

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 20th February, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Tribunal appointed by the Parliamentary Service Commission to review Terms and Conditions of Service of Members of Parliament.

The Comments of the Parliamentary Service Commission on the Report.

(By Mr. Oloo-Aringo)

NOTICE OF MOTION

ADOPTION OF THE REPORT OF THE TRIBUNAL ON
TERMS AND CONDITIONS OF SERVICE OF MPS

Nominated Member (Mr. Oloo-Aringo): Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts the Report of the Tribunal appointed by the Parliamentary Service Commission on 11th February, 2002, in accordance with Section 23(1) and (2) of the Parliamentary Service Act 2000 to review the terms and conditions of service of Members of Parliament and the recommendations thereon by the Parliamentary Service Commission.

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 18th February, 2003.

*(The Vice-President and Minister for National
Reconstruction on 19.2.03)*

(Resumption of Debate interrupted on 19.2.03)

Mr. Speaker: Was there any hon. Member on the Floor? I understand Mr. Maitha was on the Floor. Are you still interested?

The Member for Malindi (Mr. L. Maitha): Yes, I am, Mr. Speaker, Sir.

Mr. Speaker: You have five minutes to conclude your contribution.

The Member for Malindi (Mr. L. Maitha): Mr. Speaker, Sir, yesterday I spoke half-way through in support of the Presidential Speech. I said the President should be commended for having put the economy of this country as a priority in his speech. I feel that since Kenya is an agricultural economy, the issue of land is very central to revitalising agriculture. In this country, the distribution of land is not equitable. Out of a population of 30 million, about 18 million Kenyans do not even own an inch of land. So, if we have to revitalise agriculture, then the issue of land distribution must be addressed. For example, in the area where I come from, the two

successive regimes used to dish out land in Coast Province as a form of reward for politically-correct people. As a result, none of my people, who have lived for centuries along the beaches, owns a beach plot. We just see people coming with title deeds and displacing others who have settled in fully developed plots.

I urge this new Government and the new Minister for Lands and Settlement to put a stop to this because our policy is zero-tolerance to corruption. Since the Ministry's headquarters at Ardhi House has been the hub of corruption, the Minister for Lands and Settlement should come up with a proper policy so that beach land allocations in Coast Province can be investigated. If possible, irregularly allocated land should be revoked so that each and every Kenyan can own or have the pleasure of owning a piece of land. We are all Kenyans. By the way, the true meaning of Independence means land. If you are a Kenyan and you do not own a piece of land, you are equal to a

foreigner who has just come to visit this country. I am surprised that 18 million Kenyans do not own even an inch of land. That is a very important thing for this Government to do.

Mr. Speaker, Sir, I would like to talk about the tourism sector. The tourism industry is one of the biggest foreign exchange earners in this country. Unfortunately, it is now on the downward trend. There has never been a proper marketing strategy, and maybe the infrastructure has not been properly developed. Giving another reference to my area, one of the most important projects which the two previous successive Governments put as a priority, but never implemented, was the Malindi International Airport Project. This has been a project since 1987. I remember His Excellency the President, when he was the Vice-President, came to Malindi and talked of expanding that airport, not only to boost tourism but also to harness the wealth of the horticultural industry in the Tana River valley. We have millions of mangoes rotting simply because they cannot be airlifted to market centres. So, I urge this Government again to put as a priority Malindi International Airport so that we can revitalise the tourism industry and develop the agricultural areas in Malindi District.

Mr. Speaker, Sir, one last thing is that there is a very funny phenomenon in this country because we have too much centralisation. Every single penny collected in the country is sent to Nairobi to be allocated. As a result, we have areas which contribute a lot to the Exchequer, but the rate of development in those areas is very poor. For example, Malindi District contributes millions of shillings to the Exchequer in terms of revenue from tourism. However, out of all the students who managed to secure Form One places, 80 per cent could not take their positions because of poverty. Their parents cannot afford school fees. This is a pathetic situation because we have resources at our doorstep, but the communities living around them cannot send their children to school. I urge this House to come up with proper legislation so that a certain percentage of resources can remain within the local area for development. Of course, if there is proper management and accountability, there is nothing to worry about. This money will still go to the general development of this country. We have seen for decades money being brought to Nairobi while other areas continue to languish in poverty.

Mr. Speaker: Time up! I would like to ask all hon. Members to respect the time.

The Member for Malindi (Mr. L. Maitha): Mr. Speaker, Sir, with those few words, I beg to support.

The Member for Samburu East (Mr. Leshore): Mr. Speaker, Sir, first and foremost, I would like to thank the people of Kenya for electing President Kibaki and myself while we were on wheelchairs.

However, when the President's wounds healed, and he got onto his feet, he did not bother to mention in his Address to the House the four million physically impaired Kenyans. I expected him to say that the four million physically disabled Kenyans should access free medical treatment at any time and anywhere in the country. Secondly, I would like to thank God for enabling the President to come here and address us. Before he came here and addressed the House, we were worried because since his inauguration as the President of this country, we had never heard from him. Kenyan needs peace and stability.

Mr. Speaker, Sir, while addressing this House, the President reiterated his Government's commitment to giving our children free and compulsory primary education. However, I would have liked him to tell us the steps his Government will take to achieve this objective. I come from a pastoralist community; it is very difficult for pastoralists to take all their children to school. I have been in Parliament for the last ten years but I have not managed to have even 20 per cent of school-going age children to enrol in schools. I would, therefore, like the Minister for Education, Science and Technology to give us a programme on how he intends to implement the free and compulsory primary education programme in pastoral areas.

We have been talking about the need to combat corruption in this country. I am happy that Mr. John Githogo, who was previously working with Transparency International, is now a Permanent Secretary in the Office of the President. If the Government is sincere about its crusade against corruptly acquired land, it should go back to the year 1900, when the white settlers grabbed land from indigenous Kenyans. We know very well that the land in Laikipia District belonged to the Maasai people. However, all the land in that district was taken over by the white settlers. When the white settlers left the country, the Kikuyus took over the land. Subsequently, the same land was taken over by the Kalenjins. So, what is likely to happen next?

(Laughter)

Therefore, as we try to tackle the land issue in this country, we should look back to the year 1900, and try to emerge as a nation which respects the rule of law. The Minister for Tourism and Information, Mr. Raphael Tuju, should not have repossessed the Kenyatta International Conference Centre (KICC) without following the law. The Government has promised Kenyans that it would uphold the rule of the law. We are not happy about such acts of lawlessness. The Minister should follow the law, and if the legal process bestows the ownership of the building on the Government---

Even when the Kenya African National Union (KANU) was in power, I was in the "Opposition". Even now, I am in my rightful place, in the Opposition. We would like the Government to respect the law. Many of my colleagues on the Government side used to be with me in several fora and committees. They used to say that KANU was corrupt. However, they are now applying the same rules which they perceived as promoting corruption. Where are we heading to? Therefore, I appeal to my colleagues in the National Rainbow Coalition (NARC) to respect the law. I call them "old KANU Members" because most of them were in the original and subsequent KANU regimes. We, on this side of the House, are "new KANU Members". I believe that most of us on this side are very clean. I would also like to urge the Minister for Local Government to go slow and read the mood of the people. He should not just move about destabilising some stable local authorities. When nominating councillors to each local authority, he should have done so carefully.

Mr. Speaker, Sir, pastoral communities have been neglected by the colonialists and the Kenyatta as well as the Moi regimes. Therefore, the President should come up with a programme to ensure that pastoralists enjoy themselves during his regime. One might be tempted to say that pastoral communities did not vote the current President. Contrary to that belief, in my constituency, the President got more votes than the NARC parliamentary aspirant. I believe that in all other pastoral constituencies, the President got a substantial number of votes. So, if the President wants his Government to continue ruling, he should implement programmes which will benefit the people. Come the next general election, most of us will be on the campaign trail.

Kenyans are very good at coming up with very good policy papers. However, they do not implement those policies. In his Civil Service appointments, the Government has recycled the same civil servants who caused the KANU Government to fail. President Kibaki should, therefore, sack all the civil servants and replace them with new people from the private sector, or even bring in expatriates.

With those few remarks, I beg to oppose.

Mr. Speaker: I am trying to learn the names of the new hon. Members. What is your name over there?

