

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 29th March, 2007

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Sixth ACP Assembly and the Twelfth ACP-EU Joint Parliamentary Assembly held in Bridgetown, Barbados, from 15th to 23rd November, 2006.

(By Mr. Kamotho)

Annual Report and Accounts of the Kenya Institute for Public Policy Research and Analysis for the year ending 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Transport (Ms. Mbarire) on behalf
of the Minister for Planning
and National Development)*

Annual Report and Accounts of the Teachers Service Commission for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Reports and Accounts of the Higher Education Loans Board for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Jomo Kenyatta University of Agriculture and Technology for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the School Equipment Production Unit for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Moi University for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Transport (Ms. Mbarire) on behalf
of the Minister for Education)*

Annual Report and Accounts of Agricultural Development Corporation for the year ended

31st March, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Agricultural Development Corporation (Garissa Irrigation Project) for the year ended 31st March, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Agricultural Development Corporation (Lands Limited) for the year ended 31st March, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Sugar Board for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Sugar Development Fund for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Chemelil Sugar Company Limited for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Transport (Ms. Mbarire) on behalf
of the Minister for Agriculture)*

Annual Report and Accounts of Kenya Wildlife Service for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Catering and Tourism Development Levy Trustee for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Transport (Ms. Mbarire) on
behalf of the Minister for
Tourism and Wildlife)*

Annual Report and Accounts of East African Portland Cement Company Limited for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Kenya Bureau of Standards for the year ended 30th June, 2000, and the certificate thereon by the Controller and Auditor-General.

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

Annual Report and Accounts of the Kenya Ferry Services Limited for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for
Transport (Ms. Mbarire) on behalf
of the Minister for Transport)*

Annual Report and Accounts of Telkom (K) Limited for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

(By the Assistant Minister for

*Transport (Ms. Mbarire) on
behalf of the Minister for
Information and Communications)*

NOTICES OF MOTIONS

Mr. Kamotho: Mr. Speaker, Sir, I beg to give notices of the following Motions:-

ADOPTION OF THE FOURTH ACP AND 11TH ACP-EU ASSEMBLY REPORTS

THAT, this House adopts the Report of the Fourth ACP Assembly and the Eleventh ACP-EU Joint Parliamentary Assembly held from 15th to 22nd June, 2006, in Vienna, Austria, laid on the Table of the House on Tuesday, 3rd October, 2006.

ADOPTION OF THE SIXTH ACP AND 12TH ACP-EU ASSEMBLY REPORTS

THAT, this House adopts the Report of the Sixth ACP Assembly and the Twelfth ACP-EU Joint Parliamentary Assembly held from 15th to 23rd November, 2006, in Bridgetown, Barbados, laid on the Table of the House on Thursday, 29th March, 2007.

Ms. Ndung'u: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

A BILL TO AMEND EMPLOYMENT ACT

THAT, in view of the reproductive and the productive role of women in the growth of the Kenyan economy, and noting that the Government is a signatory of the resolution of the International Conference on Population and Development (ICPD) 1994; noting further that the Government committed itself to attaining the UN Millennium Development Goals (MDGs); conscious that both women and children in this country suffer from serious postnatal health problems, this House grants leave to introduce a Bill for an Act of Parliament entitled the Employment (Amendment) Bill to amend the Employment Act, CAP. 226 of the Laws of Kenya, and the Regulations of Wages and Conditions of Employment Act, CAP. 229 of the laws of Kenya, in order to grant all women employees both in the public and in the private sectors three months mandatory paid maternity leave, excluding the annual leave and for male employees, four weeks paternity leave.

(Applause)

Prof. Olweny: Mr. Speaker, Sir, I beg to give notices of the following Motions:-

PRODUCTION OF GASOHOL FOR USE AS AUTOMOBILE FUEL

THAT, in view of the fact that the sugar mills in this country produce

excess molasses that is used in the production of ethanol and other alcohol which can be blended with petroleum to produce gasohol for propelling automobile engines, this House urges the Government to ensure that the alcohol distilled from molasses is blended with petroleum to produce gasohol for use as automobile fuel.

BILLS TO AMEND ELECTRIC POWER
AND SUPPLY LINES ACTS

THAT, in view of the fact that the sugar mills in this country have the capacity to co-generate electricity in excess of their requirement and that the excess energy generated is currently going to waste; this House grants leave to introduce Bills to amend the Electric Power Act and the Electric Power Supply Lines Act to allow the mills to sell the excessive electricity they generate to the national grid or directly to the consumers.

Mr. Khamisi: Mr. Speaker, Sir, I beg to give notices of the following Motions:-

SELECT COMMITTEE ON COLLAPSE OF
KILIFI CASHEWNUT FACTORY

THAT, due to the mysterious circumstances under which the Kenya Cashewnut Factory in Kilifi was closed down in 1998, and noting that its machinery and equipment were sold off without regard to value for money; this House resolves to establish a Select Committee to investigate the circumstances that led to the collapse of the factory and to determine whether those who might have been involved could be apprehended, prosecuted and any property illegally acquired from the company recovered and that the Select Committee reports its findings to Parliament within eight months and further that the following be Members of the Committee:-

The hon. Joe Khamisi, MP
 The hon. Lucas Maitha, MP
 The hon. (Dr.) E. Keino, MP
 The hon. Eric Sungu, MP
 The hon. A.A. Bahari, MP,
 The hon. (Dr.) Julia Ojiambo, MP
 The hon.(Dr.) N.N. Shaban, MP
 The hon. Zaddock Syongo, MP
 The hon. M.K. Cheboi, MP
 The hon. J. Nyagah, MP

INTRODUCTION OF SACRED
FORESTS AND MONUMENTS BILL

THAT, this House grants leave to introduce a Bill for an Act of Parliament entitled "The Sacred Forests and Monuments Bill" for the purpose of protecting and preserving all sacred sites including Kaya Forests, Mau Mau caves, cultural monuments and all venerated places across the country.

A BILL TO AMEND HELB ACT

Prof. Mango: Mr. Speaker, Sir, I beg to give notices of the following Motions:-

THAT, in view of the inequitable and unstructured distribution of loans managed by the Higher Education Loans Board for students in institutions of higher learning; aware that the funds distribution has tended to favour students from urban areas and high populated regions of this country; cognisance of the need to provide all young persons with equal opportunities to acquire knowledge and specialised skills, this House grants leave for the introduction of a Bill for an Act of Parliament to amend the Higher Education Loans Board Act, Chapter 213(a) of the Laws of Kenya, to provide for a decentralised Constituency Higher Education Loans Scheme to ensure equitable distribution of loans at the constituency level to students in both regular and parallel programmes studying in public and private universities, and for matters incidental thereto and connected therewith.

IMPLEMENTATION OF EDUCATION
FOR ALL PROGRAMMES

THAT, in view of the Government's goal and policy to provide education for all by 2015 in line with its commitment to international declarations, protocols and conventions; aware of the various measures and reforms being instituted to address the challenges related to a safe, equity, quality and relevance of the education system; concerned that the gross enrolment rate for pre-primary has been declining; aware that gross enrolment rate improved in 2003 following the introduction of free primary education; bearing in mind that female students constitute a mere 32 per cent of the total enrolment in public universities and 54 per cent in private universities, this House urges the Government to fast-track and implement education for all programmes among the poor sections of the society to ensure girl-child enrolment is improved to attain parity with the male-child enrolment at all levels of education.

WAIVER OF TITLE DEEDS FEES
FOR PUBLIC INSTITUTIONS

Mr. Ochilo-Ayacko: Mr. Speaker, Sir, I beg to give notices of the following Motions:-

THAT, in view of the Government's policy that all Government institutions acquire title documents for the land upon which they are erected and considering that this title deeds attract fees from departments of the Ministry of Lands and other Government departments, this House urges the Government to waive all fees or charges payable to this department for title deeds held by public primary and secondary schools, public dispensaries, health centres, hospitals, village polytechnics and other public facilities in the rural areas.

INTRODUCTION OF SPORTS BILL

THAT, in view of the importance of sports to the image of the nation; cognisant of the fact that there is no legislation regulating the orderly conduct of sports, this House do grant leave to introduce a Bill for an Act of Parliament

entitled: "The Sports Bill", to promote and regulate all sports activities in the country and for matters connected therewith and incidental thereto.

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 20th March, 2007.

*(The Vice-President and Minister
for Home Affairs on 21.3.2007)*

*(Resumption of Debate
interrupted on 28.3.2007)*

Mr. Speaker: Was there anybody on the Floor? Mr. Opore concluded.
Mr. ole Ntimama!

Mr. ole Ntimama: Mr. Speaker, Sir, thank you very much for giving me this opportunity to contribute to the Speech by His Excellency the President to this House. When I peruse through this Speech, I find that the fundamental issues have been omitted. For example, I only see one disjointed sentence which is talking about the constitution and yet, when this Government took over, the President himself promised that this country will have a new Constitution within 100 days.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Hon. Members on the Front Bench to my right- hand, please, listen to the hon. Member.
Proceed!

Mr. ole Ntimama: Mr. Speaker, Sir, thousands of days have passed, and yet we have no Constitution. The second one is corruption. I also see one single sentence on corruption which is also disjointed. I tried to decipher the meaning but I could not get it, and yet the President himself promised that the fight against corruption is going to start from him downwards. Now it has fizzled out into thin air. The third one is security. Even security is another disjointed sentence in this Speech.

Mr. Speaker, Sir, what Kenyans expect is some serious pronouncements about the three issues. Let me talk about the Constitution as an example. I submit that this country has never had a Constitution that has been framed and consented to by the people of this country, to stabilise democracy in this country. For example, in 1964, the Lancaster House Constitution was abrogated. The Senate was sent home. The Regional Assemblies were cancelled, and yet we have never sat down and written another Constitution to replace the Lancaster House Constitution. That fundamental law as far as this country is concerned is just not there.

Mr. Speaker, Sir, all we are now doing is just trial and error. We are now talking of minimum reforms. It looks like it is going to hit the rocks again. The impediments, the hurdles and the problems are always created by the Executive; one of the three arms of the Government. Look at the abrogation of the 1964 Lancaster House agreement, it was done by the Executive. The Zero

Draft from Bomas of Kenya was stopped by the Government. Do we have any hope at all that this Government is going to facilitate the minimum reforms? Already this morning, they said that it is not workable.

I want to submit that it is always the Government and the Executive which puts hurdles in the way of getting a Constitution for this country. We do not know why. Many people are talking about *majimbo*. As far as I am concerned, I am supporting a devolved Government. This world has gone federal and we have to go like everybody else. When they argue about unitary and centralism, that is nursing dictatorship. Some of us support a devolved Government so that we can operate our own affairs freely and democratically without people imposing their wills on the people and to give the people a right to exercise their democratic rights. We are operating under a situation whereby, clearly, we do not have the Constitution. Whatever we have is in tatters. People are not agreeing to sit down and give Kenya a Constitution. The impediment is the Government.

Mr. Speaker, Sir, we have done nothing about fighting corruption. I think the President must come out clearly and transparently and say his Government has failed in the fight against corruption. We can now see those who were heavily involved in Anglo Leasing and Goldenberg scandals are the ones who are now leading some political parties. Where are we going? Mr. Speaker, Sir, I heard an hon. Member say the other day that they are still fighting corruption. Where? The *wananchi* know that those people are protected by the other arms of Government. They have looted our billions and they do not even have the courage to say: "Bring our money back" officially. They keep on saying that the money is coming or that it has been returned. We need a proper commitment to tell the British, Americans and the Germans: "Here is the letter. Bring all our money back" officially. If that does not happen, then we know that they are supporting, abetting and condoning corruption.

Mr. Speaker, Sir, I would like to comment on the issue of devolving the Government. *Majimbo* is federalism. It is not a sin to ask to be able to be in charge of your own affairs. When people want to frustrate and dominate other people including their resources, then they say that *majimbo* is balkanisation. It is not. It is the right of the people. Some of us have got a lot of friends. We have dug in and we will not move. You might have a new Constitution or not, but we have dug in on devolution and we are just about to move. It is our first strong line of defence and we have dug in, especially us pastoralists. We just cannot have other people coming to dominate us again with the hope of unity, centralism and all these other things.

Mr. Speaker, Sir, the Government must realise that we have a problem regarding the security situation. There is a young man here whom I respect called Mr. Munya---

Mr. Speaker: Your time is up. I will give a chance to the hon. Members who have been here for long. Could I have an indication of the interest of hon. Members? Could the hon. Members who have an interest in contributing please rise up so that we can note? The Clerk should note their names so that we start with those who are present now so that we do not give a chance to those who have just walked in.

The Assistant Minister for Planning and National Development (Mr. Serut): Thank you, Mr. Speaker, Sir, for giving me this chance to add my voice to the Presidential Address to this House on 20th March, 2007. The Presidential Address dwelled on the achievements of the NARC Government since 2003. These achievements are well known to Kenyans. Kenyans are happy and they feel there is need for more achievements in various sectors.

The Presidential Address was only short of one or two items that the Government was not able to tell Kenyans. Firstly, there is the issue of the Kshs400 million that is allocated to the Ministry of Lands and Settlement for the purposes of settling squatters in this country.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Let us be in a position to communicate. Let us hear what the hon. Member has to say so that we can respond to him or support him because we have heard.

Please proceed.

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir, the Presidential Address was short of telling us what happened to the Kshs400 million which was allocated to the Ministry of Lands through the Settlement Fund Trustee to settle the squatters of this country. During the Budget Speech, we were told that this money would be used to purchase land from individuals and that it would be allocated to squatters in this country. Up to date, we have not had a feedback regarding the issue.

I hope the Minister or the Assistant Minister from that Ministry will come to this House and tell Kenyans what happened to the Kshs400 million that was allocated to the Ministry of Lands and Settlement.

Mr. Speaker, Sir, the Presidential Speech touched on rural electrification. I want to agree that there is rural electrification programme going on in this country. I also want to agree further that between 2003 and now, much more money has been spent as opposed to the money which has been spent on rural electrification since we achieved Independence in this country.

However, I am disappointed with the way contractors are being appointed to do the work. In Mt. Elgon almost all the projects which were started under the Rural Electrification Programme (REP) have stalled in the last one year. I have been to various offices to see if the people of Mt. Elgon could also benefit from this programme but all I am told is that the contractors have been withdrawn because they do not have the capacity to handle the work in that district.

How were they appointed or contracted in the first place? I thought competence was one of the factors that were looked at. I am urging the Ministry of Energy to see to it that they assist my community in appointing new contractors to embark on work which had already been started but has now stalled for over one year.

Mr. Raila: On a point of order, Mr. Speaker, Sir. Is it in order for an Assistant Minister to stand in front of the House and begin to tell us that what he should be discussing in the Government? He is a Member of the Front Bench.

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir, the hon. Member is right, but I am speaking here as a Member of Parliament representing the interests of the people of Mt. Elgon and not as an Assistant Minister. That is not my speciality.

Hon. Members: Let him resign! Come to this side!

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir, I do not need to resign. I need to air the views of the people of Mt. Elgon at the dispatch box.

The issue of employment has been dwelt on here. Most hon. Members have spoken about employment and they are saying that those who are being appointed are from certain regions. I want to agree with them. Yes, that is true. The reason is simple. Those who were Ministers by then are the ones who urged that they be vested with powers to appoint their own people. If you look at any Ministry now, you just need to look at the Minister and you will know who has been employed there. If you look at the staff who are employed in the Ministry of Health, the Ministry of Energy and the Ministry of Roads and Public Works you will know who were the Ministers.

Mr. Speaker, Sir, as Kenyans we need to devolve the powers from the Ministers and revert them back to the Public Service Commission which is the right body to deal with appointments. I want to agree with the hon. Members who said that these appointments should be brought to the

House for vetting by Members of Parliament before they are effected.

