation. He did not say how his Government intends to assist secondary school and college students from the affected areas. We want the Leader of Government Business to take this message to the Government, so that these issues can be addressed.

Mr. Temporary Deputy Speaker, Sir, the Minister for Planning and National Development, who is also the Acting Minister for Energy, mentioned that the East African Portland Cement Company made a profit of Kshs1 billion. The company does mining in my own constituency but we get nothing from it in return. Why does the Government not repatriate 10 per cent of that amount to my constituency for development? I urge the Government to go that direction and ensure that a portion of the profit made by the company is repatriated to my constituency. A certain percentage of this revenue should be ploughed back to us, otherwise, time will come for us to demand for it. You will realise that the Nigerians in the Oil Belt demanded the shares of the oil revenue. We may end up demanding for this revenue if the Government is not going to ensure that a certain percentage of the revenue is ploughed back to develop the districts of its origin. The amount of money which is generated by the sugar industry in Mumias is ploughed back to Western Province. Why is the Government not doing the same in Kajiado Central?

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Retired Maj-General in order to insinuate that money generated in Mumias is ploughed back to Western Province, when he knows very well that not a cent is sent to Western Province for whatever reason? Is he in order to mislead the House?

**The Temporary Deputy Speaker** (Mr. Maore): Maj-Gen. Nkaisserry, you may continue! That is a very good point of argument.

**Maj-Gen. Nkaisserry:** Mr. Temporary Deputy Speaker, Sir, I have never been to Mumias and if Mumias is not receiving anything, it is the responsibility of the leaders from Western Province to ensure that a certain percentage of the resources from their province is ploughed back into the province.

Let me talk about the youth. A certain Minister has said that they are very happy that the Government has established a Ministry of Youth Affairs. The Government promised to create 500,000 jobs and, three years down the line, this has not been done. By the way, the Minister of State for Youth Affairs is a KANU hon. Member. He went to help the Government because it has no capacity to deal with the youths' issues. I went to school, rose through the ranks, became a General and served in the army for 32 years and some of the people who were then Permanent Secretaries are still serving in this Government. The President said that his Government wants to take care of the youth. What criteria is he using when he is still having old men in his Cabinet; people who are not even Information Technology (IT) compliant? These are people who are 19th Century compliant! These are the people who are running this Government. How would you expect the youth to get any consideration?

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

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

Mr. Temporary Deputy Speaker, Sir, one of the critical threats that are facing this country today is the Avian Flu. The Government has not come up with a strategy to protect the citizens of this country against the bird flu, which is called H5N1. No message has been given to our people

on how to protect themselves against this flu. This is a pandemic. Nothing has been mentioned about this threat in the Speech. What is the Government's position on this? Nobody cares about the security of this country.

Mr. Temporary Deputy Speaker, Sir, on the issue of security, my mind is challenged. How would you allow two individuals, who threaten the Commissioner of Police of this Republic and even unleash a dog on a CID officer, to drive cars with concealed number plates yet the Government has not taken appropriate action? How on earth would we, as Kenyans, expect to be guaranteed security? The security is the defence of the people and protection of their property. I do not know what I can say about this Government. Kenya is under God's care. We want action to be taken against these individuals. They even abused the Minister of State, Office of the President in charge of internal security and told him to shut up because he does not know who they are. A Government Minister in charge of Immigration does not know whether these fellows are Armenians, Indians or Czechs. Up to today, nobody in the Government has come up and said that these individuals are from Kajiado District. Not even a single man has come forth to say so. Is this not a shame?

**Hon. Members:** Shame!

**Maj-Gen. Nkaiserry:** Mr. Temporary Deputy Speaker, Sir, this is absolutely shameful and very unfair to the people of Kenya.

On the issue of the creation of districts, some of my colleagues here, who were in the Opposition and now have the privilege of sitting on the other side, should know that there is no legal authority to create those districts. I want to warn the Government that before they do that, they need to adjust district boundaries, particularly the boundary between Kajiado and Machakos, which was corruptly done in the 1970s so that the resources of Kajiado District could be taken to Machakos District because of political alignment. That should be done by this Government, if the law has to be followed.

Finally, Mr. Temporary Deputy Speaker, Sir, how do we deal with the issue of corruption if the whole system is clogged with corruption? For instance, a baby of corruption is nepotism. The appointments to key positions are filled by people who are either associated or related to the members of the current Cabinet whether in the foreign missions or in the Civil Service. That is corruption.

Mr. Temporary Deputy Speaker, Sir, the second aspect on corruption is about money. The Government is participating in corruption because it is allowing the courts to be used by corrupt people. They run to the courts and seek injunctions so that their cases cannot be heard. Why would courts issue injunctions to corrupt people? Why do people not go to court, defend themselves and get relief from there? Why should the Government allow courts to issue injunctions to corrupt people?

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you hear the hon. Member say that the Government should stop courts from issuing injunctions? Is he in order to suggest that the Government should interfere with the independence of the Judiciary?

**Dr. Ali:** You appointed them!

**Maj-Gen. Nkaiserry:** Mr. Temporary Deputy Speaker, Sir, I cannot respond to that.

There is also the issue of the new Constitution. I do not support the Kiplagat Committee. It is a waste of taxpayers money and time and we should not allow, as a country, to be taken round in circles. Their recommendations will be brought to this House and we will still defeat the Banana side. Since we do not want to become a Banana Republic, we will not allow that team to present its recommendations.

With those few remarks, I beg to support.

**Mr. Arungah:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this Motion. This is an opportunity when the Head of State outlines the agenda that he has for the country and what he intends us to do as Parliament. It is also an opportunity for those on the other side of the House and those who want to replace him at State House, to come to this House and give us an alternative view as to what should be done and not just come here and oppose for the sake of opposing.

The President raised many pertinent issues in his Address---

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Arungah! I think you still have about nine minutes when the debate on this Motion resumes.

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, 29th March, 2006, at 2.30 p.m.

The House rose at 12.30 p.m.