The Member for Ndaragwa (Mr. Muchiri): Mr. Speaker, Sir, my names are Gachara Muchiri. I am the Member for Ndaragwa in Nyandarua District.

Mr. Speaker: You may have the Floor.

The Member for Ndaragwa (Mr. Muchiri): Thank you, Sir.

Mr. Speaker, Sir, this being my maiden speech in this House, I hope that I will not be interrupted.

I appreciate the very moving Address by His Excellency the President. The Address was very articulate and visionary. I am happy to note that the President is very conscious of the security of this state. I appreciate the efforts by the Government in cracking down the *Mungiki* menace. I would like the Government to be even tougher on those goons. The lives of Kenyans are very important. A Government must protect its citizens. Therefore, we need not have goons in this country. So, I call upon the Minister of State in charge internal security to be tougher on members of the outlawed *Mungiki* sect.

Mr. Speaker, Sir, it was very comforting to hear the President reiterate that his Government will be zero-tolerant to corruption. However, I would like to inform the House that corruption on our highways has been encouraged by the high fines charged by our courts of law. Therefore, I urge our courts to reduce fines for traffic offences. If you forget to carry your driving licence as you drive from home, and if you are aware that if you are charged with the offence the court will fine you Kshs2,000, you will be tempted to engage the traffic police officers in some form of business. So, if we want to stamp out corruption, we should be fair as we pursue our zero-tolerance policy on corruption. Corruption involves two parties. We should encourage the givers of bribes to stop giving them to the takers. If we could avoid giving bribes to police officers, corruption involving members of the public and the police will cease. I appreciate the fact that police officers have reformed so much nowadays. If you take a walk along our roads, you will realise that corruption involving police officers and members of the public is no more, and that is very good.

Mr. Speaker, Sir, I would like the Government to be also zero-tolerant to violence. There is a lot of violence in this country. There are so many cases of carjackings on our highways. In order to stop carjackings, our highways must be patrolled regularly by security officers. That is the only way in which to curb highway robberies

and carjackings.

I was very impressed by the President's assertion that the private sector is the engine of our economy. That is a very correct statement. However, we should encourage the private sector. Personally, I have 23 years' experience in operations of the private sector. I can inform this House that a lot of business persons are very much capable of influencing the recovery of our economy. However, they do not like being harassed. So, I urge the Government to look into ways and means of assisting the private sector. The private sector provides a lot of employment. How does the Government encourage the private sector players? So, the Minister for Trade should look into ways of encouraging business persons. If we want the economy of this country to pick up again, the private and public sectors must work together. We do not have to emphasise so much on the public sector. The public sector should ensure that a conducive environment for business growth prevails.

Mr. Speaker, Sir, I was pleased to hear from the President that the Government is concerned about affordable health care to our people. I would like to tell the House that, as we talk about affordable health care, we must worry about our clinics having medicines and drugs. As we say that, we want medicines to reach the farthest clinics in the rural areas. We are concentrating all our health facilities in the urban areas, forgetting that many rural areas do not have health facilities. Health facilities and infrastructure must go hand in hand. I come from a constituency where, if you want to go to a good hospital, you will have to travel 25 kilometres to Nyahururu. We want to say that infrastructure and matters relating to health go hand in hand. If clinics are very far, women cannot get maternity services. They deliver their babies on the roadsides. That is a big shame and it happens in most areas in this country.

Mr. Speaker, Sir, as a citizen of this country, I am a bit worried by the high bills charged by private hospitals. I hope the Minister for Health is around. There appears to be an escalation of private hospital bills. I would like to call upon the Minister for Health to monitor those bills. There should be an avenue for complaints, so that if I get a high bill from a private hospital, there is a way to check. As a professional, I know that professional services must be provided with a bit of limit. I know many Members of Parliament and Kenyans have seen very high bills from private hospitals. I want to call upon the Minister for Health to look into that area.

Mr. Speaker, Sir, I was very pleased to hear the President calling for the consolidation of the various land Acts. As a land professional, I want to say this: We have many laws governing the regulation of land in this country. Those laws are very confusing. In that regard, therefore, let us look at the administration of land matters. Let us make all the other land Acts to zero down to what we call the Registered Land Act, Cap.300 of the Laws of Kenya. It is a very simple Act and if all the other land laws would be incorporated into it, I think it would be very important. The allocation of land in this country has been misused. I want to call upon the Minister for Lands and Settlement to allocate plots in urban areas to those who can develop them. Nobody should be allocated plots in urban areas if he or she cannot be able to develop them. If it is a question of allocating settlement plots, let them be allocated to those people who do not have land. I think you will all agree with me that land is a very important resource in this country. Being a very limited resource in this country, let it not go to a few.

I come from a constituency that used to be represented by the late J.M. Kariuki. I want to repeat once again that the small poor minority in this country need an inch of land to bury their dead! They need land! The land should not go to a few people! The ownership of land in this country should be limited to some acres that we will agree on in future. The land policy in this country should provide for limitation of land ownership, so that everybody can have a piece of land.

*(There was interruption of business
due to power failure)*

*(Mr. Speaker temporarily adjourned the
proceedings for 15 minutes at 3.00 p.m.)*

(Power was restored and the House resumed)

Mr. Speaker: Yes, Mr. Muchiri! Proceed.

The Member for Ndaragwa (Mr. Muchiri): Thank you, Mr. Speaker, Sir. It is unfortunate that power went off, and we hope such things will not happen.

Mr. Speaker: Do you know that you are the cause of all this because, without any provocation you said that you hoped that you will not be interrupted?

(Laughter)

The Member for Ndaragwa (Mr. Muchiri): Mr. Speaker, Sir, as I continue to contribute, I must appreciate His Excellency the President's contention that the Government is going to revive key vital agricultural sectors. We want the marketing of our milk streamlined. We want the ownership of the KCC 2000 probed. We feel that the assets of the former KCC have been illegally acquired by the KCC 2000 Limited. I am a shareholder of the KCC. The KCC is one of our oldest institutions in agriculture.

In Nyandarua, without milk, we have no cash economy. We strongly feel that if the Government can revive KCC as it was; as we knew it from the very beginning, since we got Independence, then, a lot of farmers in this country, not only in Nyandarua, are going to benefit. I fell short of saying that KCC 2000 should now move as wananchi's property. It is wananchi's property, and it should not be owned by the so-called KCC 2000.

I am a bit worried in as far as the pyrethrum sector is concerned. The farmers continue growing pyrethrum; they continue delivering the produce to the Pyrethrum Board of Kenya, but they are not paid. May the Minister for Co-operative Development, please, look into that.

Thank you, and God bless this House. I support the Motion.

(Mr. Nyachae stood up in his place)

Mr. Speaker: Who are you? Is that Mr. Nyachae? I am sorry! I know you very well! But you are lucky because of my bad eyesight. I really wanted a new hon. Member. But you are very lucky. Proceed.

The Member for Nyaribari Chache (Mr. Nyachae): Thank you very much, Mr. Speaker, Sir. I think the Clerk should help to make sure that you do not forget your glasses. I am privileged, with your permission, to stand here and make my contribution to the Presidential Speech. I think as Kenyans appreciate the message the President conveyed to them, he was quite comprehensive. He covered quite a cross-section of the interests of Kenyans, and we, in the Opposition, would not have any problem with the Speech itself. What we look forward to is the implementation. I think the messages that the President conveyed were pertinent, and we will now expect the Ministers in their respective portfolios to come out with operational programmes on what the President has told the nation.

The elections are over and we now, as Kenyans, are interested in building this nation. Kenyans have high expectations because there were a lot of promises that were given out during the elections. Kenyans gave the NARC the mandate.

NARC having been given the mandate, we want them to be assured that the mandate that they got from Kenyans is not in isolation. It is a mandate given to this Parliament and given to the Government of Kenya. Therefore, there must be a clear understanding that, as a Parliament, we need consultations; both sides need consultations in implementing programmes.

We all know that during the campaigns, there was so much talk with regard to the removal of KANU. That was repeated almost at every meeting. That is gone. It was the change that was needed, but that was simply agenda No.1; agenda that has been fulfilled. But agenda that matters to the ordinary person is agenda that creates jobs, that brings food to the table and enables everybody to afford to educate his or her child.