I would also like to look at the issue of Judges. I do not think we should increase the number of Judges. I think we should find out whether there is any interference with the Judges who have already been appointed and are working now. We need an Evaluation and Monitoring Team within the Judiciary including the Law Courts where as I speak now, corruption has crept in. You cannot get a free bond in any lower court unless you know a clerk or somebody else within that court. I gained some experience in a court in Bungoma about two months ago. When some clerks saw me the file disappeared. Indeed, it only re-surfaced after the intervention of a Mr. Njai who is the Registrar of the High Court.

Let us look at corruption from all corners. Let us not narrow our minds only to Anglo-Leasing. Most of the hon. Members have spoken about Anglo Leasing. What about land grabbing? Why are we so narrow minded about the issue of Anglo Leasing to think that it is the only case that involves corruption? Why not focus on land grabbing? There are people who have grabbed school land and today they are talking of Anglo Leasing. I know of an hon. Member who used to be a Cabinet Minister. He grabbed seven acres out of a school in Nairobi. Today he can come here and talk about those who are corrupt. Since when did he become holier than thou? I think corruption is corruption whether it involves grabbing land, Anglo Leasing or whatever. As Kenyans, let us all desist from corrupt practices in this country.

Mr. Speaker, Sir, I want to speak about reforms. I am happy now that as a Government we have given in to minimum reforms. During the Referendum we were told that 80 percent of the proposed Wako Draft was good for Kenyans. Why do we not take that 80 per cent and give it to Kenyans because it had been approved by Kenyans then we go back and discuss the issue of 20 per cent? Why have we gone back to issues which were contentious from the word go and yet we know that we have a short time to deal with them?

I was shocked yesterday when the hon. Members from the other side of the House said that they want dialogue with the Government side along the IPPG model.

Mr. Speaker: Order! Your time is up.

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir, I support the Motion

Mr. Speaker: Order, hon. Members! As I said, I have a list of hon. Members who are interested in contributing to this Motion. I will exhaust this list first before I make further additions. The list will be in the following manner:-

On my right there will be Mr. Kagwe, Mrs. Ngilu, Mr. Mwancha, Mr. Arungah, Ms. Ndung'u, Mr. Gachagwa. On my left there will be Mr. Sirma, Eng. Okundi, Mr. Chepkitony, Mr. Marende, Mr. Omamba, Mr. Khamisi and Mr. Oparanya. Any other hon. Member interested to join the list should present his or her name to the Clerk-at-the Table.

Mr. Sirma!

Mr. Sirma: Thank you, Mr. Speaker, Sir, for giving me this golden opportunity to give my contribution on His Excellency the President's Speech. The wording of this Speech is good. But we do not know if there is commitment on what was said. We have heard several speeches from His Excellency the President from all corners of this country. We have a problem of lack of commitment over what he says.

Mr. Speaker, Sir, I want to take issue with Mr. Serut who has just spoken. I am happy that he has given his contribution on a wide range of issues, including the problems facing the various sectors of the economy. He is serving the Government, and yet he has not talked about the issues affecting Mt. Elgon District. It is a big shame!

Hon. Members: Shame! Shame!

Mr. Sirma: Mr. Speaker, Sir, it is a big shame that he can address national issues, when he

has very serious domestic problems in Mt. Elgon District!

(Applause)

The Assistant Minister for Planning and National Development (Mr. Serut): On a point of order, Mr. Speaker, Sir.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Order! Mr. Serut, what is it?

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir, is it in order for the hon. Member to talk about issues affecting Mt. Elgon District, when he knows he is part of the insecurity in Mt. Elgon District? Why is he standing here to cleanse himself?

Mr. Speaker: Order, the two of you. I will not allow you to be personal. I have said it from this Chair before, that hon. Members on the Floor of the House could ignite trouble around the country. I will not allow that. Please, keep your peace! **Mr. Sirma:** Mr. Speaker, Sir, I only wanted to make an observation. I did not want to provoke any animosity.

Mr. Speaker: You have already done that!

The Assistant Minister for Planning and National Development (Mr. Serut): Mr. Speaker, Sir---

Mr. Speaker: Order, Mr. Serut! Keep your peace!

Proceed, Mr. Sirma!

Mr. Sirma: Mr. Speaker, Sir, as I said before, the Speech by His Excellency the President was well written. But what we want to see is action. We are always given statements in this country and promised all manner of niceties but the reality of those words are not seen by Kenyans.

Mr. Speaker, Sir, I would like to talk about local authorities. I am happy because His Excellency the President talked about a Bill that will provide for direct election of mayors, deputy mayors and chairmen of county councils. I hope the Leader of Government Business will expedite that, so that we can get that Bill immediately. We are tired of councillors being locked up in lodgings. They have, for a long time, been blackmailing their voters. They do not elect people of credence. They elect people who pay them better. The local authorities have been mismanaged in the past and even now. It is high time *wananchi* got their own people to whom they can entrust that responsibility.

I also want to commend the Minister for Local Government for making Nairobi City clean. He has done a good job. That is the way forward. We should maintain such standards in our local authorities.

Mr. Speaker, Sir, His Excellency the President also touched on the dairy, pyrethrum and cereals sub-sectors. Yesterday, the Minister promised that Kshs1.2 billion will be released to pay maize farmers. I hope that, that is true because such statements are always made. Ministers in this Government are not serious. They always speak good words in this House but, when they go out there, they speak the opposite. Other hon. Members have spoken about the Pyrethrum Board of Kenya (PBK). The Minister has no authority to suspend the people that we elected to serve in the PBK. It is illegal. That is the mandate of *wananchi* who elected those leaders, and not the Minister. The Minister should suspend the people he appointed, but not the people who were elected by *wananchi*.

Mr. Speaker, Sir, I would like to talk about our roads. As much as we are being told that new roads are being constructed and others repaired, the road between Nakuru and Timboroa is

impassable. It is totally dilapidated. Getting to my home is a nightmare. In fact, the most affected stretch is from Makutano as you head to Timboroa. The contractor has abandoned his work. For the last two weeks, the contractor has not shown any sign of constructing that road. We need very serious contractors.

The Minister for Roads and Public Works (Mr. Nyachae): On a point of order, Mr. Speaker, Sir. The hon. Member is not up to date. The project has already started. The consultant has completed the work and we are going to tender. The hon. Member should be embarrassed to stand here and talk about that road, when they never paid attention to it for 12 years! It is now that we are working on it!

Mr. Sirma: Mr. Speaker, Sir, it is a big shame because the Minister was a Minister in the former Government, and he did nothing! It is a big shame for him to talk about the past regime, when he was part of it!

(Applause)

The Minister for Roads and Public Works (Mr. Nyachae): On a point of order, Mr. Speaker, Sir. Yes, I was in that Government and it was misbehaving. That is why I resigned. He knows it!

Mr. Sirma: Mr. Speaker, Sir, he did not resign! He was sacked!

(Laughter)

The Minister for Roads and Public Works (Mr. Nyachae): That is a lie!

Mr. Speaker: Order, Messrs. Nyachae and Sirma! Again, do not go personal. Please, cool down and accept the facts as they are. History cannot be re-written. It must remain the way it is. You must relax and enjoy your history!

Proceed, Mr. Sirma!

Mr. Sirma: Mr. Speaker, Sir, I am the most updated person about that road. The road divides my farm into two. Possibly, the Minister needs to be briefed on the progress of work on that road. For the last two weeks, the contractor has not been working. Therefore, I am very serious about that issue. He needs to check on that.

Mr. Speaker, Sir, I would like to revisit the issue that was raised by my colleague, Mr. Muite, yesterday. As much as this Government is talking about an economic growth of 5.8 per cent, if you check on the market capitalization for the last two weeks, Kenyans have lost over Kshs20 billion in the stock exchange. That reduces the 5.8 per cent on a GDP of Kshs750 billion to negative. We really need to check on that because there are certain people who are stealing from Kenyans.

Mr. Speaker: Order, Mr. Sirma! Stealing is not parliamentary language!

Mr. Sirma: Mr. Speaker, Sir, I withdraw that. Those people are defrauding Kenyans. It is important that Kenyans are told the truth about the stock exchange.

Mr. Speaker, Sir, I would also like to talk about the prevailing insecurity in the country. The Government has tried to contain the *Mungiki* menace in Central Province. It is good that they have dealt with it where it begun. We all know that the *Mungiki* menace is not only confined in Central Province, but it is also in other provinces as well. The Minister should not only address insecurity in Central Province, but also in Nairobi and Rift Valley Provinces. The Mt. Elgon skirmishes have been ignored and our people are suffering. In fact, the Government forces are shooting them dead. These are issues which this Government must address instead of telling us about all the good things it has achieved. The Government talks about free primary education, and yet there is a shortage of

teachers. How do we expect a teacher to handle a class of 60 or 100 pupils? In fact, it should not be called free primary education any more because it is just free learning where pupils pass time to graduate from one class to another.

Mr. Speaker, Sir, I am happy that Ministers in this Government are talking about corruption. If they are complaining about corruption and they cannot do anything about it, they should just keep quiet or resign. It is time that they are judged by their words.

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

The Minister for Information and Communications (Mr. Kagwe): Thank you, Mr. Speaker, Sir, for giving me this opportunity to support---

Mr. Speaker: Order! Just before you proceed, the hon. Members who had stood up and are on my list should bear in mind that if they are late, they will be kicked out of the list and I will not see them again.

Proceed, Mr. Kagwe!

The Minister for Information and Communications (Mr. Kagwe): Thank you very much, Mr. Speaker, Sir. I rise to congratulate the President on a very well thought out and presented Speech. The areas I would like to concentrate on the President's Speech revolve around the fact that the President acknowledged that Kenya will be a knowledge-based and service economy. It will also be Information and Communications Technology (ICT) compliant, so to speak.

Mr. Speaker, Sir, on a number of the other issues that the President spoke about, particularly on the issue of the Constitution, we must not lose sight of a phenomena known as the self-fulfilling phenomena. In this phenomena, one rejects something as in the President actually presented a Constitution to Kenyans, which was rejected, so that we can say that the President never fulfilled his promise of giving Kenyans a Constitution.

Mr. Speaker, Sir, if, indeed, Kenyans do not get these constitutional amendments that we are talking about, it will not be the fault of the President. It will be the fault of hon. Members sitting in this House today. Therefore, let us take responsibility instead of assigning blame at any one time.

Mr. Speaker, Sir, the President spoke about the work that we are doing on ICT. I would like to bring it to the attention of the hon. Members of this House that the President was correct; that, indeed, we want to create jobs in out-sourcing. It is very important and I would urge my colleagues in this House to understand the concept of out-sourcing. This is because, later on, people will claim that only some areas have started out-sourcing businesses when others have not. This will be simply because people did not pay attention to the issues that we are trying to do.

Mr. Speaker, Sir, as I speak today, a ship has docked at the Port of Mombasa and has completed the submarine survey. As I speak today, the fibre cable has gone past Eldoret, heading for Malaba. As I speak today, we are short-listing the companies that will be given contracts for terrestrial cabling. We are also talking about the creation of opportunities for thousands of Kenyans. I propose that in the near future, my Ministry would be calling the hon. Members of Parliament for a seminar on this issue of out-sourcing, so that they can understand the opportunities that exist for their constituents.

Mr. Speaker, Sir, after we have done the terrestrial cabling in the country, what it actually means is that somebody sitting in Kakamega, Kisumu Rural or Mukurweini Constituency can actually start a company that can service another company in America. Therefore, people do not have to come to Nairobi to get jobs. Indeed, the opportunities for out-sourcing will be bigger in the rural areas where the cost of living is lower than in the urban areas. Therefore, that is why my Ministry is planning to have a seminar with hon. Members of Parliament, so that they can go out there and sensitise people.

By the same token, I also urge my colleagues that in order for their constituents to take

advantage of these opportunities, it is important to invest in computer laboratories. I urge my colleagues to spend some money, particularly the Constituencies Development Fund (CDF), to create computer laboratories in the secondary schools. This is because even when we get these opportunities, they will only come for those who will be trained. The people who will be trained are those who will be computer literate and those who will understand what the out-sourcing business is all about.

Mr. Raila: On a point of order, Mr. Speaker, Sir. Is the Minister in order to talk about hon. Members making computers available in their constituencies when computers are held at the Port of Mombasa by the Kenya Revenue Authority (KRA) when, in fact, the law says they should come in duty-free? Is he aware of that? Is he in order to mislead the House when it is the same Government which is holding computers donated for schools in this country at the Port of Mombasa?

The Minister for Information and Communications (Mr. Kagwe): Mr. Speaker, Sir, I am unaware that there are some computers that are being held at the port. However, I do promise to follow up the matter and see that if, indeed, we have computers at the port, then I would like to see them in schools instead of the port.

Mr. Speaker, Sir, I do agree with the frustrations that hon. Raila would have if, indeed, there are such computers. However, having computers in the port or towns is one thing, but having them actually working in schools is quite another. The only way we can get the computers working in schools is the creation of computer laboratories. Not too many of our rural schools have got these computer laboratories. Therefore, I still urge my colleagues to invest some money in the creation of computer laboratories in their constituencies, so that we can take advantage of this situation. Indeed, that is why the Government zero-rated computers because of the idea of boosting them. This is the way we can diversify this economy from not only agriculture and tourism, but also an ICT investment destination. Consequently, my Ministry is doing everything possible, and indeed, we are under orders by the President to do so.

Mr. Speaker, Sir, I would also like to inform my colleagues in the House that part of the growth and expansion of the ICT business is the movement from analogue to digital broadcasting. What does this mean? This means that we need to be advising our constituents that when they are purchasing televisions now, they should be purchasing digital televisions because what is happening is that there are some few companies overseas that are planning to dump analogue televisions in Kenya. What we are looking at is that they will seem like real televisions because they work. It will also look like something that one can continue using. However, the truth of the matter will be that very soon those televisions will be useless. Therefore, I would like to urge those in the television business, whether distributing or selling them, to ensure that the televisions that they are bringing in the country are digital and not analogue ones. They should also tell citizens to be careful when they are purchasing them, so that they do not lose money in the process.

Mr. Speaker, Sir, I would also like to mention something on patriotism. As we head towards the General Elections, I think it is important for us, as Members of Parliament, to keep in mind that even as we argue, quarrel and politic, we should do so within the context of an existing country that we all love. When we argue, it is easy for people outside this country and, indeed, even our own citizens, to assume that we are talking out of enmity in this House. I think it is important for us to send clear signals as we speak outside the House and this country; that what we are trying to do, even as we oppose or propose, is to build one stable nation. Therefore, I urge my colleagues not to say things that are going to be so critical of this country, that one becomes ashamed of where he or she comes from. Let us not lose sight of the fact that even as we quarrel, we are doing so about our parents. When you criticise your parent or spouse, you do it to them, but not outside there; to tell other people how ugly or poor they are. It is important for us to recognise this and

agree to do so.

Mr. Speaker, Sir, again on the issue of Information Communication Technology (ICT), we will soon be announcing the creation of an ICT board. This board will spearhead the development of the ICT, particularly, on the marketing of Kenya as an ICT destination outside this country. We want the ICT board to work in the same way that the Kenya Tourism Board (KTB) does, so that individuals and business people outside this country can be invited to come to Kenya and invest.

Mr. Speaker, Sir, in that voice, I would also like to inform my colleagues that over the last six months or so, several American, British and European companies have come to set up their regional offices in this country. About a month ago, we had Ericsson, which is a huge European multinational corporation. We also have got Microsoft Corporation and several other companies that are setting up their regional headquarters here in Nairobi. Therefore, this shows that both local and international investors have come to recognise that this is a good environment for people to invest in. I am glad - and this should serve as a signal to Kenyans at large - that Kenyans, both in the Government and Opposition, are investing in this country very heavily. Consequently, they would not be doing so if they did not believe that the Government is stable and is going to move on.

Mr. Speaker, Sir, on the issue of the Nairobi Stock Exchange, I would like to say that it runs on the basis of the principle of demand and supply. No Government has ever been able to control the increase or decrease in price of shares.

Mr. Speaker: Your time is up!

The Minister for Information and Communications (Mr. Kagwe): Mr. Speaker, Sir, with those few remarks, I beg to support.

Eng. Okundi: Thank you, Mr. Speaker, Sir, for giving me a chance to contribute to this Motion.

The President mentioned a large number of areas where some work has been done in this Government. However, he did not mention how effective a number of those areas that he mentioned have been to the Kenyan people. Many of them were initiated by this side of the House, and they have actually been partly implemented.

Mr. Speaker, Sir, let us consider education, for example. The introduction of free primary education was a very fundamental change to the development of this country. We all know that the enrolment increased many folds. In fact, at least, 1.5 million new pupils enrolled in primary schools. But they enrolled in schools which were in completely dilapidated conditions. Classrooms were swelling with pupils, up to even 100 pupils in one classroom. But we all know that many of these buildings were in very poor conditions, and yet there was no budgetary provision to improve or enlarge the space required, because of the increase in demand for education at the primary school level. Now that the Constituencies Development Fund (CDF) money is being used in the grassroots, it would be very good if it was increased, in order to take care of the need to refurbish, enlarge or provide more facilities, to cope with the increased enrolment in primary schools.

Mr. Speaker, Sir, I would like to talk about secondary education. We know that neighbouring countries like Uganda, for example, are providing free primary education. A number of countries have tackled the need for secondary education being provided at the cost of the public. I would have liked the Presidential Speech to indicate clearly what the Government plans to do about secondary education and how to take care of it.

Mr. Speaker, Sir, on University education, we know that recently the Joint Admissions Board (JAB) announced that the minimum mean grade required to join the public universities could move to A minus. If this happens, a large number of Kenyans who have qualified will not have a chance to join public universities, because our university system has been pegged to certain requirements which restrict enrolment in those institutions. I remember when I joined university,

there was no need for accommodation to be provided within the university system. One was just given a class to go and learn and he or she looked for where to live. I think there needs to be a very clear policy on education in total, to take care of students who have attained the grades to join universities or other institutions of higher learning, so that the issue of pegging it to things like accommodation and so on, does not restrict them. Education is crucial. If we do not educate our people, we are actually stifling the growth of the nation. I think this needs a major policy statement by the Government, to show how we are going to do this.

Mr. Speaker, Sir, I want to speak about a very sensitive subject called tribalism. I support my colleague, hon. Ojode, who mentioned it last week. I have here the Organization of Government document. If you read it carefully and see who is in this and that Ministry and so on, it looks like in every paragraph and page, one community is dominating the operations of the Government. This is a subject that we all need to be very clear about. It is of no use talking carelessly about it, like some hon. Members did yesterday. They talked as if it went against a particular tribe. When we offer the management of our state resources to one community, we are actually plunging the future of this country into real problems. This is an issue which we need to look at soberly and very clearly. We should ask ourselves: "Who are really calling the shots in the Ministries?" If you look at the positions held by Ministers, Assistant Ministers, Permanent Secretaries, Deputy Secretaries and various areas where decisions are made within the Government, you will find that they are dominated by one community. This is not any good service to even that community. We are endangering that community to the extent that they will find it very hard to operate in their calling in the future Kenya which will be an extremely democratic country.

Mr. Speaker, Sir, the President mentioned economic growth. Many people say it has grown by 5.8 per cent, while others say it has grown by 7 per cent. It is of no use talking of economic growth without mentioning the inflation component. If the economic growth is 5.8 per cent and inflation is over 10 per cent, basically we are really going down to a minus. This so-called economic growth that we are talking about is not visible. I would like to live in a Kenya where I go to the rural areas and find people saying: "Look, I am seeing this and that happening. The price of *Unga* is like this. *Gorogoro* is so much, and so on." This growth is not realistic, especially when stated in figures. If they do not have accurate figures, they better keep it aside until they devolve sufficient resources to the rural areas where the majority of our people live, in order for them to enjoy the growth they are talking about.

Mr. Speaker, Sir, on the issue of infrastructure, this is a very painful thing again. Roads have been mentioned, and I can mention them one after the other. In my own district, I can tell you that we are really suffering. People who have produce from their farms or fish from the lake cannot access the markets because of the bad state of roads. The roads are in a very bad state that even *Matatu* operators cannot operate. So, I really wish that this issue is tackled very strongly at the level of the Government. They should find out what exactly is happening and where. The national cake should be distributed equally all over the country, because everyone in the country pays taxes. So, they should see the infrastructure which is dilapidated in their areas being taken care of.

Mr. Speaker, Sir, when the President talks of the Constituencies Development Fund (CDF), like it was mentioned earlier, the CDF is probably the only growth agent which the ordinary man is seeing today. Just go anywhere in the country and you will hear people talking about what the CDF is doing for them. But we know that this House wanted the CDF allocation to be increased. They even talked of it being increased to 7.5 per cent but we know very well that this has not been done. I would like to submit that it is very important for this House to be united on the increase of the CDF allocation. That would enable the ordinary man, wherever he is in Kenya, to be sure of some level of tackling of the issues troubling him in his own community. This is regardless of

whether he is liked or disliked by others, because the decision is conceptualized and managed by them as a community. So, I really want to emphasize that the CDF allocation be increased. After all, in the past Governments, we used to pay taxes, we had hon. Members, money was there, but at no time did we tackle the issue of community development by actually devolving a portion of the money to do that. But today, we have an example of the CDF in the Act of Parliament and this matter should be taken very seriously, by increasing the CDF allocation.

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

Thank you very much.

Mr. Arungah: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Speech by the President. I listened very carefully to the President's Speech and tried not to sleep. As I looked at the President, I remembered the NARC dream. I was reminded of several things: I was reminded of what the NARC Government promised the people of Kenya. I was reminded that we promised the people of Kenya a new future which has more wealth for its people, more equitable distribution of natural resources, more employment opportunities and a country with reduced poverty. In his Speech, the President alluded to the fact that, to achieve all these goals, we needed to invest in programmes that would provide that prosperity.

Mr. Speaker, Sir, I want to appreciate here that, even the harshest critic of this Government will acknowledge the sustained and prudent fiscal and monetary policies that have been put into effect in the last four years, which have resulted in a suitable and conducive investment environment. We have a reasonable and stable exchange rate; we also have reasonably lower interest rates. This, to me, is conducive for investment and one hopes that when the President says: "It is, indeed, true that we did attract investments to the tune of Kshs8 billion", that, hopefully, comes with additional jobs.

Mr. Speaker, Sir, I want to appreciate the role played by this Parliament, by engaging the Executive in the Budget-making process. In the past, it has been a routine or boring exercise where Parliament had no say in what was going on. But I am happy to note that as Parliament, we shall play a role in how the Budget is formulated. Mr. Speaker, Sir, there is a contentious issue about what rate our Gross Domestic Product (GDP) has attained. We were told that it has grown to about 6 per cent, but I will give the Government the benefit of the doubt because all of us have seen that, over the years, there have been additional resources through the CDF, the Local Authority Transfer Fund (LATF) and money which is allocated for roads, which has continued to increase over the years. So, I am happy to give the Government the benefit of the doubt that there is, indeed, some growth. We also note that our children are now able to go to school without paying school fees and there are also other services like the Youth Enterprise Development Fund.

Mr. Speaker, Sir, I also want to address the issue which has been raised by my colleagues, especially from the Opposition side. The impression they gave was that whatever development initiative this Government is undertaking amounts to a bribe. As far as I am concerned, the Government has a contract with its people for a period of five years. It is, therefore, not prudent to say that they give services to the people for four years and in the election year, they are supposed to sit back, nod and do nothing. The Government has, therefore, been accused of bribing voters. I think that this is short-sighted and is not fair. The Government must continue to provide services to the people, even during the election year.

Mr. Speaker, Sir, I am particularly delighted that in its programmes, 80 per cent of secondary schools in Khwisero now have electricity. Almost all the markets have electricity. I am hopeful that by the end of the year, all the remaining schools will have electricity. I also want to appreciate that after a long struggle, the Ebuyangu to Ekeru Road is finally going to be tarmacked. I am aware that the contractor has been given authority to commence work and, hopefully, before the beginning of next year, we will see some work going on, on the ground.

That is as much as I would say on the good side. However, there are certain issues that the President needs to address. Despite his impressive development record, this Government has a serious image problem. But I am convinced that the President has time to put on a brave face and assure Kenyans that we can have one country and one people. If this Government is going to fall, it is going to be on account of two issues: Corruption and tribalism or ethnicity.

Mr. Speaker, Sir, on corruption, the Government has, itself, admitted that it is very difficult to prosecute some of the corruption cases, and that it is finding it difficult to take any measures. This admission means that if it cannot do it, then it had better give way to somebody who can do it. Since it cannot take any measures, suspicion is rife that there could be accomplices in the corruption cases.

Mr. Speaker, Sir, The issue that nags most is tribalism. I have taken this matter very seriously, and gone out of my way to commission a study dealing with the problem of negative ethnicity in this country, especially in the public sector. I will be quoting from it, but for now, let me say one thing. There is an hon. Member of this society who has faithfully served this country for a long time, even during the time when judicial officers were getting nothing or very little pay. When the terms were improved, we have noted a tendency where one ethnic group has tended to dominate the appointments in the Judiciary.

Mr. Speaker, Sir, I am particularly aggrieved, because a constituent of mine, having been vetted, recommended for appointment as a judge and escorted to State House to be sworn in, a Minister in this Government did make a phone call and one Aggrey Muchelule was not to be sworn in as a judge when the whole country had seen this man adorned in a judge's regalia, and they are wondering what happened. I think the Minister for Justice and Constitutional Affairs owes this country an explanation as to why Aggrey Muchelule was not appointed a judge after he had been vetted and escorted to State House by the Chief Justice himself. The Minister owes this country an explanation as to why this was the case.

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to drag me into matters I know nothing about? I do not swear in judges. Is it in order for him to try and discuss me without bringing a substantive Motion when then I can have an opportunity to say something about it?

Mr. Arungah: Mr. Speaker, Sir, I would urge the Minister not to remain in denial, and to address the issue of ethnicity in the Judiciary.

Mr. Speaker: Order! Order! This is the third time in one afternoon I am telling hon. Members not to become personal. Every hon. Member should now listen to this: We cannot benefit from debate by being personal.

Proceed!

Mr. Arungah: Mr. Speaker, Sir, this country has shied away from addressing or facing the issue of ethnicity---

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Speaker, Sir. I have raised the point that if anybody wants to discuss the conduct of a Minister, he should bring a substantive Motion; he should not dwell on rumour mongering and tarnishing people's names. Could you give direction on that matter? This is just rumour mongering. Any hon. Member can bring a substantive Motion.

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, we must appreciate the content of the Standing Order in itself. It states that no hon. Member shall discuss the personal conduct of another hon. Member, including that of the President or the Speaker or any other hon. Member for that

matter, without a substantive Motion. But hon. Members may criticise the official conduct of any of the parties concerned. So, criticism must be of the official, and not the personal, conduct. You criticise the office, and not the person. However, if you do that, you must also be able to substantiate your allegations on the spot. As I said yesterday, no hon. Member in this House is allowed to leave his memory at home. You must come to the House with your full memory and facts. So, please, let us now get to the debate.

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Speaker, Sir. May I have the substantiation first?

Mr. Speaker: It is all right; you may wish to.

The Minister for Justice And Constitutional Affairs (Ms. Karua): Mr. Speaker, Sir, guided by your ruling, may I demand that the hon. Member substantiates or withdraws and apologises for the allegation that I made a call to stop the swearing in of a person I do not know? Did he mention a Mr. Kirui?

Mr. Speaker: Order! Order!

Mr. Kimeto: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! Will you, please, sit down? Can we deal with this matter, first?

Mr. Arungah, again, we are guided, in this respect, by the Standing Orders. The relevant Standing Order in this regard, states in the following terms. I need not quote it verbatim, but the substance of the same is the following, that every hon. Member is responsible for the accuracy of any allegations that hon. Members may make on the Floor of this House, and that when an hon. Member is called upon to substantiate those allegations, that hon. Member must substantiate them. If he cannot substantiate, then the hon. Member must withdraw the allegation and apologise. Now, there has been a demand within the meaning of Standing Order No.76. There has been a demand within the terms of Standing Order No.76 that you do substantiate allegations which you have made against the Minister for Justice and Constitutional Affairs, that she did make a telephone call to State House and consequent upon that telephone call, certain persons who had to be sworn in as judges were not sworn in. That is the allegation you made, and it is what you have been called upon to substantiate.

Mr. Arungah: Mr. Speaker, Sir, you will have to forgive my use of wrong words. That is partly because I am very angry. Appointment of a judge is not a small matter. The Chief Justice himself accompanied these individuals to State House, fully clad in the necessary regalia. It takes a very powerful person to stop the swearing in ceremony.

Mr. Speaker: Order! Order, Mr. Arungah! We must face these facts. I am sure you are not stating in this House that the most powerful person in Kenya is the Minister for Justice and Constitutional Affairs, and that there is no other power beyond her. Her docket is not that of judges. What we want to know is about the specific allegation you made, that the Minister picked up a phone, called State House, and because of that powerful call, State House could not swear in the judges. **[Mr. Speaker]**

That is what you are being asked to substantiate. If you cannot do so, as I am sure you will not, then you had better withdraw and apologise.

Mr. Arungah: Mr. Speaker, Sir, so that I may proceed, I would like to withdraw and apologise.

Mr. Speaker: Very good! To be fair, I will give you two minutes to finish your contribution.

Mr. Arungah: Mr. Speaker, Sir, I will say this in all earnest for the consumption of those who perceive themselves to be the biggest protectors of this Government. I happen to be a Member of this Government, and I want to state the following: Whether they like it or not, there is a general

feeling that since this Government came to power, there has been a tendency for certain appointments to go to a certain community.

(Applause)

Mr. Speaker, Sir, the sooner we face this issue and address it, the better it is for everybody. I am a very big admirer of the President of the Republic of Kenya, but unless this issue is addressed, it is not going to disappear.

With those few remarks, I beg to support.

Mr. Speaker: Excellent! I will now go to my left and give this chance to hon. Chepkitony.

Hon. Chepkitony, just before you take the Floor, I was about to say that I will pick on two hon. Members on the Opposition side and one on the Government side. But the population has since increased on the Government side. So, I think they are getting a little more, but that is not a reason for me to change.

Mr. Chepkitony: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute on the Presidential Address during the official State Opening of Parliament.

The President highlighted what the Government has done. It is true that the Government has done well in certain areas, particularly on the economic front. I agree that the President has tried to revive agricultural bodies such as the Kenya Co-operative Creameries (KCC), the Kenya Meat Commission (KCC) and to some extent, the Agricultural Finance Corporation (AFC). However, there is still a lot to be done.

I want to mention something about agriculture. Agriculture is still the mainstay of our economy and the largest employer in this country. Therefore, various issues in this sector need to be addressed. We have revived some of the agricultural institutions, but they are not properly functioning. Those institutions need to be given full support for them to operate fully.

Mr. Speaker, Sir, I did not hear the President mention anything about the AFC advancing credit to farmers. There is still a shortage of funds to enable the AFC to advance loans to farmers, so that they can enhance their production. I would like the Government to support this corporation, so that all the farmers can access credit.

While we have seen some improvement in the various institutions, the Kenya Farmers Association (KFA) is still not operating. In the past, the Government promised to revamp the KFA. Up to now, no funds have been given to the KFA. When *Uchumi* Supermarkets closed shop, the Government quickly put in some funds. The KFA has been requesting the Government to give it some working capital, so that it can start operating. This is a body with a countrywide network and it has the capacity to supply farm inputs at a reduced cost. It has enough storage facilities. I do not see why the KFA cannot be supported by the Government so that the cost of inputs, which has really sky-rocketed, can come down. This is making agricultural production very expensive. I would like to ask the Government, and in particular the Ministry of Agriculture, to revive the KFA.