We are all very keen to support the idea of free primary education. We should support it, but it should be done systematically. In this connection, we are not in any way opposed to the idea, but we need to do it systematically. I repeat systematically, because right now, there is so much confusion out there in the schools.

If we want quality education when we are providing free primary education, then we must not ignore the teacher-student ratio. This is not there right now. I think teachers are getting overburdened, and in the end, if we are not careful, quality education is going to be affected. Therefore, it is going to amount to children going to school, but not getting the right education. We know that resources are limited, but whatever resources the Government can provide to support this programme, because the idea has been sold to Kenyans, we cannot say that we should reverse it. Let us go ahead, but let us do it the right way, without any hurry and confusion.

Recently, some funds were released by the Ministry of Education, Science and Technology. When you calculate the amount that was given per child, considering the number of children who have come in as well, it is no more than Kshs18 per child. The Kshs18 per child amounts to two small exercise books. So, we need to be more serious if we are going to provide quality education.

I also want to touch something about agriculture. The President talked very well, and we did not expect the President to go into details on what should be happening in every subsector of agriculture. But I am one of those people who are very close to the farmers, and I know that farmers have been impoverished. Whether you are talking about the coffee, dairy and the cereals farmers or the livestock producers, they have all suffered over the years. The President indicated that the Government is committed to reviving the agricultural

sector. I want to request the Government to move very fast and hold meetings with the stakeholders of the various sub-sectors of agriculture in order to understand their problems fully. You cannot understand these problems through the files. You cannot understand their problems from the newspapers. The Government should meet the farmers in order to understand their serious problems.

Mr. Speaker, Sir, there has been a debate in this country and we have read in the newspapers about some people grumbling that the President has appointed to positions people who served in the former Government. I can say with a lot of confidence that I understand how the Government works. We need to give the President time to utilise the experience of the so-called old people; the people who have been referred to as "recycled". Those people have a lot of experience which is needed to give the Government stability before it can become fully operational. Some people have been mentioned, for instance, the Permanent Secretary (PS), Ministry of Finance. It is true that he is an old man, but I would like to know of anybody in this country who has been left out, and who understands public finance management more than that PS. We need to be more serious about what we need in this country. We cannot just remove KANU from power, throw out everybody who may have worked for it, and bring in new people who may not be able to manage the country. The President needs to settle down, and to enable him to settle down, he needs to understand what went wrong. So, those who are grumbling - personal ambitions may exist - should give the President, at least, six months to settle down, understand what went wrong and what needs to be done. Then you can start looking around; somebody may have gained a little more experience within those six months.

I would like to tell the Government that we, the hon. Members of the Opposition, as the Government's colleagues in this House, are also faced with questions out there. The Government is making too many pronouncements. The President himself made it clear during his inaugural Speech that roadside speeches and pronouncements must come to an end. He was referring to the previous regime. Now, his Ministers are doing exactly the same thing. Now that the President has given the guidelines on what needs to be done in his Presidential Address, Ministers should confine themselves to the guidelines. We should also stick to the rules of management. You have the rules and the laws; please, stick to them. When you are repossessing a piece of land or degazetting a certain forest, you should issue a legal notice, stating: "In exercise of the powers conferred upon me as Minister for this or that, I hereby declare the cancellation of this and that". Ministers should not just call Press conferences and pronounce some cancellations. These are decrees which should not be issued at Press conferences because we are not under a military government. We have a civil Government which is guided by the Constitution and laws. We should act within the laws. You should exercise your powers according to the law and we will concur with you. The Government should not be making pronouncements left, right and centre. Some of us can analyze these pronouncements because we know how the system works.

With those few remarks, I beg to support.

The Minister for Co-operative Development (Mr. Ndwiga): Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this debate on the exposition of public policy as delivered by His Excellency the President.

Let me start by saying that already I am beginning to enjoy myself as an hon. Member of this Parliament. I have been in this House for ten years, and for the first time, I am seeing across on the other side friendly faces. Some of these people, whom I have known for a long time, I believe are capable of giving this country the direction it requires. When I was an Opposition hon. Member, I listened to a lot of vitriol from the former Government. Hon. Members of the former Government used to tell us that those of us who were in the Opposition would never see development. They said: "If you are in the wrong place, you will never see development". This made me feel very bad. I prayed to God for this to end and he has granted it to me. I want to say from the Dispatch Box that all Kenyans are taxpayers and the NARC Government will treat them equally.

In the Government's effort to alleviate poverty, we need to use our co-operative movements. For the last five years, this movement has been tucked somewhere in the Ministry of Agriculture and Livestock Development. I want to tell all my colleagues in this House that no matter where you come from, let us revive the co-operative movement. I have good news for the hon. Members from the North Eastern Province. I want to meet them so that, together, we can do things that have never been done since this world was created.

Mr. Speaker, Sir, corruption has penetrated deep into the co-operative movement. It is not just the co-operators who are corrupt. When the Ministry of Co-operative Development was turned into a department in the former Ministry of Agriculture and Rural Development, all co-operative officers went out and behaved as if there was no Government, or as if they were the Government themselves. Most Government officers are responsible for the collapse of the co-operative movement. We are addressing these issues and we hope that, with the assistance of my colleagues in this House and other co-operators, we will lift this movement to the level it was at before. The co-operative movement in this country used to be a model of co-operative societies in the whole of Africa. Today, this is where poverty begins. Once again, I wish to appeal to my colleagues in this House, that we

should get together and revive the movement.

The President in his Address talked about the pastoralists. I want to talk to my colleagues from the North Rift region to see what we can do in that Province. We do not make roadside pronouncements. The NARC Government is only one-and-half months old. We cannot accuse it of what it has not done. We are only one-and-half months old. We have not even finished looking at the files, some of which have disappeared. Officials of the Ministry of Cooperative Development have visited all parts of this country. Indeed, when we visited the North Eastern Province, the residents there told us that they were seeing Government officials there for the first time. They said that it was the first time Government officials had visited them. I have listened to hon. Nyachae and I agree that it is true that we need to consult the stakeholders in various sectors. As we prepare to amend the Co-operative Societies Act of 1997, we are consulting with the stakeholders. We are consulting widely because any law which emanates from this House is not a law for the hon. Members of Parliament, but for the people of the Republic of Kenya. It is wise to consult the people.

Mr. Speaker, Sir, we have had problems in certain sectors and various speakers yesterday alluded to organisations like the Kenya Farmers Association (KFA) and the Kenya Co-operative Creameries (KCC) which are now defunct. The Government will strive to revive them. We are studying the two organisations with an intention to reviving them. My Ministry has talked to stakeholders of the KFA. I would like to say that the Government would like to revive the KFA, but we are still studying the implications of reviving it. This is because things should be done in a business-like manner. If an institution cannot be revived, let it "die" and the private sector takes over. Institutions like the KFA are very crucial and useful to the farming community in this country. So, the Government will strive to revive such institutions. We have the KCC and the farmers are talking about it. Up to now, we are still studying the implication of the establishment of the KCC 2000. We are studying the legality or illegality of its very existence so that we can give this country direction.

A lot has been said about free primary school education, that the schools are overcrowded and the teachers are over-worked. What did we expect? The Minister for Education, Science and Technology told this House that we require a lot of resources to perfect the system. Every hon. Member here knows the amount of resources required to perfect free primary school education. Please, let us give the Government time. Let us support the move and give the Government time to do what it intends to do.

Mr. Speaker, Sir, a lot has also been said about certain sub-sectors and Mr. Nyachae has alluded to the coffee industry. I will liaise with the Minister for Agriculture and Livestock Development and examine the Coffee Board of Kenya (CBK). This Parliament passed the Coffee Act and we gave the CBK mandate to regulate operations in the coffee industry, but to date, I regret to say that members of the Board which was elected imagine that they are traders. They also imagine that their business was to go and create cartels in the coffee industry instead of doing what they are mandated by the Act. I hope that the Minister will take the sentiments of Kenyans and perhaps use his authority to scrap that Board. But we hope that he will not do it by the roadside.

(Applause)

I hope that the Minister will use the right channel to scrap that Board so that we can have a more responsive Board which will implement what Parliament mandated the CBK to do in the Coffee Act.