Mr. Speaker, Sir, I would like to mention something on security. Security is very important. The President said that he would like to see the country have a 24-hour economy. This is not possible because at the moment, insecurity is still a big threat and foreign governments are still issuing advisory information to their citizens on their visits to Kenya. This is still a big impediment to business and tourism. This issue should be addressed very seriously. The Minister of State for Administration and National Security should address this issue.

Mr. Speaker, Sir, we have insecurity in Mount Elgon District, while the Minister of State for Administration and National Security has not even visited the district to see for himself what is happening. He has sent there some security personnel who have not brought the situation under control. They have gone there to contribute towards the killing of innocent *wananchi*. The security

officers have not performed as required. Recently, there was a case in Eldoret where some police officers arrested another policeman who was on duty and who was accompanied by a Government employee, and instead of finding out who they were, they tortured the two and killed them.

So, security officers are also a threat to our security because their conduct is not right. Instead of securing our citizens, they torture and kill them. I am sure many people have been killed on the order of "shoot to kill" in an effort to reduce insecurity. That should not be the way. When this Government took over power, it promised to retrain all the security personnel, but that has not happened.

I would also like to commend the President for coming up with new initiatives, for example, the Women Enterprise Development Fund. This is in the right direction and it is going to support the various women groups that we have all over the country. It will assist them to invest in income generating activities.

Mr. Speaker, Sir, this country is still having serious unemployment problems. Unemployment has not been addressed adequately. This Government promised to create 500,000 jobs per year, which have not been created. Poverty is still a big issue in our country. The poverty level is still very high. More than 50 per cent of our citizens are poor. This is not a joke. If you are poor, you cannot support your family; feed and educate your children, access medical services and other essential requirements in life. The issue of poverty needs to be addressed. Poverty goes hand in hand with unemployment. We need to address the issue of poverty by enhancing support to our people. First, we need to give bursaries to our people. Because of poverty, many parents cannot take their children to secondary schools.

Mr. Speaker, Sir, I support the many hon. Members who have called for free secondary school education. At the moment, there are very many children who are supposed to be in secondary schools, but they are unable because their parents cannot afford to pay fees. I would like to call upon the Government, particularly the Ministry of Education, to increase the amount of bursaries that is given to the constituencies to support poor students in secondary schools. In the long term, the solution would be to provide free secondary education. The President mentioned that the Government was looking into the issue of making secondary education affordable. This should be done very fast in order to assist our poor parents.

Mr. Speaker, Sir, I would like to mention something about the fight against the HIV/AIDS scourge. At the moment, no funds have been given to the National AIDS Control Council (NACC) in the various constituencies. For the last three years, this fight has not been going on. This issue needs to be addressed. The HIV/AIDS is still a scourge and a killer. It is spreading in many areas. The NACC should be supported if we are to succeed in this fight, which was declared a national disaster by the President. The Margaryan brothers saga came about as a result of corruption in high places. So, we still have corruption in both high and lower offices. We need to eradicate grand and petty corruption.

Mr. Speaker, Sir, I fully support the increase in the number of judges in our High Court and Court of Appeal. There is huge backlog of cases in our courts which need to be cleared. The sooner we increase the number of our judges, the better.

With those few remarks, I beg to support.

Ms. Ndung'u: Thank you, Mr. Speaker, Sir, for allowing me to contribute in support of the President's Speech.

First of all, I would like to focus on gender issues, which I normally speak about all the time. The President talked about the proposed Women Enterprise Development Fund. I think that is one of the most incredibly important thing that has happened for the women of Kenya since Independence. There are many challenges facing women who would like to access credit facilities. For example, they have no collateral. Even banks make it difficult for them to access credit

facilities. They have to go with their husbands or male family members. That Fund has great urgency and must be put in place as soon as possible. I realised that when I visited Langata Women Prison two weeks ago. I found out that, unlike the male prison, 70 per cent of women inmates are hawkers. Those are women who are forced to sell foodstuff to support their families. They were unable to raise bonds or bails to get out. The other 30 per cent are women who have either committed infanticide or performed abortion because they cannot afford to support their children. So, I think the introduction of that Fund is absolutely necessary.

Mr. Speaker, Sir, I am glad that the President also talked about the introduction of the Domestic Violence and Family Protection Bill. That Bill was introduced on the Floor of this House in the eighth Parliament. But, somehow, it failed to make it out of the Committee Stage. It was "killed" right there. I would like to appeal to hon. Members to take that matter seriously, when that Bill comes to the Floor of this House. We should understand that 70 per cent of the injuries that are treated in all our hospitals are as a result of domestic assaults. We have become too complacent and tolerant of domestic violence. In the end, we are breeding criminals. Once we allow "criminals" to start beating their wives, children and husbands in their homes, we are accepting that criminals should thrive. When they go out into the society as criminals, it will be too late to handle the issue of breeding criminals. If we are going to fight the war against crime, we must address the issue of domestic violence.

Mr. Speaker, Sir, if we are also to address the war on crime, we should seriously address the issue of access to justice. I am glad the President said he will introduce a method of hiring more judges. We are looking forward to The Statute Law (Miscellaneous Amendments) Bill to be re-published, so that we can get more judges. That way, our people will have their cases heard much faster.

When we talk about the war against crime, sometimes we need to talk about other simpler issues such as street lighting and access to police stations and police posts. As a person who comes from Nairobi, I think the conditions in the slums in Nairobi pose a great tragedy. The people who live in those slums have no access to justice and law enforcement agencies. That is something that we really need to look into.

Mr. Speaker, Sir, the Political Parties Bill and also a proposal for direct election of mayors will also come to the Floor of this House. I shall be one of the advocates for women to get their fair share. Women, as taxpayers, need to see what they will get in return for funding political parties. Therefore, the challenge will be to the political party leaders. We must see women in all the structures of political parties if, us women, will pay for the parties.

Secondly, I think that we need to introduce a proposal in the direct election of mayors. We should introduce the *ziba* principle where, for somebody to run for those seats, his or her running mate must come from the other gender. That will ensure that we have "man-woman, woman-man" in any of those important seats.

Mr. Speaker, Sir, I would also like to talk about the constitutional review process. I would like to appeal to all my colleagues here, that it is time to address those issues with sobriety and with the seriousness that they deserve. Basically, we are saying that we are going to sit on a negotiation table. There are three things that we are going to address in those negotiations. The first two will be the Bills that have been published by the Ministry of Justice and Constitutional Affairs and the third one is a Bill that has been proposed by the Departmental Committee on the Administration of Justice and Legal Affairs, which talks about essential reforms. We will be sitting down to discuss these three issues. I know that Members of Parliament know when to do politics and when to do business. I think that is something that we will sit down and decide. I think it is important for the political class to sit down, first, together, and come to an agreement, before we reach out to the civil society. I used to be a member of the civil society and I can assure you that the civil society

will be extremely organised before they come to meet Parliament. Could Parliament also not be organised before we meet the civil society?

Mr. Speaker, Sir, I would like to talk a bit about the role and work of Members of Parliament. I agree with you that MPs are very busy. In fact, on top of the things that you described, I thought you should have also said Members of Parliament are also marriage counsellors. They are legal counsellors, financial advisers and also Automated Teller Machines (ATMs). Any time somebody sees you, it is like inserting a card to get out some money. I think part of the problem is that people do not understand how Parliament works. Let me appeal to the Parliamentary Service Commission to get our Public Relations Department in order. I think it is time Parliament had a spokesperson to communicate to others about what goes on in Parliament. Such office should be able to organise Members of Parliament to know what we do in various House Committees. We have no opportunity to find out what happens in other Committees. We need to re-address the rule which says that we cannot anticipate debate. That is the rule that prevents us from conducting seminars or workshops that will brief us on the Bills and Motions that will come to the House. I think that will help *wananchi* to understand the work that we do better.

Mr. Speaker, Sir, finally, I would like to talk about the issue of tribalism. It is disturbing me very much. I want to be known as a "Nairobian", if I can use that word. I am a person who was raised in Nairobi. I speak no vernacular. I have mixed race and mixed tribe ancestry.

[Mr. Speaker left the Chair]

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

For me, my first time to hear of tribalism was in this House. I think this is where tribalism is made and created by politicians. We then export it to *wananchi*. I would like to seek your guidance, Mr. Temporary Deputy Speaker! When people speak the way they have been doing in the last two weeks, producing lists from certain communities from where appointments have been made, would it not be in order for that hon. Member to bring a proper audit? If you say that there is favouritism in the Judiciary, then let us table the names of all the judges. That is when we will know whether there is one tribe which is being favoured over the others. It should not be on new appointments. You should look at the whole audit of the entire Judiciary. I feel pained about that issue. As a member of the younger generation, we do not want tribalism. It creates a lot of animosity. I think it is a question that this House should strive to stop.

Finally, I would like to talk about the introduction of capital punishment for those found carrying illegal guns. I think as a country, we have really moved away from capital punishment and death penalty. Nobody who has been sentenced to death since 1987 has been killed. It is a dead law! Why do we want to introduce it? I think that those people who carry illegal firearms must be punished, but with real punishment; not things we are going to put in the books and never do. Let us move away from capital punishment and punish these criminals in a manner in which they will not repeat offences.

Mr. Temporary Deputy Speaker, Sir, I will once again go back to the issue of constitution review. We must pass some of the critical issues that have been proposed, particularly, by the Committee and hopefully in the negotiations. I would like to plead with hon. Members for us to remain focused on the proposals to amend Section 33 which is the Affirmative Action measure, to introduce more women and minorities into this House. I will also appeal to hon. Members to support the amendments on Section 91 which have to do with dual citizenship and which will also allow women to transfer their citizenship to children.

Finally, I think it is important for us to look and re-amend Section 42 so that Parliament has a say in terms of additional constituencies. I think it is a shame that we can sit in Parliament and we are flouting the law. We should have added these constituencies last year but we did not do it. The Constituencies Development Fund (CDF) is linked to the hon. Member who represents the constituency.

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

Mr. Marende: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this matter before the House. Despite talking from where I am, I wish to begin by commending a few areas that I isolate for compliment in the Presidential Speech. The first of this is the emphasis in the Speech that there is a determined bid on the part of the Government to allocate resources to the rural areas. Indeed, this has been witnessed by the establishment and implementation of the CDF. We have also seen more resources allocated to District Roads Committees. We have seen some resources go to the rural areas through monies allocated to HIV/AIDS. In particular, speaking for myself and the people of Emuhaya who I represent, we wish to thank His Excellency, the President for ensuring that the people of Emuhaya are allocated a district. For this, we are grateful!

The second area that I have isolated to compliment the President for is his concern over the slow pace in the administration of justice. He is proposing that with appropriate legislation, the number of judges be increased to as many as 200, in both the High Court and Court of Appeal, in respective proportions. Indeed, this measure, once operationalised, will ensure that the backlog of cases in the High Court and Court of Appeal is a matter of the past. It will address the old platitude which we hope will be no more; that justice delayed is justice denied. However, it is important that it is noted at this point that whereas the President may mean well, it will be necessary that the Judicial Service Commission (JSC) is left alone to carry out its work impartially in the appointment of judges so that the ethnicity factor does not show its head in the appointment of the persons who will be judges. They should be appointed purely on merit.

Mr. Temporary Deputy Speaker, Sir, having said that, there are areas, though, which have been treated in that Speech fairly cosmetically and, perhaps, at best, superficially. Among these areas is the very critical area on constitution review. This is an area where Kenyans have been concerned for the past 15 years or so. The matter has become even more serious since the onset of the new Government and more so, given that there were many promises that raised the aspirations and expectations of Kenyans that we will realise a new Constitution sooner than later. I want to appeal, through the Government, to demonstrate more commitment and sincerity towards this endeavour. It is not enough for His Excellency the President to generally say that this area will be attended to. The President must walk the talk! He must demonstrate by action that he is committed to Kenyans getting a new Constitution. I expected the President to be more categorical and come out in his Address to say that his Government is, no doubt, going to, first, support the minimum reforms package. Secondly, he should have said that he will see to it that the road map to comprehensive review is cleared. I am neither particularly happy nor amused when I hear hon. Members of the Cabinet say that if a new Constitution is not realised, the blame will be on the hands of hon. Members. That walk must begin with the President! After all, it has always been true over history - it is still true today - that the buck stops at the presidency. The President must be responsible!

Mr. Temporary Deputy Speaker, Sir, I want to move to an area that now is common practice in the Government to talk about the economy growing. Yes, perhaps, the economy is growing. It is said that it is growing at 6 per cent. However, it is not good enough to talk about figures and percentages. We would like to see that if there is growth in the economy, it translates into tangible benefits for the ordinary Kenyan.

(Applause)

We cannot be talking about the economy growing and so the welfare of Kenyans improving when this Government at its taking over the reigns of power, the price of a kilo of sugar, for example, was Kshs40. Today, the price of sugar is in excess of Kshs100 per kilo. So, where is this growth?

Mr. Temporary Deputy Speaker, Sir, as we talk about growth, the poverty level in this country still remains fixed at 57 per cent. So, what growth are we talking about if the poverty level in this nation has not changed? As we talk about growth in the economy, we are still listed among the top five countries the world over, in which income distribution is most unequal. So, where is this economic growth?

(Applause)

The surest way to address this would be to ensure that those disparities are addressed.

Mr. Temporary Deputy Speaker, Sir, there is an area also on which there must be censor against the Government. Indeed, I was part of that NARC dream. I was elected on a NARC ticket and I still serve in this Parliament as an hon. Member on a NARC ticket. We promised, among many other things, that the era of roadside directives is over. Today, this practice is re-emerging. It is actually coming to the fore once again. Even as we get nearer to the elections, there is fear, which is real, that the President is going to move around with an even bigger bag of goodies and when he is asked for districts, he will give them at will at the expense of the taxpayers' money.

The Assistant Minister for Roads and Public Works (Eng. Toro): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to talk about the President moving around with goodies whereas hon. Members of Parliament in this House will also be moving with goodies to *wananchi*?

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, with respect to my friend, Eng. Toro, I think that was a bid to waste my time so that I do not articulate those issues that are pertinent.

Mr. Temporary Deputy Speaker, Sir, we know that, not too long ago at a public forum, His Excellency the President declared, when he knows very well that this cannot be done out of a Presidential pronouncement or directive at a public meeting, that this country will henceforth ensure that 30 per cent of all positions in employment in the public service will be given to women. He also said that Maendeleo ya Wanawake must be given a place in the running of the Constituencies Development Fund (CDF). That cannot happen! We must follow due process by bringing legislation to Parliament to amend it. It is, therefore, necessary that appropriate caution is exercised to ensure that we move away from a path which is not particularly interesting.

There are two areas, which, in my view, have been treated very casually. The first one pertains to security. The most that the President gave to this matter was a passing sentence in a paragraph and yet Kenyans continue to die everyday. They are killed by persons who are not apprehended and those deaths are not explained.

Finally, intelligence is coming through that matters are going to be compounded by the removal of Maj.Gen. Ali as the Commissioner of Police because he has been impartial in the exercise of his duties.

The Temporary Deputy Speaker (Mr. Poghio): Where do you fall in this matter, Mr. Marende? Do you support or do not support the matter?

Mr. Marende: Mr. Temporary Deputy Speaker, by reason of the two areas---

The Temporary Deputy Speaker (Mr. Poghio): I have not asked you to open debate on this matter.

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, the two areas are isolated. I support.

The Temporary Deputy Speaker (Mr. Poghisio): No, you cannot do that.

(Laughter)

Order, Members! I said it even yesterday that you need to say at the end of your speech where you fall. You cannot just present a speech and sit down.

Mr. Marende: Mr. Temporary Deputy Speaker, Sir, I put some positive entries on the Presidential score sheet and so I support.

The Temporary Deputy Speaker (Mr. Poghisio): That is a good way to end.

Proceed, Mr. Gachagua!

Mr. Gachagua: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity, first of all, to thank His Excellency the President for the exposition of public policy.

*(Several hon. Members walked
out of the Chamber)*

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Members! Perhaps, I should explain this. For those who do not know, there was a list that was taken, of hon. Members who were here. It is actually the list we are using now before another lot of names is added to the list. So, if you feel that you have waited longer, there is a list of names of hon. Members who came much earlier.

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): On a point of order, Mr. Temporary Deputy Speaker, Sir. Some of us have been queuing since Tuesday.

The Temporary Deputy Speaker (Mr. Poghisio): But this list is for today.

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): Mr. Temporary Deputy Speaker, Sir, that is true, but in all fairness, some of us have been queuing since Tuesday and are finding it very difficult---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Kembi-Gitura!

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

The Temporary Deputy Speaker (Mr. Poghisio): I will not give you the Floor if those are the kind of points of order that you are going to raise. Be very careful that you do not police or cast aspersions on the Chair.

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): Mr. Temporary Deputy Speaker, Sir, I apologise, if by any chance, I gave the impression that I was casting aspersions on the Chair. I was just putting across the point that we have been queuing here patiently. I was not, in any way, trying to cast an aspersion on the Chair.

The Temporary Deputy Speaker (Mr. Poghisio): Well, the list was taken at the beginning of this sitting.

Proceed, Mr. Gachagua!

Mr. Gachagua: Mr. Temporary Deputy Speaker, Sir, I would like to thank His Excellency the President for the exposition of public policy.

(Mr. Mwacha stood up in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Mwacha! I know that your name is on the list. So, you have to be patient because you went away.

Mr. Mwancha: Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Gachagua: Mr. Temporary Deputy Speaker, Sir, I want to thank His Excellency the President for the exposition of public policy contained in his last Address to this House. At the same time, he also spelt out a series of pieces of legislation that will be brought before this House for debate.

In his address to the House, the Speaker also said that among the Bills to be debated is the one dealing with the Standing Orders of this House which are intended to make this House more efficient in the execution of its duties. In the last four years, this House has been accused of a very low output. I think the Standing Orders are primarily to account for that low output. We hope that when this matter comes forward, we will be able to deal with such amendments that are meant to make our work more productive and give more to the people of this country.

The issue of the time spent in this House and the constant accusations that we face, that hon. Members are either not present to ask Questions or Ministers are not present to answer Questions, is something that has dogged us for a long time. I hope we shall borrow the practice in India where Ministries are allocated time for Questions. By so doing, it is possible to have a Minister, say, for Agriculture or Health coming here on a Monday or a particular day so that we deal with issues pertaining to those Ministries on that particular day. That way also, the Ministers will have an opportunity to give substantive answers and detailed information that is meaningful. I hope that, that is one of the amendments that we are going to deal with, as a House.

Mr. Temporary Deputy Speaker, Sir, let me turn to the issue of corruption in this country. This is a matter for which this House must take much of the blame in the following ways: We have Committees of this House, precisely the Public Investments Committee (PIC) and the Public Accounts Committee (PAC), which are charged with an oversight function over the various activities going on in the Government Ministries and parastatals. These Committees make certain recommendations which the Attorney-General is supposed to act on. However, the hands of the Attorney-General are usually tied because these recommendations are either incomplete, perhaps, because they did not get into detailed investigations in order to arrive at certain recommendations, or the Committee Members had an agenda to cast aspersion on certain individuals. I hope that even as we deal with the Standing Orders, one of the amendments should be to open the hearings of both the PAC and the PIC to the public so that their deliberations can be made public. This is one way of increasing efficiency in those two Committees.

Mr. Temporary Deputy Speaker, Sir, this perceived corruption sometimes stems from those recommendations that are far-fetched and which cannot be supported by any evidence. Thereafter, the Committees ask the Attorney-General to prosecute the individuals mentioned on the basis of those recommendations. When the Attorney-General fails to do so, it is alleged that this Government is not committed to fighting corruption.

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

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

The Public Officer Ethics Act is clearly inadequate to deal with corruption in this country. You are aware that when this law was first brought on the Floor of this House, it was brought as a constitutional amendment. This is because we needed to deal with issues relating to privacy under the Constitution so that one could prosecute certain matters. However, we realised, as a House, that, as a constitutional amendment, we would not have been able to pass this law because we

could not have garnered the necessary two-thirds majority. So, what did we do? We brought this amendment back as a simple Bill so that we could have the necessary simple majority to pass the anti-corruption law.

Mr. Temporary Deputy Speaker, Sir, that is where the problem is. The current anti-corruption law cannot be used to prosecute anyone. This is because of the issues related to protection of privacy and self incrimination under the Constitution. Therefore, we, as a House, must bite the bullet. We must have the courage to bring in constitutional amendments to make the anti-corruption law have teeth to deal with corruption issues.

Mr. Temporary Deputy Speaker, Sir, this House has a duty to streamline the anti-corruption law, so that we deal with issues related to corruption. The law, as it is today, is not able to do so. This is the august House; this is the body responsible for making law and we must take that responsibility. We should not shift the blame to the Government or the Attorney-General. We must enable the Attorney-General deal with this issue substantively. That way, we shall be contributing in making sure we wipe out the vice.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about issues of Constitution and proposed reforms, as we move to the general elections. It is good for us to be honest. It is also good not to keep on shifting goal posts. Certain presentations have been made to the effect that it is important for this House to make certain amendments in order to level the play-ground before the general elections. I am happy to say that, non other than His Excellency the President, has acceded to this in the Government of National Unity (GNU). He has directed that a committee sits down and starts looking into these issues. That having been done, what do we have now? We have the same people who were asking for these amendments shifting goal posts. They are now saying that in the committee, they cannot have Ms. Karua. They are also saying they cannot sit without representation from the civil societies. This is shifting goal posts!

I am appealing to hon. Members of this House to stop playing politics with these issues. Now that a committee has been formed, the ball is rolling. Let us take the initiative and deal with these issues. Frankly speaking, some of these issues are not contentious. They are issues of particular interest to every hon. Member in this House. This is particularly so with issues related to the Keter Bill on independence of this House and its ability to handle its own calendar. These issues are not contentious. Let us not allow politics to derail this process. Let us join hands and move forward.

Mr. Temporary Deputy Speaker, Sir, the issue of holding of positions in the Government has been brought up on the Floor of this House. A certain community has been accused of monopolising various positions. I think a time has come when this issue must be disposed of. I think the Government has a duty to table all these appointments. They should not only table the appointments, but also those of the other 41 tribes in this country. The list should read like; this tribe has a population of five million, out of which so many hold the following positions. We cannot simply talk of tribes. Tribes are made of individuals. Every Kenyan has a constitutional right not to be discriminated upon on the basis of his or her tribe.

Mr. Temporary Deputy Speaker, Sir, if one tribe has a population of two million people, we want to see a proportion representation in various positions in the Government. It is only when we do that, that we can see a picture of whether there is discrimination. We cannot just talk about tribes without talking about the number of people in the tribes. I hope the Government takes this initiative because, in my own feeling, this is something that should be done away with. I am saying if the Government is not ready to do so, we are ready to bring substantive Questions on the Floor. The Government will answer them and this House will have an opportunity to see who is where, in what position and from which tribe.

Mr. Temporary Deputy Speaker, Sir, I now turn to the issue of allocation of resources. It is

a well known fact that this is an agricultural country. However, there has been a lot of lip-service paid to that sector. The allocation of resources must reflect that reality. The allocation of funds to the Ministry of Agriculture and the Ministry of Water and Irrigation is minimal. It is a contradiction that this country is an agricultural country, and yet we continue to allocate very merger resources in those areas.

With those few remarks, I beg to support.

Mr. Khamisi: Bw. Naibu Spika wa Muda, asante kwa kunipa nafasi hii baada ya wiki nzima ya kusimama na kukaa.

Ningependa kuongea machache kuhusu Hotuba ya Rais. Hotuba yake ilitaja mambo mengi kuhusu kukua kwa uchumi na rasilimali ya nchi hii. Pia ilitaja kuhusu jitihada ya Serikali katika kuendeleza miradi ya akina mama na vijana, hisia za Serikali kuhusu sera za mwaka wa 2030 na mambo mengi kama hayo. Lakini kuna jambo moja ambalo mhe. Rais hakusema wala kutaja; ni nini Serikali imefanya kumaliza swala la ardhi na maskwota katika nchi hii? Niliamini kwamba iwapo Serikali inatoa orodha ya mafanikio yake, ni muhimu kama ingetoa orodha ya yale yote ambayo inafikiria imefanya. Kwa kuwa Rais hakusema chochote kuhusu ardhi, inadhahirika wazi kwamba Serikali haijafanya chochote kuhusu swala hili nyeti. Haya ndio masikitiko yangu.

Bw. Naibu Spika wa Muda, kwa miaka minne tumekuwa tukikera Serikali nje na ndani ya Bunge kuhusu swala hili. Vile vile, tumepewa ahadi nyingi na Waziri wa Ardhi na pamoja Rais mwenyewe kwamba swala hili lingesuluhishwa kwa muda mfupi. Lakini inavyoonekana muda wa Serikali utamalizika bila kushughulikia swala hili. Miaka mitatu iliyopita, tuliambiwa kwamba Serikali itatoa sera za ardhi. Mpaka wa leo, hakuna sera hizo. Tuliambiwa kwamba Serikali itachukuwa hatua kutekeleza Ripoti ya Ndung'u na kuhakikisha kwamba wale waliopata mashamba kwa njia ya undanganyifu watakamtwa na kushtakiwa. Mpaka wa leo, Ripoti ya Ndung'u haijatolewa kwa wananchi. Wananchi hawajui kama Serikali inachukuwa hatua dhidi ya wale waliofanya hujuma hizo.

Bw. Naibu Spika wa Muda, sisi wahusika katika swala hili, ambao maeneo yetu yamekumbwa na maskwota na ukosefu wa ardhi, tunaona ya kwamba Serikali imeshindwa kutatua swala hili. Ikiwa kweli Serikali imeshindwa, ni ungwana kujitokeza na kusema, "tumeshindwa kutekeleza jambo hili.

An hon. Member: Nidhamu ya kumjulisha zaidi?

Mr. Khamisi: Sitaki habari zako!

(Laughter)

Bw. Naibu Spika wa Muda, hivi majuzi, Rais alizuru Mkoa wa Pwani tena na matumaini yetu yalikuwa kwamba atatupatia ahadi ambazo tungefurahia. Lakini alikuja Mkoa wa Pwani na akarudi Nairobi na hakuna chochote tulichopata. Kwa hivyo, ni muhimu kwa Serikali, katika utekelezaji wa ahadi ilizotoa wakati ilipokuwa inataka mamlaka, itimize jambo hilo kabla ya kuondoka katika utawala mwisho wa mwaka huu.

Bw. Naibu Spika wa Muda, tumeambiwa katika Hotuba ya Rais kwamba, sekta ya utalii imeipatia nchi hii Kshs56 bilioni. Mimi kama mtu anayetoka Mkoa wa Pwani, ambako asilimia 60 ya mapato ya utalii yanatoka, hatujaziona hizi Kshs56 bilioni ambazo tunaambiwa. Tunataka Serikali ituambie bilioni hizo ziko wapi, ikiwa haziwezi kuonekana katika maeneo ambayo yanazalisha utalii. Hii ndiyo sababu naunga mkono yale yaliyosemwa hapa na wenzangu kwamba, suluhisho ni kuwepo na Serikali ya majimbo, ambapo baadhi ya mapato hayo yataachwa katika sehemu zinazozalisha mali.

Tumeambiwa kwamba Kshs8 bilioni zimetumiwa kumaliza miradi fulani Mkoani Pwani. Tunataka Serikali itupatie orodha ya miradi iliyotumia hizo fedha. Kwa sababu mimi ninao mradi

ambao haujamalizwa kama ilivyoahidiwa na Serikali; mradi wa Korosho. Kama hizo Kshs8 bilioni zingetolewa na baadhi yake tukazona katika kufunguliwa kwa mtambo wa korosho, tungeweza kuamini kwamba hizo pesa zimeingizwa katika sehemu ya pwani. Hivi sasa, huo ni uzushi mtupu!

Bw. Naibu Spika wa Muda, kuna ahadi nyingine ambayo Waziri wa Fedha alitoa katika Ukumbi huu wa Bunge wakati wa Bajeti. Alisema kwamba, bandari ya Mombasa itafunguliwa kwa masaa 24 kwa siku ili kuweza kuondoa msongamano wa bidhaa na vile vile kutoa nafasi za kazi kwa wananchi. Mwaka mzima umepita na bandari ya Mombasa haijafunguliwa masaa 24 kama vile Waziri wa Fedha alivyoahidi. Hii ni moja ya ahadi nyingi za uongo ambazo zimetolewa na Serikali.

Bw. Naibu wa Spika wa Muda, ningependa kuzungumza kuhusu pesa ambazo Serikali inasema inatoa kusaidia makundi ya akina mama au maendeleo ya akina mama. Ningependa kuipongeza Serikali kwa kuchukua hatua hiyo, lakini ningependa kuikumbusha pia kwamba kuna walemavu wengi katika nchi hii ambao wangependa kupata hazina kama hiyo, ili nao pia wapate kujumuika kama wananchi wengine.

Kuhusu usalama, ni jambo la kusikitisha kwamba Serikali inaweza kuondoa wananchi kutoka nchi hii na kuwahamisha na kuwapeleka katika nchi za nje. Mfano ni kile kikundi kilichopeleka Somalia na yule mtu aliyetolewa hapa na kupeleka Cuba. Serikali hii ingekuwa ya busara ingewaeleza wananchi wa Kenya ni kwa nini raia wa Kenya wanahamishwa kutoka hapa na kupeleka katika maeneo ya bara ambako ni nchi za kigeni kwao. Vile vile, kuna mtu ambaye anaitwa Felicien Kabuga. Kila siku tunaambiwa kwamba anatafutwa na Serikali na fidia kubwa imetolewa kwa yule mtu ambaye anaweza kumpata, na hali tunajua na kuambiwa kwamba mtu huyo huenda amefichwa katika nchi hii. Miezi miwili iliyopita kulikuwa na msako katika sehemu ninakotoka ikidaiwa kwamba Bw. Kabuga alikuwa amejificha katika eneo langu la uwakilishi la Bahari. Polisi walikuja wakavamia eneo lile na Kabuga hakupatikana. Tunaambiwa kwamba siku hizi anavaa kanzu na vitoroboshi.

Ikiwa Serikali ina uwezo na nguvu za kupigana na uhalifu, inakuwaje kwamba ni rahisi kupata magaidi wa Kenya na ni vigumu kupata gaidi ambaye anatoka katika nchi nyingine, ambaye anaishi katika nchi hii? Serikali ina wajibu wa kuwaeleza wananchi kuhusu jambo hilo.

Bw. Naibu Spika wa Muda, kuna hili swala la Katiba. Ninamshukuru Makamu wa Rais kwa kukubali kukutana na kundi la chama cha ODM-K hivi leo na vile vile kukubali kujumlisha kundi la wale wasiomo ndani ya Serikali katika mazungumzo ya kuangalia jinsi gani tunavyoweza kupata mabadiliko haba ya Katiba kabla ya uchaguzi wa mwaka huu. Ninavyoona ni kwamba, Serikali haina njia nyingine isipokuwa kukubali matakwa ya wananchi, ambayo ni kuleta mabadiliko ya kuweza kuweka sawa hali ya uchaguzi wakati utakapotokea.

Mwisho kabisa, ningependa pia kuzungumza juu ya ukosefu wa maafisa katika miradi inayojengwa na CDF, waalimu na madaktari katika hospitali zetu. Wakati huu hospitali na shule nyingi zinajengwa na Serikali haiko tayari kutoa wafanyakazi katika sehemu hizo. Kwa hivyo, ningeiomba Serikali kutia bidii ili kwamba miradi hiyo itakapomalizika, watu waatandikwe kazi mara moja.