We know that the Minister for Roads, Public Works and Housing has been very active dealing with the "cowboy" contractors. Those of us who are in co-operatives and in the agricultural sector hope that funds will be directed into those sectors so that we can transport the produce to the market. To revive the economy of this country, we require that what the farmers produce reaches the market. In order for the produce to reach the market, we require roads. For example, we have had three tea factories in Embu District for the last 20 years. Those factories produce the highest quality tea in the world, but we do not have roads which go to Rukuriri, Mungania and Kathangariri. Instead, we have roads in this country which go nowhere. That is what we inherited from the former Government.

Mr. Speaker, Sir, I beg to support.

The Member for Isiolo North (Dr. Kuti). Thank you, Mr. Speaker, Sir. I would like to start by correcting an issue of mistaken identity by the Nation Newspaper. In yesterday's session they published that Dr. Kuti was moving about when the Speaker was on his feet. They further reported that I was ordered and I could not obey the freeze order. I would like to ask the Nation Newspaper to apologise and find out the correct person who did that.

(Applause)

With that I would like to continue.

I would also like to say that the President's Speech touched on various sectors of our development. I am grateful about the reference made to North Eastern Province and other marginalised areas. This is one of the areas that I serve. The major problem which affects this area is insecurity. One of the major problems which hinder development in Isiolo District is lack of security. There is always conflict either over water or pasture. I would like to request that in the reference that the Government made to give special attention to these areas, security should be taken very seriously. Enhancement of community-based security where older people are organised to check on security and control of movement of the youth who practise rustling should be looked into thoroughly. This is because without peace, development cannot be realised in this area.

The other problem which affects Isiolo District and other marginalised areas is lack of water. At the far end of my constituency, there is an area called "Dadacha Basa". In that place, women wake up at 2.00 a.m. As we speak here today, they woke up at 2.00 a.m. and they are still on their way from fetching water from a distance of about 47 kilometres. When I made my calculations, I found that it takes about 14 hours for these women to fetch 40 litres of waters; 20 litres on either side of the back of a donkey. Therefore, this takes a lot of women's time and hinders them from engaging in other development issues. Therefore, I would like to ask the Minister for Water Resources Management and Development, who is a female, to consider these areas which have serious water problems. I would like to point out that women really suffer to get just 40 litres of water.

Mr. Speaker, Sir, in this area, health is also a big problem and I think the health delivery system in this country is geared towards catering for the settled communities because we mainly have the static health facilities where the sick people have to go and get medical care. However, in this area where health facilities are far removed and people keep moving from one place to another in search of water and pasture, the correct health delivery system for this area are the mobile outreach clinics which move with the people as they move. These mobile outreach clinics actually could be combined in such a way that they provide both human and animal medical care because the pastoralists and their animals are always together. So, if a policy is developed which is very different from the first ones which only catered for settled communities, I think a new concept of health delivery system for pastoralists should be developed. I mean one that moves with them as they move from one place to another.

Mr. Speaker, Sir, I would like to stress this point with an example in the same place that I had mentioned where women walk for 47 kilometres. Women travel for about 100 kilometres in a place where means of communication are limited or non-existent and you find a mother who is not able to deliver and after assistance by the local mid-wives, has to travel for about three to four days. On arrival the child might have died and the mother's survival actually is compromised when they arrive at the health facility. Therefore, it is very important that those mobile clinics are equipped with facilities that can carry out emergency operations like caesarian sections and appendicitis on site in the mobile units.

Mr. Speaker, Sir, on the issue of livestock which is the mainstay of these people because this area serves as the meat basket of this country, if attention is given to the potential of these areas in terms of production of meat for supply to the local population and also for export, I think the issue of livestock marketing will be taken very seriously. At the moment, it is a very sad story for a man who has taken care of his heifer for five years and has suffered after travelling for many miles looking for water and pasture, tried to protect it from *Shiftas* and other bandits and then arrives at some market and meets a broker and he just bargains for a very low price. There is no yardstick to ascertain the price of the heifer. It just depends on how one is able to bargain and since those people are from the rural areas, they are not able to bargain very well. Indeed, they quote very low prices and then sell the heifers at throwaway prices. The same broker takes that animal to Nairobi and if he had bought it for Kshs7,000, he then sells it for Kshs15,000 or Kshs16,000. That same animal is slaughtered and sold by a butcher in Nairobi for Kshs40,000 and yet this is the sweat of that farmer. You will realise that the farmer is really disadvantaged very badly. Therefore, the issue of livestock marketing should be taken very seriously if the poverty in that area is to be eradicated.

Mr. Speaker, Sir, the other issue is that of land which is a major source of conflict also in our area. Although the maps are drawn, there are no clear boundaries on the ground and as a result there is always infringement by one community on the land of the other and this usually causes conflict or it leads to tribal clashes and many lives are lost. Even sometimes depending on the representation in the Government from the other side of the boundary, usually, the stronger community takes over the land of the other. There are several such cases in Isiolo. Even right now, there is a conflict in Oldo Nyiro concerning boundary issues. I would really plead that boundaries should be shown not only on the maps on the wall but also on the ground so that people also know where the boundary demarcations on the ground are.

Mr. Speaker, Sir, the issue of roads is an issue which demands a lot of attention in Isiolo and other areas. When I talk of Isiolo, I am also referring to other similar semi-arid and arid areas. The roads are non-existent. For example, Isiolo North Constituency is divided into two by Uaso Nyiro River. The only bridge is situated at Archers

Post. More bridges should be built in other appropriate spots. You will find that, as I had said about women who are brought in for operations, if there was a bridge at a place called Gotu which is a shorter route, they would have arrived about two hours earlier but now, they have to take the long route to cross the river using the only bridge which is at Archers Post. Therefore, bridges and roads in our area require a lot of attention.

Mr. Speaker, Sir, I would also like to comment on something which I have observed which I think affects the whole country, and not only the nomadic people. I am envisaging a time bomb in the form of youths who either drop out of school due to lack of fees or complete form four or even university and then just hang at home doing nothing.

Mr. Speaker: Time up! Mr. Koigi wa Wamwere!

The Member for Subukia (Mr. Wamwere): Bw. Spika, ninawakilisha jimbo la Subukia. Katika kumpongeza Rais kwa Hotuba yake ya jana, ningetaka kukiuliza chama cha KANU kijiulize ni kwa nini kilibwagwa katika uchaguzi uliopita. Nasema hivi kwa sababu watu ambao wameitawala nchi hii kwa miaka 40 hawawezi kubwagwa uchaguzini bure tu. Imani yangu ni kwamba KANU ilibwagwa kwa sababu ilikataa kusikia kilio cha wananchi lakini chama cha NARC kilifaulu katika uchaguzi huo kwa sababu kilisikia kilio cha wananchi.

Bw. Spika, ninapongea juu ya kilio cha wananchi, ninamaanisha kilio cha kutaka uhuru na katiba mpya, haki hasa kutokana kwa umaskini, kukosa chakula katika sehemu nyingi nchini hii, kukosa maji na umeme hata baada ya pesa kuchangwa na wananchi ambapo pesa zinapotea pamoja na umeme wenyewe. Kuna kilio cha watoto kukosa elimu, hospitali kuzoroteka na matibabu kukosekana, wakulima kutolipwa pesa kwa mazao ambao washayapeleka kwenye mashirika ambayo yananunua mazao ya wakulima. Hapa mtu anaweza kutoa mfano wa pareto. Kuna wakulima ambao wamengoja kulipwa baada ya kuuza pareto yao kwa zaidi ya miezi tisa iliyopita. Ninaongea juu ya wafanyikazi ambao wamefanya kazi kwa miaka sita na hawajalipwa mishahara yao au kupatiwa nyongezo. Vile vile, ninaongea juu ya kilio cha barabara mbovu ambazo zinawaathiri hata watu wakubwa kama sisi. Ninaongea juu ya kilio cha Wakenya 600,000 ambao hawana makao na walipoteza mashamba yao katika ghasia za vita vya kikabila na mpaka sasa ni wakimbizi katika nchi yao. Ni kutosikiza kilio hiki kilichofanya Chama cha KANU kupoteza katika uchaguzi mkuu uliopita. Ikiwa Chama cha NARC na Serikali ya NARC itasikiza kilio hiki cha wananchi na iwatimizie haja zao, itakichukua Chama cha KANU miaka 100 kurudi katika uongozi. Miaka 100 ni mingi; tumekuwa nje ya Serikali kwa miaka 40 na tulihisi baridi. Tunashukuru kwamba sasa ni zamu yao!