Kwa hayo machache, ningependa kuunga mkono Hotuba ya Rais.

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute on the President's Speech to Parliament.

Previously, other hon. Members and I, have talked against recycling of retirees in this country. This has gone on and we continue to see people who retired from Public Service being re-appointed at the expense of youthful, young and well educated people. There are Kenyans who are well educated and young enough to hold certain positions. While that has been general, I want to narrow down to one previous holder of the office of the Controller and Auditor-General.

Mr. Temporary Deputy Speaker, Sir, this is a man who served Kenya in the position of

Controller and Auditor-General for about 45 years. After his retirement, he has since been re-appointed to head another committee called, "The Pending Bills Closing Committee". This is a committee which is charged with the responsibility of reviewing the pending bills. It is supposed to look at the bills, appeals and claims for payment by various contractors in this country. While I may not have problems having such a committee, but I am looking at the person; Mr. D.G. Njoroge as having been the one responsible for looking at the accounts of this country's public expenditure, Government expenditure, State corporations and parastatals. Most of the audit queries have arisen from his work and some of the audit queries and malpractices that he has pointed out also include those pending bills. That being the case, that he is the person who brought them up and that he is now the person reviewing the pending bills, do you not find it unethical and conflicting that he is the person who conducted the audit and now he is reviewing again what his audit exercise brought about? That is completely unethical and it must be discouraged. If I was Mr. Njoroge, I would resign from that position. In any case, I do not see why he took up that appointment again. The Pending Bills Closing Committee (PBCC) is the final committee. If that committee recommends that certain pending bills be paid, they will be settled. That is an issue that the Government must look into. I strongly feel that Mr. Njoroge should be removed from that position because he is the one who brought about the issue of pending bills.

Mr. Temporary Deputy Speaker, Sir, having said that, I want to turn to issues affecting my constituency. I want to start with the issuance of identity cards. That issue has been talked about now and then by hon. Members. We feel that the manner in which identity cards are being issued in our areas has to do with the general elections. Some of the applicants for identity cards, particularly in Bungoma District, are being asked to produce title deeds and identity cards for their grandparents, some of whom do not exist. They went back to where they came from, near God or somewhere else! Some people are even being asked to produce identity cards for their great grandparents. If the grandparents are long gone to the other world, where do you expect applicants to get identity cards of their great grandparents? Sometimes, the officers involved in the registration of persons in Bungoma District sell those forms or they claim they are not available. Members of the public interested in obtaining identity cards are now very frustrated. In fact, as I speak now, there are some applicants who have been waiting for their identity cards for over a year. That is something that the Government must address. Otherwise, we may have to conclude that, that is part of a mechanism to rig the general elections. To prevent eligible Kenyans from obtaining voters cards is rigging the general elections.

Mr. Temporary Deputy Speaker, Sir, my colleague, the hon. Member for Bahari Constituency, talked about pledges by the Government. There were promises that certain projects will be undertaken in some parts of Kenya. There is a very serious project in Bungoma District which His Excellency the President himself, who holds the highest authority in the land, promised to build. He said that Kibabii Teachers Training College (KTTC) will be built. He did that when he was soliciting for votes. Even after that, during his tour of western Kenya and Bungoma District, he said that, that college will be built. But up to now, there is no sign of anything going on. I must point out that he should get it very clear that, that is one of the political issues that made the people of *Mulembe* hate the former President Moi. When the time comes, it will be *mundu khu mundu*. That means President Kibaki should not expect any vote from there. That is because he promised to construct that college. We know that, that is the highest office in the land. When he says something, we expect nothing short of it being done.

Mr. Temporary Deputy Speaker, Sir, while we appreciate that there has been little improvement in the sugar industry in terms of payment to farmers, there is a serious problem which must be addressed. Otherwise, when the market will be opened up to the duty-free sugar from the COMESA region, it will be very difficult for our country. Other than Mumias Sugar Company

(MSC), the rest of the sugar factories are owned by the Government. It is time to put more effort to ensure that the cost of production, particularly in terms of ploughing, transport, fertilizers and even cess that is charged on the farmers, is brought down. That is the only way we can compete effectively. Farmers are paid peanuts simply because of the cost of production.

Mr. Temporary Deputy Speaker, Sir, the other important area - and I have put a Question to that effect - concerns the people involved in sugar-cane cutting. Those are people who take a lot of risks. Since the sugar-cane factories started, we have always had sugar-cane cutters. Sugar-cane cutters take the risk of getting into those sugar-cane bushes with *pangas* from as early as 5.00 a.m. They have been doing that ever since the factories were established. Unfortunately, they have remained casuals up to date. Why is it that certain people are allowed to flout the rules? Why is it that certain people are allowed to contravene the rules to the extent that, the people who are actively involved in employment are subjected to a daily employment method? Those people wake up very early in the morning. They run to the farms carrying *pangas* to cut the sugar-cane with all the risks involved. The Ministry of Labour and Human Resource Development has not taken up its responsibility. I wish the Minister for Labour and Human Resource Development could wake up and ensure that sugar-cane cutters are also treated like any other employees working in this country. Otherwise, when the time comes, I will mobilise them to stop the cutting and use the *pangas* against some other people who are involved.

With those few remarks, I beg to support.

Mr. Oparanya: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I also take this opportunity to thank you for listing the names of hon. Members who are interested in contributing to this Motion. Occasionally, some hon. Members just walk in and they are given a chance while others, who have been in the House the whole day, are left out. I hope you will continue with that exercise.

Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion. However, there are quite a number of issues that were raised in His Excellency the President's Speech that I need to highlight.

One of the most important issues concerns the Constitution of this country. We have been talking about a new Constitution for the last 20 years. We have spent a lot of money in the constitution-making process. In fact, I was in a different forum where somebody said that the Kenyan Constitution is the most talked-about in the world. It is important that we have a proper Constitution.

Mr. Temporary Deputy Speaker, Sir, I was surprised when one hon. Member stood up in this House and said that the rule of 50 per cent plus one for presidential candidates is unfair. He said it should be applied to hon. Members of Parliament and councillors. For heaven's sake, how do you compare the Head of State, who is unifying the whole nation, to a councillor who is head of a village? It is important that, that rule is applied to the letter, if we want to have someone who will represent this country. This rule is being applied in most countries of Africa. It is applied in Nigeria, Senegal and the Democratic Republic of Congo (DRC). Why is Kenya exceptional?

Mr. Temporary Deputy Speaker, Sir, we have complained of unfair distribution of resources in this country. We must, therefore, have a Constitution that takes care of this. That is why I am saying that we must have a devolved system of Government; where resources are distributed to all regions of this country equitably. I and my constituents support the *majimbo* system of Government. If we had the *majimbo* system of Government, Butere would be having a tarmacked road. It is a shame that 44 years after Independence, Butere has no tarmacked road. If we had a devolved system of Government, resources would have been taken to Western Province. We would be talking about tarmacked roads instead of depending on decisions to be made by the Executive in Nairobi some of whose members do not know where Butere is.

Mr. Temporary Deputy Speaker, Sir, the next issue I want to comment on is insecurity. We have a problem, as legislators, especially those of us who represent rural constituencies whereby there is a lot of insecurity since our people keep on losing livestock to rustlers. We have been talking about this issue for a long time and there is no solution to it. It is important that we integrate the security system with the private sector. Policemen are trained to take care of the security of this country. However, you will find a police officer, who has been trained for one year, standing at a gate guarding a building. This is work that can be done by a watchman. Why can we not release police officers from such work, so that they do their core business? It is happening in other countries. We should leave the guarding of buildings to watchmen and not to armed police officers unless they are guarding a bank. Police officers waste time in the rural areas chasing after people who are brewing and drinking their *chang'aa* peacefully and leaving the criminals. It is important that security is beefed up, especially in the rural areas. I urge the Government to recruit more police officers. I thank the Government because most of our police stations have vehicles.

Mr. Temporary Deputy Speaker, Sir, I would be doing injustice to myself if I do not mention sugar-cane growing in my constituency since most of my constituents grow sugar-cane. I am happy the President mentioned that the Sugar Bill will come to this House. I know it came here and we could not deliberate on it. Although payments to sugar-cane farmers has improved as one hon. Member said, but it is unfortunate that the restructuring that has taken place in other sectors of agriculture has not taken place in the sugar industry. Our farmers are more poorer than they were when the industry was introduced in western Kenya in 1976. So, it is important that the Government does something to revitalise the sugar industry. This is because the Government owns most of these sugar companies except Mumias Sugar and West Kenya Sugar companies which have been privatised. These sugar companies that are owned by the Government owe sugar-cane farmers Kshs50 billion through the Sugar Development Levy (SDL). Since the Government has written off debts in the coffee industry, it is important that the Kshs50 billion is returned to the farmers so that it is used for the development of the sugar industry.

Mr. Temporary Deputy Speaker, Sir, we have complained about taxes within the sugar industry. There are so many taxes. It is very difficult for that industry to compete and the fact that we will have this safeguard measure expire at the end of February next year, I do not see how our sugar industry will compete with the others.

We also have to look at the pricing of inputs. It is important that we have a system like that of Seychelles and Mauritius where farmers have access to credit, so that they will be able to negotiate the prices of inputs themselves. The inputs are given to the farmers at ease and so they have no say on the prices. However, if they are given as credit, they will have a say and they will be able to negotiate themselves, so that they get value for money.

Mr. Temporary Deputy Speaker, Sir, the other issue that has to be streamlined in the sugar industry is provision of licences to jaggeries. We had jaggeries which were offering employment to our people, but they have been arbitrarily closed. I request that the licences of these jaggeries should be streamlined because they were offering employment to our people. They have been closed because they are saying that they do not have outgrowers to plant sugar-cane for them. However, if they are streamlined and given conditions which they are able to meet, then they will become operational instead of arbitrarily closing them.

Mr. Temporary Deputy Speaker, Sir, I would want to mention something on rural electrification programme. I want to thank the Government for starting three electrification projects in my constituency. However, it is saddening that we find that---

The Temporary Deputy Speaker (Mr. Marende): Order, Mr. Oparanya! Your time is up!

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support.

The Temporary Deputy Speaker (Mr. Marende): Hon. Members, going by the ruling

which was given by the Speaker earlier this afternoon, the next hon. Member to contribute is Eng. Toro.

Mr. Achuka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Most of those hon. Members who are on your list are absent. So, I think you should give those of us who are present a chance to contribute.

The Temporary Deputy Speaker (Mr. Marende): Thank you, Mr. Achuka. Eng. Toro is actually present.

QUORUM

Mr. Mwancha: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing the President's Speech. The mere fact that we do not have enough hon. Members might mean that it is not a popular Speech. There is no quorum in this House and could you ensure that there is quorum and then we can continue in order to show that the President's Speech is popular and he is also a popular President as well?

The Temporary Deputy Speaker (Mr. Marende): Hon. Members, yes, I have checked and apparently the House lacks quorum at the moment. Ring the Division Bell.

(The Division Bell was rung)

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

Please, proceed, Eng. Toro!

The Assistant Minister for Roads and Public Works (Eng. Toro): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the President's Speech. The exposition by the President was very clear and to the point. When you listen to some hon. Members contributing to this Motion, you might think that we are contributing to two separate speeches. On the one hand, Members of Parliament are very happy with what the President said in this House. But on the other hand, there are some hon. Members who do not see anything good in the President's Speech.

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

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

Mr. Temporary Deputy Speaker, Sir, it is high time that we, as Members of Parliament, became serious and gave our views truthfully to the nation. We are getting to a point where the hon. Members of Parliament are becoming enemies of the people, because we are not sincere and truthful to them. Unless we speak the truth, members of the public will continue holding us in ridicule.

Mr. Temporary Deputy Speaker, Sir, when the President says that the economy has grown by 6 per cent and some hon. Members of Parliament say that people are still poor and that no development can be seen on the ground, that is not being truthful. This is because---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! Please, consult

in very low tones!

Proceed!

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, there is a contradiction on the part of the Members of Parliament. On the one hand they say that the Constituencies Development Fund (CDF) - and many constituencies have received as much as Kshs100 million - is doing a good job, because it is reaching the people, and they are very happy on the ground. Before its introduction, they used to hold Harambees and contribute from their own pockets. Now that, that money has been saved, development is by the people. However, on the other hand, the same hon. Members are saying that people are still poor. That contradiction is not sincere. This is because either people are happy on the ground because of the resources that have gone to the ground, or they are not happy. They cannot be happy and unhappy at the same time. So, the hon. Members of Parliament must be sincere, so that people can trust what they say.

Mr. Temporary Deputy Speaker, Sir, the introduction of free primary education is a relief to the *wananchi*. The money they used to pay towards education is now in their pockets. So, when some people say that the economic growth does not translate to money in people's pockets, I fail to understand what they mean by that. This is because any relief given to *wananchi* translates into money in their pockets. The money they would have contributed in Harambees in order to construct dispensaries, cattle dips and schools, is now being used to develop their own welfare. So, poverty is not as it used to be. When statistics show that there is economic growth, we should be sincere.

Let us not play politics with facts. One of the facts is that Kenyans are happier today than they were five years ago. That is a fact! If it is not, I would like any hon. Member of Parliament to sincerely stand in this House and tell us why the people he or she represents are not happy after receiving the CDF money and free primary education. If your constituents are not happy with what they are receiving, then they do not deserve it. They should give it back so that it can be distributed to those who are happy. It is insincere of Members of Parliament to be double-edged. On the one hand they are happy while on the other hand they are not.

Mr. Temporary Deputy Speaker, Sir, many of us have proposed that we amend the Constitution, so that we can create more constituencies. I would request that when the amendments come for consideration by the hon. Members of Parliament, there should be an annexe from the Electoral Commission of Kenya (ECK), showing us which constituencies are being created. We cannot give a blank cheque to the ECK. We could agree in this House that we should create 41 constituencies, for example, then the ECK decides to do its own things. The Electoral Commissioners are not angels! They can go and decide what they want to do and then there is nothing that hon. Members can do. Let the Annex come to this House, we agree that they are doing a good job, and we will pass the amendments to the Constitution and the Annex, so that after that, hon. Members are satisfied that the increase in constituencies reflects what is required by the law or by the Constitution.

Mr. Temporary Deputy Speaker, Sir, we should not have a problem with the issue of 50 per cent plus one; it is only that the timing is wrong. In 2002, nobody talked about the issue of 50 per cent plus one. Why is it being imposed now? Why are people talking about it today? Those are the questions we should answer if we are going to be sincere to Kenyans. Why should we agree to minimum reforms while we did not insist on some of them in 2002? Why were we sure that it was okay in 2002 and it is not okay in 2007? Those are the questions that *wananchi* would like to be answered by us.

Mr. Temporary Deputy Speaker, Sir, at the same time, if you want the President to garner 50 per cent plus one, then that will be an Executive President. Then why is it that, after the

President has garnered 50 per cent plus one, you still want to vet his appointments and you do not want him to do this or that until Parliament vets his appointments? If you want him to be an Executive President who garnered 50 per cent plus one votes, then he should be let free to do what he wants to do in this country because he has been given executive powers by a majority of the people. Then do not come and muscle the President if you want him to rule! He has been elected by 70 per cent of the *wananchi*. So, do not come and say that he should not do this or that. Parliament should be able to come and pass the laws they want to pass in this House. You should pass the laws here if you want to guide the President on governance.

Mr. Temporary Deputy Speaker, Sir, the other issue is about minimum reforms. If we are sincere, we are going to insist that Presidential candidates should not be hon. Members of Parliament. We had agreed on that issue. So, why has it been omitted from the minimum reforms? They should not be hon. Members of Parliament so that we can have presidential candidates who are serious. You do not wake up one day and say that you are a presidential candidate and, maybe, you cannot even be elected as a councillor. Why do you want to go that way? Also, if we want to be serious, any person who has vied for a Parliamentary or civic seat should not have a right to be nominated as a hon. Member because once you fail, it means that the people have rejected you. Then you are nominated as a hon. Member. Why? That is an insult to the people who rejected you; that whether they like it or not, I am going to be in Parliament. So, we should have certain amendments to ensure that if you are rejected by the people, you should not be nominated. Full stop! These are the issues we should also be talking about so that we can tell Kenyans that we are very sincere.

Mr. Temporary Deputy Speaker, Sir, when I hear hon. Members in this House saying that the Government has not created employment, I do not know what "creating employment" means. We might not have reached the target of employing 1 million employees per year, but employment has been created in a big way. Otherwise, who are providing services for the Constituencies Development Fund (CDF) offices countrywide? That is job creation! We have created jobs in the quarries, sand harvesting, carpenters, masons and workers. Otherwise, how does a hon. Member spend Kshs35 million or Kshs40 million in the constituency if he is not creating employment? So, let us be very careful when saying that we have not created employment. We have created employment! Even on the issue of free primary education, the suppliers are involved in a big way. We have also employed other people to deliver services.

Mr. Temporary Deputy Speaker, Sir, we can go on and on---

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

The Assistant Minister for Roads and Public Works (Eng. Toro): With those few remarks, I beg to support.

Mr. Ligale: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. At the outset, I want to say that the President's Speech was well prepared to paint the positive aspects of the achievements of this Government, and they have made effort in many ways. Certainly, the free primary education is something that we are proud of in this county. It has brought many children on board who may have been ignored or who could not have afforded to go to school. We commend the Government for that achievement. But we have to point out that, without adequate staffing in most of our schools, most children are not getting quality education. I hope the Government will move with speed to ensure that teachers are employed both in primary and secondary schools to fill gaps which have been created by way of natural attrition, death and other causes.

Mr. Temporary Deputy Speaker, Sir, I agree with the President that, in view of the increased number of primary school enrolment, we must put up additional secondary schools. Day secondary schools are, indeed, going to be the answer. For us to be able to construct them using

CDF facilities, we would like to request that the allocation to that fund is increased substantially. If it is not increased to 7.5 per cent that had been proposed by this House, we should try and increase it at least to 5 per cent. That, will to a very large extent, ensure that we can put up these facilities because majority of the CDF funding goes to the construction of educational facilities. That increase will enable us to go a long way towards achieving that objective.

Mr. Temporary Deputy Speaker, Sir, on affirmative action, particularly taking into account women and the youth, I commend the President for suggesting that 30 per cent of public appointments be given to women amongst our lot. But we need a law to support that pronouncement, otherwise at the moment, it remains a political pronouncement or it remains just a political statement. We must have a law to enable us to bring about affirmative action.

Mr. Temporary Deputy Speaker, Sir, on the question of the Women Enterprise Development Fund (WEDF), which is also a commendable suggestion, one nevertheless, gets the impression that since it is coming towards the tail-end of the term of the President, it is an incendiary gimmick. Why was it not suggested before? Do we have adequate time within the remaining months to bring about the necessary legislation to ensure that, that pronouncement comes into being? We need to ensure that the Youth Development Enterprise Fund (YDEF) is operationalized first, before we bring in this additional factor that may not be able to stand the test of time.

Mr. Temporary Deputy Speaker, Sir, we have heard about the economy growing at the rate of between 5.8 per cent and 6 per cent, and there are some indications of that growth. There is some indication that the economy is going to pick up. However, as some of my colleagues have said, this growth has not trickled down to the *mwananchi*. The ordinary Kenyan has not begun to feel the effects of that growth of the economy. One of the indications of this economic growth is the performance of the Nairobi Stock Exchange (NSE). We have seen some movement.

An hon. Member on the Government side did refer to the NSE being controlled by market forces, and we agree. However, I was somewhat baffled yesterday to hear the Chairman of the NSE make a political pronouncement to the effect that if ODM(K) holds together, that might affect the performance of the NSE. What is the position of Mr. Jimnah Mbaru to make pronouncements to that effect? He has no *locus standi* to make a political statement. Let him confine himself to what he knows best, how to run the NSE. Let him leave politics to politicians. We want an effective Opposition in this country. The ODM(K) is providing that effective Opposition, and it is going to form the next Government. So, he should not get involved in that kind of political statement.

Mr. Temporary Deputy Speaker, Sir, what did not come out strongly from the President's Address are the areas he, obviously, wanted to either gloss over or not to speak too loudly about. There are four of those areas, namely, insecurity, corruption, unemployment and ethnicity. Let me just elaborate a little on each of those areas. The question of insecurity cannot be swept under the carpet. It is with us. We see it every day. Yesterday, we witnessed all those skirmishes pitting *Mungiki*

adherents against *matatu* operators on Kiambu Road. We have witnessed people being shot. We have heard of buses with passengers being carjacked, and it looks as if the Government is unable to control the situation.

Mr. Temporary Deputy Speaker, the Government must come out very strongly and take a very strong stand on the issue of insecurity in this country. Investors cannot continue to come and invest in this country even if the economy is growing, and we also reduce the number of licences required for one to invest to ensure that investors can come here. Even if tourists want to come to this country, if they hear of carjackings and the shooting dead of people, they will not come. We cannot be proud of such a situation. The Government must take immediate steps to ensure that insecurity is curbed, and that Kenyans can travel around this country, knowing that they are safe.

Mr. Temporary Deputy Speaker, Sir, the President only glossed over the issue of corruption. We cannot begin to talk about how we want to curb future corruption, how the law will be changed to ensure that procurement can be done properly, *et cetera*, if we do not take the culprits in the Goldenberg and Anglo Leasing scandals to court. If we cannot show that we are serious in dealing with the massive corruption that took place in the past--- To date, this country has a poor record and it must be able to redeem itself.

The rate of unemployment in this country is very high. My brother, Eng. Toro, has said that employment has been created through disbursement of the Constituencies Development Fund (CDF) money, which is being used to source services in each constituency. That is, really, minimal. There has been no proper planning to try and create jobs. We did promise them. One of NARC's dreams was the creation of 500,000 jobs annually. If that had been done, by now we would be talking of two million jobs that would have been created. No jobs have been created.

Mr. Temporary Deputy Speaker, Sir, one of the reasons as to why we have insecurity - why youngsters tot guns, maim and kill Kenyans - is because they do not have jobs. They are insecure. They do not have a source of livelihood to count on. We must address this matter squarely. The Ministry of Planning and National Development, the Ministry of Labour and Human Resource Development and the Ministry of Finance, must address this issue. They must bring a Sessional Paper to this House, explaining how they intend to create additional jobs, so that our youngsters can have hope in the future.

The question of ethnicity cannot be gainsaid. My brother, Mr. Gachagua, who is not here now, did say earlier that, yes, we need a list now of how many Kenyans are employed where and compare that breakdown with the population each ethnic group has to be able to show, proportionately, who holds what position and whether the number of positions held by people is proportionate to their community numbers. I would like to see that list being produced.

However, Mr. Temporary Deputy Speaker, Sir, some of these issues arise as a question of perception. In this case, perception is more important than the actual numbers. When you have a good lady like Jacinta Mwatela acting as the Governor of the Central Bank of Kenya for ten months and doing a commendable job and then, suddenly, you bring in one Mr. Ndung'u, who has never worked in the bank, appoint him the Governor, even though he has no experience or anything in particular to show for it, people begin to read ethnicity in that kind of appointment. That is perception, and we cannot get away from it. In fact, that particular appointment has drawn attention to the question of ethnicity more than any other appointment. Whoever had advised His Excellency the President to make that appointment was ill-advised.

With those remarks, I beg to support.

The Assistant Minister for Foreign Affairs (Mr. Kembi-Gitura): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my comments in support of the Presidential Address that was delivered to this House on 20th March, 2007. It is an Address that has elicited a lot of interest from hon. Members, as you have noticed, and it is because it contains several issues that need to be discussed for the benefit of this nation.

A lot has been said about the constitutional review process. That is an area I would like to dwell on for a few minutes. We went to the Bomas of Kenya to seek a new Constitution for this country, and we came very close to finding one. The fact that we went into a referendum, and that the Draft Constitution was rejected at the referendum, was an indication of what the political minds of Kenyans were, and continue to be even to this moment. I was a very staunch supporter of the Bomas Draft Constitution and the subsequent Draft that was created in Kilifi, which came to be known as the "Wako Draft".

Mr. Temporary Deputy Speaker, Sir, in my view, the defeat of the Draft Constitution during the referendum had nothing to do with whether or not it was a good document. The defeat

was due to a political decision that was pushed down the throats of Kenyans. So, the Draft Constitution was rejected. This was unfortunate because, as all of us know, we then started discussing what were called "the contentious issues" or the issues that had not been agreed upon. They were very few. Everybody, even those who were against the Draft Constitution, agreed that they did not constitute more than 25 per cent of the totality of the Draft Constitution.

Nevertheless, the Draft Constitution was rejected because of the politics of the day. It is those contentious issues that were not agreed upon that we are now being asked to deal with at the level of the minimum reform process, together with those others that may be brought on board on the Floor of the House. So, we are not afraid of having minimum constitutional reforms. In fact, we welcome the fact that we are now able to deal with those few issues, and that we are coming closer and closer to finally having a new Constitution for the nation.

Mr. Temporary Deputy Speaker, Sir, having said that, the question that is begged by all these is: Are the proponents of minimum reforms genuine? Are they sincere? Do they want to have a new Constitution or is it another political gimmick? Those are the questions that we must answer if we are thinking about Kenya as a nation that has a future, and if we are committed to producing a new Constitution for this country.

Mr. Temporary Deputy Speaker, Sir, the President has been blamed by the hon. Members of this House and the members of the civil society, that he was not able to give a new Constitution as he had promised as part of his election promises. He has been blamed that he was not interested in the issue of minimum reforms. All of us know that the President did everything to facilitate the Bomas talks, so that we could come out with a new Constitution. Kenyans, rightly or wrongly, rejected it. I do not believe that we can blame the President for that loss. It is a loss that we must live with because it is a loss that we occasioned ourselves.

We have talked about minimum reforms and, in His Speech, the President said that we should negotiate and come up with minimum reforms. I have heard people say that there may not be genuineness in that statement. We must, ourselves, take the bull by the horns and test the genuineness of that statement. Again, we will have to answer the same questions that were begging during the Bomas Draft and the referendum. Are the people who have been proponents of minimum reforms serious or are they making political statements and gimmicks for their own ends? Are they postulating with a view to spreading propaganda or what is it that they want? Now the ball is in their court. The gauntlet has been let and we must see whether or not people are serious.

Mr. Temporary Deputy Speaker, Sir, the Government of National Unity has indicated clearly its position and set it out and has then asked the other side to come, so that they can reason together and negotiate. Are they willing? In the last few days, conditions have been flying right, left and centre. You cannot go to a negotiating table if you give conditions. You must go to the negotiating table first of all and then see the reasonableness or otherwise of the matters that have been laid on the table, and then discuss them. If we continue to chest-thump; if all of us take positions that are rigid, then there is no point even in appointing the hon. Members of the Committee that is going to discuss these issues.

We must accept that we must first of all find a meeting ground, and we can only do that if we agree to sit down and reason together. There are several issues that have been raised. I have heard people say that they cannot negotiate if the issue of the President getting 50 per cent plus one votes, in every Province is not going to be addressed. They have said that they are not going to come to the table. These people need to be told that, if that is the position they will take, then we can as well forget the issue, but Kenyans will see for themselves what kind of people we are having who take positions that they are not willing to take responsibility for. Every duty has a responsibility and every obligation has a duty. We must all of us agree on what it is that we want to

do.

Mr. Temporary Deputy Speaker, Sir, like some hon. Members have said, it is not just going to be about the issues that have been raised. We are going to raise amendments on the Floor of the House. I can promise, as I stand here this afternoon, that I shall be bringing an amendment, consonant with the Bomas Draft, that if you want to be a Presidential candidate, then you must do so without running in a constituency. That way, we shall see how many people will still want to continue running for the Presidential position. We know that some people who have said that they want to run for the Presidency are taking those positions so that they can render themselves relevant where they have been irrelevant in their constituencies. I can assure this House that we shall be bringing that amendment.

The issue of the recall of the hon. Members was also there. This is an issue that the people of this country are still talking about. This is a position that we might want to take to see whether, indeed, the recall clause is something that should be re-thought and maybe brought to the House also, so that we can have an all-encompassing Constitution. Indeed, we shall be bringing amendments to include almost every facet of the contentious issues so that, in due course, we can have a totality of a Constitution for this country, which is what we envisaged in the first place.

Mr. Temporary Deputy Speaker, Sir, as I listened to the debate that has been going on in the last few days, I was very saddened by the venom and vitriol that I heard from the hon. Members on issues of tribalism. The hatred I have watched in the eyes of the hon. Members as they talk about certain communities of this country, as if every member of any community in this country does not have a right like any other member, saddened and astonished me. You heard some hon. Members say that our foreign policy is not working properly.

I have stood on this Floor and said that if you want to criticise, whether you are criticising the Government or the Opposition, let it be constructive criticism. You should not criticise for the sake of it because, as hon. Members, we are leaders. We are supposed to lead from the front. We are supposed to show the people the right way to follow. If we continue preaching tribalism the way I have heard it being preached in the last few days in this Chamber, it is embarrassing. It shamed me to hear some hon. Members, who call themselves reverends in this Chamber, preach tribalism. I said to myself that I would hate to sit in a Church or belong to a denomination that is led by somebody who preaches tribalism. That is something that we must take with a lot of care if we are going to go on as a nation and if we are going to be able to lead our people.

Mr. Temporary Deputy Speaker, Sir, in his Speech, the President talked about the Women Enterprise Development Fund, which is something that all of us should welcome. However, I heard some people say that the President was politicking and campaigning. The question that is begged by those kinds of statements is: Is the Women Enterprise Development Fund going to benefit women from all the corners of this country? If it is, even if the President was campaigning, is it positive or negative? If the answer is, yes, then we must support that position. We must not politick for the sake of politicking. We have only one nation called Kenya and we must always think about it, even as we lead.

With those few remarks, I beg to support.

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

(Loud consultations)

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

Mr. Sudi: Mr. Temporary Deputy Speaker, Sir, while I appreciate the fact that the President's Speech had a lot of good messages to Kenyans, it leaves a lot to be desired.

This Government made a lot of promises when it came to power, but those promises have not been fulfilled. One of the issues which I want to tackle is the issue of recruitment in the various sectors. For example, in the education sector, young men and women who have graduated from our teacher-training colleges have not been recruited.

Mr. Temporary Deputy Speaker, Sir, the skills of our trained teachers are not being utilised. It is unfortunate for the Government to use money to train teachers and leave their knowledge unutilised. We can see the effects of that. Students performed poorly in the Kenya Certificate of Secondary Education (KCSE) and Kenya Certificate of Primary Education (KCPE) exams. This should be of concern to our nation because our students are not progressing with education. They will stay at home. Our nation's development will stagnate. I think the President should take a bold step. He should know that he is the President of Kenya. He should not agree to things which are not beneficial to Kenyans. I challenge His Excellency the President to take a bold step, no matter how good or bad it is. A decision has to be made to employ trained teachers. We should also employ nurses who were trained. Our sick people are not treated because of lack of nurses. In my constituency, there are so many health centres which have been built by the constituents and the Government. But they are not operational because of lack of staff. There is no employment of nurses. The issue of employment is very crucial and we should make it a reality.

The other day, we read in the Press that 40,000 teachers will be employed by the Ministry of Education. But that point was not captured in the President's Speech. It is worrisome because the employment of 40,000 teachers cannot go unnoticed in the President's Speech. That tells me that, that was just a political statement that was meant to please a certain section of the society. We should create more employment opportunities for our youth. We are wasting a lot of manpower. It is said that time waits for no man. Our youth are growing older before they get jobs. The unemployment of the youth is what is causing insecurity in this country. People who have nothing to do can resort to any barbaric action. An idle mind is the devil's workshop. So, if our youths are left without jobs, they will cause insecurity. It is high time the President took a bold step to rectify that situation, if he wants to vie for another term.