(Laughter)

Bw. Spika, mimi nilikuwa katika Bunge hili miaka 20 iliyopita. Nilitimuliwa kutoka Bunge na Serikali ya Chama cha KANU kwa jinai ya kupinga serikali. Walionitumia sasa ninawaona pia wanapinga Serikali. Mtu anaweza kusema nini isipokuwa ya kwamba mchimba kisima huingia mwenyewe! Lakini nilipotolewa hapa, ningetaka Upinzani uelewe kwamba, sikuruhusiwa kurudi hapa kupinga Serikali kama walivyoruhusiwa. Nilipelekwa kizuizini na baadaye katika Jumba la Nyayo, ambapo niliteswa sana na hata wanyama hawawezi kuwatesa wenzao hivyo. Tuliwekwa katika seli zilizokuwa na maji, tukavuliwa nguo na tukanyimwa chakula---

Hon. Members: Pole! Pole!

The Member for Subukia (Mr. Wamwere): Bw. Spika, sijui kama nitazipokea pole hizo au---

(Laughter)

Bw. Spika, jana nilimsikia Kiongozi Rasmi wa Upinzani Bungeni akisema kwamba anaunga mkono utawala wa sheria, mimi pia ninaunga mkono kwamba tunataka utawala huo wa sheria ambao hatukupewa na Chama cha KANU. Pia tunataka utawala wa sheria za haki. Ingawa tulitendewa yale yote tuliyotendewa, singetaka kuona waheshimiwa Wabunge wa Upinzani katika Bunge hili wakifanyiwa yale walivyotufanyia. Singetaka kuwaona wakihangaishwa kwa kupinga Serikali au wakiwekwa kizuizini kwa sababu ya kupinga Serikali. Singetaka kuwaona wakipelekwa katika jumba lile la mateso lililoko pale kwa sababu ya kupinga Serikali. Tunataka kufungua sura mpya ya kuvumiliana. Lakini wale waliozoea au wale waliotenda mambo hayo, ingawa tuko tayari sana kuwasamehe, nao wawe tayari kukiri makosa yao na waombe msamaha wakifuata nyayo za kiongozi wao, Rais aliyetimuliwa. Aliomba msamaha na waliotawala naye nao wanatakiwa kuomba msamaha ili nchi hii ianze mwanzo mpya.

Bw. Spika, ninaelewa kwamba wale waliokuwa katika upinzani jana wanataka kujenga demokrasia, na wale waliokuwa hawataki demokrasia, sasa, wanataka kulindwa na demokrasia na mizinga yake. Ninajua kwamba kuna nafasi ya sisi kushirikiana kujenga demokrasia katika nchi hii. Katika kujenga demokrasia, tuelewe kwamba tumekata mti wa udikteta lakini hatujang'oa mizizi yake. Ni lazima mizizi ing'olewe kama

udikteta hautapewa nafasi ya kuchipuka tena kwa sababu kuangusha mti peke yake hakutoshi kama haujang'oa mizizi yake. Hii ndio sababu ninaunga mkono kufutwa kazi kwa watu wengine ambao tunajua wana fikira za kidikteta. Kuna majaji ambao walivumilia mateso tuliyofanyiwa, kuna wakuu wa polisi ambao waliendeleza mateso hayo, kuna watu wengi ambao walihusika na mambo haya. Mheshimiwa Moi hakuwa peke yake katika kutekeleza udikteta katika nchi hii, na wale wote ambao walihusika wanatakiwa kung'olewa serikalini. Hata kama hatutawapeleka jela kama walivyopeleka wengine, lakini ni lazima wang'olewe. Waking'olewa, tuache kusema kwamba mtu wetu anatolewa kwa sababu kuna watu ambao wanataka sana kuimba wimbo huo.

Ninaunga mkono mhe. Rais kwa kutangaza vita dhidi ya ufisadi na kukubali kuongoza vita hivyo. Amesema kwamba atatangaza mali yake na hiyo ni ishara kubwa kwamba msimamo wake ni kamili. Pia ningemwuliza Rais Moi aliyemtangulia naye atangaze mali yake ili dunia ijue ni ngapi na aliyapata vipi. Kwa sababu kama tunataka kukomesha ufisadi, hatuwezi kuangalia ufisadi ambao unafanyika leo tu, lazima tutazame na ule uliofanyika jana. Kwa hivyo, mheshimiwa Moi atangaze mali yake. Tunataka kujua ana mashamba mangapi, pesa ngapi na ameziweka wapi, halafu tutajua kama tutaahesabu mshahara wake miaka yote aliyofanya kazi kisha tutaona kama pesa hizo zote alizipata kwa njia halali au kwa njia ambayo si ya halali.

(Applause)

Ninaona kama kuna kasoro wakati tunasema watu watangaze mali yao. Mheshimiwa Rais amesema atatangaza na ninajua Wahe. Wabunge watatangaza. Lakini ufisadi haufanywi na viongozi wa kisiasa peke yao. Ningependekeza kwamba hata Makatibu wa Kudumu, maofisa wa serikali, viongozi wa viwanda na makampuni makubwa pia watangaze mali yao. Viongozi wa mashirika yasioyo ya serikali (NGOs) na majaji pia watangaze mali yao.

Mr. Speaker: Time up! Order! Order! Tangaza msimamo wako sasa, wakati umekwisha.

(Laughter)

The Member for Subukia (Mr. Wamwere): Ninaunga mkono.

The Member for Moyale (Dr. Galgallo): Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute to this important Motion. This Motion is a replica of the promises that NARC made to Kenyans during the campaigns. There is not much difference. We have seen a little action of this Government since it took power and the little that we have seen negates what is in the President's Speech, as much as it means well. The President stressed on the rule of law, and as some of my colleagues have said here, what we have seen is against the rule of law. We hear Ministers saying that they have no regard for our judicial system and the President expressly said in his own words that "He will uphold the integrity of the key institutions such as the Judiciary". Then the following day, a Minister who happens to come from my former school, Starehe Boys Centre, that upholds rules--- If you do not obey rules in Starehe Boys Centre, you will not last there for a day. A Minister who has gone through Starehe Boys Centre, when he is given authority, has the audacity to say that the does not respect what our courts say. We know that the President means well for the country, and he is a hard worker, but when he has these kind of people working for him, it is really putting him in bad light. What the Minister for Local Government has done with regard to the nomination of councillors is totally the opposite of the rule of law. It is a shame and disgrace. Our party KANU submitted names of nominated councillors to the Electoral Commission, which duly submitted it to them, but against all laws, morality and any rule you can think of, the Minister replaced them with other people through corrupt means. This is corruption of the highest order. The ruling party NARC got the majority of votes, and we got---

The Minister for Energy (Mr. Ochilo-Ayacko): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Ochilo-Ayacko, in the first place, where were you when there was no power?

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Speaker, Sir, I had gone to make sure that power was brought back and I actually succeeded.

Mr. Speaker: Anyway, I will give him the few seconds I have taken questioning you, but this is a timed debate, unless you really have a very valid point of order. I do not encourage hon. Members to interrupt other hon. Members' speeches. What is your point of order?

The Minister for Energy (Mr. Ochilo-Ayacko): On a point of order, Mr. Speaker, Sir. You have heard Dr. Galgallo cast aspersions at Mr. Maitha and allege that Mr. Maitha committed some acts of corruption. It is in our Standing Orders that if you make serious allegations against an hon. Member you substantiate. Would I be in order to ask Dr. Galgallo to substantiate?

Mr. Speaker: Well, I think it is wrong for Dr. Galgallo to call another hon. Member corrupt without a

substantive Motion. But if you make allegations that he altered, and omit the word "corruption"; if you have any evidence of the allegations you have made, then it is your duty under Standing Order No.69 to show the proof of what you alleged. But you cannot call another hon. Member corrupt.

The Member for Moyale (Dr. Galgalo): Mr. Speaker, Sir, I take your correction. What I was saying is that KANU submitted names of nominated councillors to the Electoral Commission, which duly forwarded the same names to the Minister for Local Government for gazette. What he did was that he struck out more than 100 names of KANU councillors and substituted them with his own names. We do not know where he got those names from. If that is not corruption, I think the Minister was really dishonest and he needs to be ashamed of what he did. It is a disgrace.

Mr. Speaker, Sir, these are some of the Ministers who are going to let down the President. This is a President who has come out as a true leader and Kenyans are willing to support him. But with these kind of actions which negate the law and his intentions, there is no way this Government can hope to get any support from us. You just have to play by the rules. If our friends think they are still in the Opposition, they are not. They should know that they are in Government and are the custodians of the law. We would like to follow the law, and they have to lead the way. I am persuaded to think that they derive that kind of action from the fact that the Judiciary and the Electoral Commission - with total disregard of the concept of democracy of separation of powers - have been placed under Mr. Murungi. So, they enjoy his protection and that is why they think they can make decisions by the roadside and disregard the laws of this country. We have laws in this country and we want to work and serve Kenyans. We are all members of the same community, but we want to see goodwill from the Government.

Mr. Speaker, Sir, this Government promised a new Constitution within 100 days, but almost 60 days have passed and nothing has been started. They would like to make piecemeal constitutional amendments. We are not going to pass any piecemeal constitutional amendments until the draft Constitution of the Constitution Review Commission of Kenya is brought to the House. That is the document Kenyans want. The Commissioners went around and got views from Kenyans. All the piecemeal constitutional amendments that are likely to come here are contained in the comprehensive draft of the Constitution. That should be the first document to be brought to this House. Anything else will not see the light of day as long as we are here.

Mr. Speaker, Sir, during the campaign, this Government promised us free healthcare. The President is now referring to it as affordable healthcare. This is a euphemistic way of saying cost sharing. You promised free medical care and now you are using other sweet words to refer to the cost sharing programme. Cost sharing should not be abandoned, but we should not cheat people. We should be open to them. The cost sharing programme can work. Let us be open about it and say that it is not possible to give free medical care. We should make the system of cost sharing that had been established over the last two decades work. It is the only way out for us. There is nothing like free medical care. We should not fool Kenyans.

On the same breadth, I would like to urge the President to remove the National Aids Control Council from his office and put it where it belongs; that is the Ministry of Health. The Office of the President personnel do not have the expertise to handle this issue. When I was in that Ministry during the last Government, and we tried to bring it back to the Ministry of Health, a Permanent Secretary in charge of the Civil Service at that time - I will not name him - almost sacked our Permanent Secretary and we backed off. But now that this Government enjoys wide support from Kenyans and the goodwill of all of us, the National Aids Control Council should be transferred to the Ministry of Health because that is where it belongs, and that is where we have the expertise. If you talk about health issues, those are the issues that we want to hear and which make sense. But not using terms to confuse Kenyans.

Mr. Speaker, Sir, I would also like to mention the plight of pastoralists. It is true the President made reference to the northern part of Kenya and the disadvantaged areas of this country, but only at the end, after he had covered such humdrum issues as sports, and then he went to international affairs. It is true that we have suffered under all the previous regimes. We suffered under the colonial rule, the Kenyatta regime and not much was done for us even under the Moi regime. I would like to inform this Government that if you want to touch the hearts of the people of northern part of Kenya, they should give us a special catch up programme that can bring us at par with the rest of Kenyans. We have problems of security and provision of primary education. Unless the children of northern Kenya are provided with boarding schools, since people are migrating with animals and travelling all over--- As one of my colleagues said, people go out for 14 hours to look for water. If we are not provided with boarding schools, then the concept of free education to us does not mean anything. We are asking the Government to give us special consideration. We should not be relegated to the dustbin like the previous regimes did. We are Kenyans and we deserve better treatment.

Livestock is the mainstay of our economy in that region, and I wish the Ministers who are repossessing land would go and repossess the KMC holding ground for us because it has been grabbed by powerful individuals.

It is going to endear you to the people of northern Kenya. The Government should revive the Kenya Meat Commission and look into the issue of livestock production. There is nothing else the Government can do for the people of northern Kenya if they cannot improve livestock production and marketing. We do not need so much. Even the issue of insecurity emanates from amongst us and we are able to contain it.

I beg to support.

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Thank you for giving me the opportunity to contribute to this important Motion.

Mr. Speaker, Sir, I would first, like to thank President Kibaki for his excellent and brilliant speech which covered a broad spectrum of policy issues for the entire NARC Government. As you know, I have been in this House since 1992 and for all that period, this is the best speech I have heard delivered by a President in this House. I would also like to thank my friends in the Official Opposition Party, KANU, for the decorum with which they received the Presidential Address. We are opening a new chapter in this House. We now have a lot of maturity and tolerance. We look forward to working very closely with our friends in the Opposition for the benefit of Kenyans.

I was especially impressed by the conduct of the Leader of the Official Opposition, Mr. Kenyatta, who although a relatively new Member of the House, has conducted himself very well. We hope that the trend that we used to have during 1992 to 1994 where there was no discussion between Members of the Opposition and those of the Government is a thing of the past, and that they will mark mere footnotes of Kenya's history. The country is currently in a good mood and I think we have opportunity to really restore glory and greatness to this country.

Coming to the substance of the Speech, we are happy that the President prioritised the fight against corruption and the rule of law. As the Minister for Justice and Constitutional Affairs, I would like to assure this House and Kenyans in general that we shall not allow the NARC Government to be a gangster government. The NARC Government will be guided strictly by the Constitution and the rule of law. All the laws of this country will be obeyed to the letter. We will not tolerate any form of lawlessness, criminality or mob justice in this country. You saw the quick action that we took regarding those people who invaded and torched the property of Mr. Nicholas Biwott. Such things have happened in the past, but the culprits were never known and no arrests were made. The NARC Government has taken prompt action to protect the property rights of one Kenyan and we will continue doing so. We will not allow the constitutional basis of this country and the property rights of its citizens to be threatened from any quarter.

With regard to the fight against corruption, I think Kenyans are aware that when we talk about corruption in Kenya, we are not merely referring to the *matatu* driver giving Kshs100 to the policeman on the road. Corruption in Kenya has been a system. In fact, this is what we call State capture. Criminals have captured organs of the State and used State power to enrich themselves. These criminals are very powerful. They have economic and political power to protect that system. They have tentacles everywhere; in the legislature, executive and judiciary. Although we have declared total war against these criminals, they are fighting back. This war will not be easy. We expect a lot of debate and heat as we fight the war, but we are determined to win and make Kenya a corruption-free society.

Mr. Speaker, Sir, as we talk, we have seen several high-fliers in the parastatal sector regularly appearing in court almost on a daily basis. People who entered into contracts to provide services or goods to the Government of Kenya were paid in advance, but no services or goods were delivered. That is theft. Our children will not miss school or medicine merely because somebody decided to put their school fees or medicine in his pocket or stomach. If you go around this country, you will see a lot of children without shoes. We have been saying that we have resources to buy shoes for all the children born in Kenya, but their shoes are worn by certain individuals. We will not allow that to happen.

These corrupt networks are even reaching our offices. Immediately a prominent personality is arrested, either a relative, a Member of Parliament or a Minister comes to my office to say: "*Watu wetu wanamalizwa.*" They are saying: "We are very few. If you lock up that one, our community will suffer." I would like to thank Mr. Raila for clarifying this point; that, that person who is looting the public and plundering public resources is an enemy of the people of Kenya. Such a person is not looting on behalf of his community. At no time do they sit down to share what he has stolen. He steals for himself and his immediate family. That person pays as an individual. We are not targeting or punishing any community; we are punishing the criminal who bears personal responsibility. What I would like to announce from this Floor is that for those who do not know, aiding and abetting corruption is a criminal offence. Any of you being sent to my office to tell me to leave so-and-so-alone is committing an offence. If that practice does not stop, some of us here will also be arrested.

President Kibaki has clearly said there are no sacred cows. There is nobody who is beyond the law in this respect. So, please leave us to do our work. We cannot create a new Kenya when there are so many forces of social and political gravity pulling us down as we want to fly higher and higher. We will introduce some Bills

immediately the Presidential debate is over. We hope the House Business Committee will give them priority. These Bills will introduce legal reforms to create a strong Anti-Corruption Authority which will intensify and speed up that fight against corruption. We are begging the Members to support us in that fight. We are begging hon. Members to support us in that fight. Key to this is a reform in the Judiciary. We have promised a radical "surgery" of the Judiciary. So far, I have been saying that I have not received enough evidence on the basis of which we can create a tribunal to look into the conduct of the Chief Justice. I can now confirm to the House that we have received sufficient evidence and a tribunal will be constituted as soon as possible.