The President said that this is a working nation. But 45 years after Independence, we have not attained much development. We have just been issuing statements and engaging in arguments. I believe action speaks louder than words. If we work hard and develop this nation, every Kenyan will enjoy living in it. Kenya is a very rich country. It is endowed with so many resources which are untapped. But we are ignoring our potential to attain development. We are at the mercy of God. We do not take this Government seriously because it has made many blunders. It was elected on the platform of zero-tolerance to corruption. It promised us a new Constitution within 100 days. I still give them the benefit of the doubt because it is either 100 days after assuming power or 100 days before leaving power. They still have 100 days to give us a new Constitution. We will be watching how the Government will lead the constitutional review process. It is supposed to lead while others follow. If they keep on saying: "We will give you a new Constitution", and they are not delivering--
- They are not showing us the way forward!

Mr. Temporary Deputy Speaker, Sir, there is also a very dangerous trend in this country - tribalism. Kenya is inhabited by 42 tribes. But all the resources are going to only one community. Does that mean that children from other communities were not born like children from that particular community? Did the women from the other 41 communities come from pluto or other planets? Are they strangers? We are wondering why there is no equitable distribution of national resources. In that case, we demand that the resources be distributed equitably.

Thank you.

The Assistant Minister, Office of the President (Mr. Kingi): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niweze kuchangia Hotuba ya Rais aliyoitwa wakati wa

ufunguzi wa kikao hiki cha Bunge. Nakubaliana na wenzangu walionitangulia kwamba Hotuba ya Rais ilikuwa nzuri. Ilikuwa na mawaidha mazuri. Ilionyesha mafanikio ya Serikali yetu kutoka mwaka wa 2003 hadi sasa. Sisi kama Wabunge waliochaguliwa na wananchi na kupewa jina la kuheshimika tunalo jukumu kubwa sana la kutunza heshima hiyo kwa vitendo na mazungumzo yetu. Hii ni kwa sababu wananchi wale ambao tunawaakilisha, mara nyingi watafuatilia maneno yale tunayowaambia. Kwa hivyo, tukitaka kuwapotosha, mara nyingi inakuwa rahisi sana kuwapotosha wananchi. Tukitaka kuwaambia ukweli, pia tuwaambia ukweli. Kusimama mbele ya Bunge na kusema kuwa Serikali haijafanya lolote, si jambo la kweli kwa sababu Serikali imefanya mengi ambayo yanaonekana kila mahali katika Jamhuri yetu ya Kenya.

Kwanza, uchumi wa taifa hili ambao ulikuwa umezorota sana unaendelea kuimarika. Kwa sababu unaimarika, wananchi popote walipo, wanaona faida za uchumi huu ambao umeimarika. Wenzangu wamesema, na mimi narudia, kwamba mfumo wa elimu ya msingi bila malipo ni dalili moja. Kuimarishwa kwa huduma za afya ni dalili nyingine ambayo tunaiona. Tukienda kwa sekta ya barabara, utapata kwamba kuna kazi nyingi za barabara ambazo zinafanywa kila mahali katika Jamhuri yetu ya Kenya. Kuna fedha ambazo zimetengwa ili kusaidia maendeleo ya sehemu za uwakilishi Bungeni. Kuna pesa ambazo zimetengwa za kusaidia vijana na miradi yao ya biashara. Viwanda vingi ambavyo vilikuwa "vimekufa" sasa vinafufuliwa. Juzi tu tulikuwa huko Mombasa na tukashuhudia kufufuliwa kwa kiwanda cha Kenya Meat Commission (KMC) ambacho kwa zaidi ya miaka 25 kilikuwa hakifanyi kazi.

Kwa hivyo, Bw. Naibu Spika wa Muda, tunaweza tukasema mengi yale ambayo yanaendelea na mambo ambayo yanaonekana kila mahali. Kwa hivyo, nafikiri ni jukumu letu kumpongeza Rais ambaye, tangu achukue hatamu ya uongozi, akishirikiana na wafanyakazi wengine pamoja na sisi, tumeweza kutoa taifa hili mahali ambapo palikuwa hapana matumaini, mpaka tukalifikisha mahali ambapo sasa pana matumaini. Tunachohitaji ni kufahamu ya kwamba Roma haukujengwa kwa siku moja na kwamba kujenga taifa si kitu ambacho kinaweza kufanyika kwa siku moja. Kwa hivyo, sisi kama Wajumbe, tunalo jukumu la kueleza Serikali mahali pale ambapo tunaona panahitaji kufanywa kazi zaidi; mahali pale ambapo tunaona panahitaji kuangaziwa zaidi, ili Serikali ikishirikiana na sisi, tuweze kuonyesha au kufanya kazi pamoja.

Sehemu moja ambayo mpaka sasa bado inawakera wananchi wengi ni huduma ya afya. Sisi Wabunge mara nyingi tunapata wananchi wale ambao tunawaakilisha wakija nyumbani na ofisini mwetu wakiwa wana matatizo ya afya zao. Wengine wao hutaka kwenda hospitali ili waweze kupasuliwa ndio afya yao iwe nzuri. Mara nyingine, kuna gharama ambazo wananchi hawa maskini hawawezi kuzimudu. Upasuaji ni ghali! Mara nyingine, unaweza kugharimu hata kiasi cha Kshs20,000, Kshs30,000 na kwingine hata Kshs100,000. Sasa ikiwa tutawaachia gharama hii, wananchi maskini ambao hata pesa za chakula hawawezi kupata, basi sisi kama Serikali hata tukisema kwamba uchumi umeimarika na wananchi wanaona furaha, inakuwa vigumu kidogo kwa wananchi kukubaliana na sisi. Kwa hivyo, ningetaka kutoa mwito kwa Wizara ya Afya ihakikishe ya kwamba wananchi ambao wanahitaji matibabu maalum, wameweza kupatiwa matibabu hayo bila malipo, ili waweze kwenda nyumbani na kuangalia shughuli nyingine za maendeleo. Wengi wa wananchi hao hawana kazi au vibarua vingine ambavyo vinawapatia mapato. Kwa hivyo, hatuwezi kutarajia kwamba wataweza kulipa gharama zile ambazo zinahitajika.

Bw. Naibu Spika wa Muda, tumezungumza habari ya kufufuliwa kwa viwanda. Wananchi wengi wa Mkoa wa Pwani bado wanangojea kuona ufufuzi wa kiwanda cha maziwa cha Mariakani. Pia, tunangojea kuona ufufuzi wa kiwanda cha sukari cha Ramisi na kiwanda cha korosho cha Kilifi. Kwa hivyo, tungetoa mwito kwa Wizara zinazohusika, ambazo nyingi zimefanya kazi nzuri kufikia sasa, kuangazia Mkoa wa Pwani ili kuhakikisha kwamba viwanda vile ambavyo havifanyi kazi au havijafanya kazi kwa muda mrefu, vinafufuliwa, ili viweze kuanza kufanya kazi. Jambo hili likifanyika, wananchi wa Pwani wataweza kuvitumia kwa uchumi wao.

Tumezungumzia mara nyingi kuhusu mfumo wa elimu. Tumesema ya kwamba Pwani ni jimbo moja katika taifa hili ambalo linahitaji chuo kikuu. Jambo hili limezungumziwa mara nyingi katika sehemu nyingi lakini mpaka sasa, Wizara za Elimu, Sayansi na Teknolojia bado hazijaitikia mwito wa viongozi au mwito wa wananchi wa Pwani. Chuo kikuu kinapojengwa mahali kilipo, kina faida nyingi. Hasa, kwa vijana au wale wanaotaka kufuatilia mambo yao ya elimu, huwa ni vizuri chuo hiki kikiwa karibu nao kwa sababu hupunguza gharama ya elimu yao. Kwa hivyo, ukosefu wa chuo kikuu katika Mkoa wa Pwani unafanya elimu kwa vijana wetu kuwa ghali kwa sababu ni lazima wasafiri mbali watafute mahali pa malazi ambapo pia watalipia. Hili swali tunaona ni swali ambalo linaweza kumalizwa kwa kupatiwa chuo kikuu. Kuna sehemu nyingi ambazo zinaweza kumudu kuwa na chuo kikuu. Tuna sehemu kama Kilifi Institute of Agriculture, Mombasa Polytechnic, Matuga na hata chuo kilichonuiwa kujengwa huko Taita Taveta. Kwa hivyo, Wizara ya Elimu, ile ya Sayansi na Teknolojia inastahili tu, kutafuta mahali pamoja ili nasi pia tuwe na chuo kikuu.

Bw. Naibu Spika wa Muda, swala la ardhi linashughulikiwa. Hata jana tulipata ripoti ya kwamba Waziri wa Ardhi alikuwa huko Kwale ambapo alikutana na wananchi. Maswala mengi ambayo yalikuwa yanawatatiza wananchi yaliangaliwa. Jambo hili la ardhi linatakikana kutatuliwa kwa haraka zaidi. Labda, maofisa wengi yafaa waajiriwe ili tuhakikishe kwamba kazi inafanyika kwa haraka ndio wananchi waweze kutambua kuwa Wizara ya Ardhi inafanya kazi katika sehemu zote za Jamuhuri ya Kenya.

Pesa za CDF ni pesa ambazo zinasaidia sehemu nyingi za Jamuhuri ya Kenya. Miradi mingi ya elimu, afya na barabara imeweza kutekelezwa kwa kutumia pesa hizi. Kwa hivyo, nawaunga mkono wenzangu ambao wametangulia kusema kuwa kuna umuhimu wa kuongeza kiwango cha pesa hizi, ili angalau kila sehemu wakilishi Bungeni kwa kila mwaka iweze kupata pesa zisizopungua Kshs100 milioni. Tukifanya hivyo, mambo mengi ambayo yanatutuzia katika sehemu zetu za uwakilishi Bungeni tutaweza kuyamudu sisi wenyewe.

Bw. Naibu Spika wa Muda, ningetaka pia kutoa mwito kwa viongozi katika wilaya zile ambazo tumeunda hivi majuzi na bado wanazozana kuweza kukaa, kuzungumza na waelewane ili tuweze kuwapatia wilaya yao kama ilivyo nia ya Serikali.

Kwa hayo machache, nataka kuiunga mkono Hotuba ya Rais na kusema kwamba sote yafaa tumuunge mkono na tumpatie muda zaidi, ili aweze kuendelea na kazi yake nzuri anayofanya.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Omondi!

(Mr. Omondi sat in his place)

Oh, you did not even want to contribute; did you?

Mr. Omondi: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity to contribute towards the President's Speech, which he delivered on 20th March, 2007.

The President meant a lot in his Address. He meant what he was telling his fellow countrymen.

The Temporary Deputy Speaker (Mr. Poghisio): Please, could you move closer to the microphone?

Mr. Omondi: Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, the President meant a lot in his Speech and I know that he meant what he was telling Kenyans. However, I detest the fact that the President lacks the institutions that can implement what he desires for his countrymen. The democratic institutions that we have are sliding slowly to oblivion. Most of them are not operational. For example, here in this House, we do not know where we belong. We do not know whether some of us are in the Opposition or the Government side. This scenario cannot allow the easy implementation of

Government policies.

Mr. Temporary Deputy Speaker, Sir, the institutions of governance in this country are collapsing gradually. You know that Government starts from the hon. Member on the ground. It then rises to the Cabinet and to the President as the Executive, and then it goes to the Judiciary. When we do not respect hon. Members on the ground, the Ministers and the President, then it becomes difficult to implement Government policies. It is a well known fact that, in this Government, Ministers do not speak with one voice. We know that our Cabinet is not speaking with one voice. We have seen Cabinet Ministers contradict the President in public. So, this scenario may not enable the Government machinery to implement its policies.

I would also like to talk about equity in the provision of jobs and distribution of natural resources. I believe, this cannot work under the current Constitution. It is not really possible for women to enjoy equal opportunities with men in the Kenyan society under the current Constitution. So, what we should be struggling to do now is to overhaul the Constitution so that we can get an even landing ground for our womenfolk. This will only happen if women accept that they are the weaker sex in the society. If they do not accept that, then they should compete openly with men on the ground and forget about the affirmative action.

Mr. Temporary Deputy Speaker, Sir, when it comes to the distribution of natural resources, we need to bring in devolution of power to enable us allocate adequate money where it is required. It is absurd to see in our Printed Estimates districts, say, Nyeri or Meru, which have so many rivers, being allocated Kshs500 million for the purposes of provision of water and places like Turkana or Kajiado, which experience drought perennially, are allocated a paltry Kshs5 million. This means that the consideration for allocating these funds is based on other things which are not really the needs of the people living in those areas.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about honours bestowed on prominent people in our country. It is a known fact that people who have done good work for this country are easily forgotten. We need to remember them. We do not want to see a situation whereby it is only certain individuals from one ethnic group being honoured. The other day, we had Mr. Lenu Ayanu; a stranger from Ethiopia. He was given a wonderful reception worth Kshs3 million. However, it turned out to be a farce. He was not from Nyeri as Kenyans were made to believe.

I appreciate the fact that Field Marshall Dedan Kimathi did struggle a lot for our Independence. However, the honours he was given should have also been bestowed on other freedom fighters, for example, Messrs: Bildad Kaggia, Paul Ngei, Kiso Munyao and even our sportsmen and women. Our sportsmen and women are languishing in poverty. These are people who have made us proud.

Mr. Temporary Deputy Speaker, Sir, I would also like to comment briefly on the shoot-to-kill order by Mr. Michuki. That order is archaic and barbaric. We, as Kenyans, must come of age and emulate other countries. Most countries are in the process of licensing their people to carry arms to protect themselves against thuggery. We cannot say we want to amend the Firearms Act and institute capital punishment on people found with illegal arms. This is not proper. The Government must find civilised ways and means of punishing offenders. We cannot be dragged back to stone age period. A Government that is worth its salt must protect the lives of its citizens. Life cannot be taken away even by the devil. I suppose the Government is not a devil, but is supposed to be near God. Therefore, it should protect life and not take it away under all circumstances.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the money stashed in accounts abroad. When we came to this House, the Minister for Finance told us that they were zeroing in on the Kshs80 billion which was stashed abroad by some thieves. Kenyans were happy that the

Minister was doing a good job. However, this thing fizzled out and nobody talks about it. We do not know whether this money was really traced and, later on, ended up in some individuals' pockets. We do not know where it is! My demand is that this money must be brought back to the country.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the useless commissions of inquiry that have been instituted by this Government. We had a Commission of Inquiry on Goldenberg scandal. It consumed a lot of taxpayers' money. It did very good work and came up with a report. Where did this report go? Who was punished? None! Instead some people were cleared and re-instated in the Cabinet. Such a situation must not be allowed to prevail if we are serious about fighting corruption in this country.

There was another Commission of Inquiry on Anglo Leasing. Nobody has ever been punished. However, the perpetrators are known. Everybody knows them, but the Government protects them. This Government is not sincere when it says it is serious about fighting corruption. It is a pity that they are aiding the perpetrators of corruption in this country. We, as legislators, shall continue fighting corruption at all costs.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Kshs7 billion that the President mentioned in his Speech. He said this money is meant for Rural Electrification Programme (REP). I urge the Government to include urban electrification in this programme. I remember Mr. Obwocha, who is here, said that urban electrification would be incorporated in the REP. I wonder what has been done for slums in Nairobi.

Mr. Temporary Deputy Speaker, Sir, when Mr. Obwocha was in the Ministry of Energy, he put in place a lot of measures for the REP. However, when he went back to his Ministry, things stalled in the Ministry of Energy.

With those few remarks, I beg to support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghiso): Hon. Members, it is now time for the interruption of business. The House, therefore, stands adjourned until Tuesday, 3rd April, 2007, at 2.30 p.m.

The House rose at 6.30 p.m.