(Applause)

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

The Member for Wajir South (Mr. Abdirahman): Mr. Deputy Speaker, Sir, my names are Abdirahman Ali Hassan. I represent Wajir South Constituency of Wajir District. I am a new hon. Member in this House and I am representing my people for the first time. It is my expectation that we will have very fruitful discussions which will override party affiliations, for the interest of Kenya and Kenyans in general.

Mr. Deputy Speaker, Sir, as I contribute to the on-going debate on the President's Speech, I would like to join all those who have contributed before me, by pointing out that the President's Speech was very comprehensive indeed. I had keenly observed all the sections and I was able to note the strategies, the interventions, the desired outcomes which are contained in the Speech. However, I noted with great concern the issues that relate to North Eastern Province and other marginalised districts. It appears that problems related to development will be addressed directly. But even in a small way, I could not tell how that will be done.

Mr. Deputy Speaker, Sir, developing pastoral areas is unique in nature and it has its own complexities. Therefore, a blanket form of a plan may not be very useful. I would like to shed some light on very special areas. For instance, in the education sector, the current enrolment for North Eastern Province, and in a particular district like the one I come from, may only be pegged at 30 per cent currently.

Free education will be very useful for us, but I would like to encourage some alternative forms of education to be piloted; and already, there are initiatives that are on-going in those areas. About 70 per cent of the population are nomadic pastoralists, and without developing some flexible programmes that will really take the services closer to those people, we may not benefit from the free and compulsory primary education.

Mr. Deputy Speaker, Sir, as it is done in other parts of Africa, there are special programmes; like the formation of a permanent commission within the Ministry of Education, Science and Technology - a Nomadic Education Commission may prove very useful. Two problems are very pertinent in the education sector in those areas and, one problem is access to the educational services. If we can have a special commission dealing with those problems and find alternative approaches, which are already in pilot explored further, I think we will finish the problem of accessibility to educational services.

With regard to the other bit on equity, I am glad to read from the President's Speech that a gender commission would be put in place to address the problem of gender inequity in all the sectors. Notwithstanding education, the other sectors are all the same. If we need to develop the pastoral sector, we will need to develop an enabling policy that will facilitate the full development of all the areas. For example, the livestock marketing is an issue for the people of northern Kenya.

Mr. Deputy Speaker, Sir, one time I happened to ask when the last livestock population census was conducted and I was told it was over two decades ago. How do we then know our contributions to the national economy and how do we plan for them? I would like to urge the Minister for Agriculture and Livestock Development to give priority to this sector and see how that can be done.

Mr. Deputy Speaker, Sir, as the hon. Members from that region who contributed earlier said, security is an issue. I acknowledge the President's Speech, that security of persons and property is a priority. I read in one line that fear instils a lot of difficulty in the minds of the people. I would like to urge that the security be people-friendly. I say "people friendly" in the sense that, of late, there are approaches that combine the operations of State organs with the communities' traditional ways of handling conflicts. I would like to encourage the institutionalisation of various traditional approaches with the security apparatus, in terms of maintaining security in those regions.

Mr. Deputy Speaker, Sir, when the Minister for Co-operative Development stood before this House, I was happy to hear that he has good news for people from the under-developed regions in this country. I would like to draw his attention to the pastoral institutions that have come up with the help of other development actors that are

reeling so much and are not able to develop. If organised, they would have improved the lives of people in those regions. So, I request the Minister for Co-operative Development to recognise them and help in strengthening those institutions.

Mr. Deputy Speaker, Sir, with regard to the comment on zero-tolerance to corruption, we welcome the idea. But I would like to say that the goodwill of the community and the public servants are key to the success on zero-tolerance on corruption. I would like to say that we need to build that culture. All of us know that building up a culture of any nature takes a lot of time. Therefore, we need to build that culture together; we will encourage and support it from both sides of the House. I think it is something that we need to look at.

Mr. Deputy Speaker, Sir, I would like to say that there is need also to review some restrictive laws, with regard to animal health which is really affecting the people in northern Kenya at the moment. The location of the district veterinary offices hamper effective service delivery to the livestock farmers. For example, in the constituency which I represent, the service point is about 320 kilometres away with no means of transport available. How then can one Government veterinary officer manage to provide services to livestock owners in terms of health in the district? That affects the movement of our livestock to the nearest marketing centre, as much as they fetch very low prices! I would like to encourage the removal of certain Acts in the law, in order to reduce the practice made by people from other cadres.

Mr. Deputy Speaker, Sir, I would like to say that development in the pastoral sector is unique and there is need for the planners to orientate themselves, starting from the people at the top to those at the bottom.

With those few remarks, I beg to support.

The Member for Kibwezi (Mr. Ndile): Bw. Naibu Spika, kwanza kabisa ningependa kumshukuru Mwenyezi Mungu kwa kuniwezesha kuwa katika Bunge hili ili niwakilishe watu wangu wa Kibwezi.

Bw. Naibu Spika, Hotuba ya Rais ilitaja mambo mengi muhimu. Tunajua Serikali imeanzisha mpango wa elimu ya msingi ya lazima na bure nchini. Lakini kule Kibwezi mpango huu umekumbwa na matatizo. Watoto wengi hawaendi shule kwa sababu wanasumbuliwa na ndovu. Kwa hivyo, ni lazima Serikali yetu iwalinde watoto wetu ili wasisumbuliwe na wanyama hao.

Bw. Naibu Spika, Hotuba ya Rais ilitaja juu ya kilimo. Waheshimiwa Wabunge wenzangu wamezungumza juu ya ukosefu wa mashamba. Kule Kibwezi kuna uporaji wa ardhi ya umma. Maskwota wengi walifukuzwa kutoka mashamba yao. Ningependa kuiomba Serikali hii ihakikishe kuwa watu wetu wamepata mashamba ili waendeleze shughuli za kilimo. Sisi sote tunajua mchanga wa Ukambani una rutuba na wakulima wetu hawatamie mbolea katika shughuli zao za kilimo. Lakini kwa sababu ya ukosefu wa ardhi, watu wetu wanategemea chakula cha misaada kutoka kwa Serikali.

Jambo la tatu ni kuhusu ufisadi. Rais alisema vita dhidi ya ufisadi itanzia juu. Ningiomba Serikali yetu iwashike watu wote waliohusika na ufisadi katika Serikali iliyong'olewa mamlakani mwaka jana. Nimekuwa Mwenyekiti wa Baraza la Makueni kwa muda mrefu na ninajua ufisadi una mizizi mingi sana. Kwa mfano unapotembelea Wizara mbalimbali utahitajika kuwapa maofisa wa Serikali pesa za Harambee. Kwa hivyo, ni shida sana kwa wao kuwatumikia wananchi. Iwapo Serikali hii inataka kufaulu dhidi ya ufisadi hata kabla ya kuwachunguza madiwani ni lazima wawachunguze maofisa wake wakuu wa Baraza. Wao hutafuta pesa za Harambee kutoka kwa wananchi ili waweze kulinda nafasi zao kazini. Ni jambo la huzuni kuwa wakaguzi wa vitabu vya matumizi ya pesa hushirikiana na maofisa hao kuendeleza ufisadi katika mabaraza ya miji. Kwa hivyo, ni lazima Waziri anayehusika achunguze mabaraza yetu. Ninakumbuka siku moja Katibu Bw. Barua Chele aliniambia kuwa nikitaka kuishi vizuri nchini Kenya ni lazima nikubali ufisadi upo na niponde mali kama watu wengi. Huyu alikuwa katibu wa Serikali lakini hakunisaidia.

Bw. Naibu Spika, ningependa kuzungumza juu ya maji. Serikali ya Moi iliwaahidi wananchi wa Ukambani kuwa wangepata maji. Miaka mingi ilipita bila sisi kuwa na maji. Lakini tulipouliza sababu yake, tuliambiwa kuwa tulikuwa na Mawaziri wa kutosha. Ni maombi yangu kuwa Serikali ya NARC haitatambia kuwa tuna Mawaziri wa kutosha lakini tutapata maji. Ni heri tunyimwe Mawaziri lakini tupate maji. Ni maoni yangu kuwa Serikali hii itatilia maanani mambo ya maji kule Ukambani ili watu wetu wapate maji ya kutosha na tusitegemee chakula cha misaada.

Bw. Naibu Spika, kwa hayo machache, ninaunga mkono Hotuba ya Rais.

The Member for Wajir North (Dr. Ali): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. First and foremost, I want to congratulate the Speaker and the Deputy Speaker---

(Loud consultations)

Mr. Deputy Speaker, Sir, could you protect me from the hon. Members in the Front Bench because they are consulting loudly?

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

The Member for Wajir North (Dr. Ali): Mr. Deputy Speaker, Sir, I would like to congratulate the Speaker and the Deputy Speaker for being elected in their respective positions. Knowing them before, I expect them to do a very good job this time round. I hope things will go on the way they have started now.

I wish also to congratulate the NARC Government for winning the last general elections. However, I think they have started celebrating too early. We know they won with a majority because the Kenyan people gave them the mandate to govern this country. I hope that the NARC Government will not discriminate against any region of this country. I also hope that they will not take the law into their own hands and that they will follow the rule of law.

Mr. Deputy Speaker, Sir, the President said that the NARC Government will follow the rule of law. However, saying that they will follow rule of law does not mean that they will adhere to the law. Many Ministers who are supposed to enhance the rule of law do not want to follow the rule of law. I am sorry to say this, but many hon. Ministers in the Government have been in the Opposition side for a very long time and, probably, they have forgotten how the Government is run. The issue of threats and roadside lectures should stop because the Government has been given the mandate by the Kenyan people. We are ready to co-operate with them as much as we can to the best of our ability so that they deliver services to our people. I urge the Government to work to the best of its ability to deliver services to our people.

Mr. Deputy Speaker, Sir, it is a pity that after winning the general elections, the NARC Government is in a hurry to provide this or that. I think it is still too early. These are just intentions. The Government has started with the compulsory and free primary education programme. There are a lot of other things missing from this programme. As it has been mentioned earlier, the Government cannot provide compulsory and free education by just telling pupils to go to classrooms. There are many other accessories which should help the pupils to learn properly. One of these is a good environment for learning. It is a good programme, but the Government should not celebrate because they still have a long way to go. They are only one and half months old. God willing, they have five years to go. They should not celebrate so early because they still have a lot of work to do.

Mr. Deputy Speaker, Sir, the other issue I want to mention is that the Government should not tell us they have done this and that, because it is their responsibility. Since Kenyans felt that KANU failed to do what they were supposed to do, they voted it out. That is why they won with a majority. So, they are doing their job and they should not praise themselves. They should not talk about KANU because they have thrown KANU out of the window. So, why should they talk about it? They should do what they are supposed to do, lest they be thrown out of the same window.

Mr. Deputy Speaker, Sir, I would like to congratulate the Government because it has started on the right note. There is a bit of openness. When a Member talks about another Minister or vice versa, then that is a good start. Keep it up because it is good for us who come from northern Kenya. As my friends have said, we have been thrown into the dustbin of this country. No Government has assisted us. If this Government will make a difference, we are yet to see. If anything, it is a good start because it is the first time in the history of Kenya that a President mentioned North Eastern Province in his speech. This sounds very good. This will make some of us feel that we are part and parcel of Kenya for the first time.

Mr. Deputy Speaker, Sir, the other issue I would like to talk about this speech is that Kenyans are good at writing very good speeches and policy papers, but they are not very good at implementing what they write. So, I hope that these policy statements are not just meant for the media and the international community but rather, for the good of the people of Kenya, and that Ministers will implement them.

Mr. Deputy Speaker, Sir, the President said that his Government is committed to the rule of law. I was, however, disturbed when I heard a Minister, speaking from the Floor of this House, ask: "If somebody steals your car and you find him with it, do you go and take away your car from him or do you go to court first?" Is such a Minister not encouraging mob justice? Doing such a thing is not right. The Minister for Justice and Constitutional Affairs said: "We will not encourage mob justice." However, a colleague of his said: "We will take what is ours first, and then the issue of the law will be decided later." That is encouraging mob justice and looting. That kind of attitude will encourage members of the public to take the law into their own hands. That kind of scenario will not be very good for this country.

So, that kind of attitude should be avoided. If somebody feels there is a problem with the Judiciary, there is a way to go about it. You do not just go harassing a judge because you think that he has stolen something. You should not go about harassing another person because you believe that he has stolen. The law is very clear about the removal of judges from office. The President must set up a tribunal to inquire into his or her conduct and come up with appropriate recommendations. Everybody knows that, that is what is supposed to be done.

Mr. Deputy Speaker, Sir, why do we need a tribunal to inquire into the conduct of a judge at this time when the Government says that the constitutional review process will be revived with a view to having a new Constitution by the end of July? A tribunal will take three or four months to come up with its report. Such a

tribunal is likely to come up with its report when we will have had the new Constitution. So, in my view, constituting a tribunal is tantamount to wasting public resources. Why should the Government appoint a few individuals to do something which is going to be addressed through the constitutional review process? If the Government intends to complete the constitutional review process within the time frame it has given, it needs not constitute tribunals to inquire into the conduct of judges. The Draft Constitution contains some reform proposals which will effectively do what the tribunals are supposed to do. We can get rid of all the judges whose integrity is questionable. When we hold the National Constitutional Conference, we will replace what we do not want with what we want.

Corruption is endemic in this country today. The vice is rife at all levels of the Kenyan society. If the Government does not ban Harambees, it will not succeed in ridding the country of corruption. First of all, we should ban Harambees, so that when you go to an office you are not told: "You know, a son of a friend of mine is going abroad for studies. We are organising a fund raising meeting, and I am going to be the guest of honour. So, could you donate something towards that Harambee?" If you encounter such a public officer, unless you part with some money, he will not give you the service you require from him. So, if the Government wants to get rid of corruption, it should ban Harambees. Thereafter, we can address other issues relating to corruption.

Mr. Deputy Speaker, Sir, as I said, I am grateful that, in his Address to this House, the President mentioned the North Eastern Province and other marginalised districts, and said that they will be given priority in matters of development. That is a very good attitude. However, insecurity is a problem in that province. We have been told time and again that the insecurity problem in the North Eastern Province has always been caused by internal conflicts, and is also encouraged by Government officials. If Government officials do not take sides, and if action is taken promptly whenever somebody steals cattle from somebody else, or when somebody kills another person, there will be no need for revenge. However, when action is delayed, we have all these problems.

Regarding the problems facing the livestock sector, as some of my colleagues have said, we should sort out the mess at the Kenya Meat Commission (KMC). We should start by resolving the issue of the grabbing of the livestock holding grounds.

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

Mr. John Michuki, you may proceed.

The Minister for Transport and Communications (Mr. Michuki): Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to add my voice to those of my colleagues who have congratulated His Excellency the President for what I would call a landmark statement of policy.

Mr. Deputy Speaker, Sir, the Presidential Address contains a variety of issues. Indeed, it touches on issues across the board, throughout the economy and other aspects of Kenyans' lives. It is very clear as to the direction which the National Rainbow Coalition Government intends to take. The statements contained in the Presidential Address are a follow up on NARC's election pledges. Therefore, this policy statement should not generate criticism. We should rather congratulate the President for being consistent right from the time when he did not have political power through to the present time, when he is now the President of Kenya. He has repeated the vision he had for this country during the electioneering period, and he has lived to the promises he had made to Kenyans.

One of the assurances given by His Excellency the President, and which is not generally appreciated, is the need to eliminate fear. With fear prevailing throughout the country, it is not possible for the country to develop and move forward. We know that we have had a period of fear from actions of the Government that was previously in power. Reference to the treatment that people have received in the past is, in my view, a very good thing. The people need the assurance that they should go about their businesses without fear, either from the Government or any other person. Indeed, the menace that was created by members of the outlawed *mungiki* is now a thing of the past. The law is going to be applied vigorously.

We, in the Ministry of Transport and Communications, will, through the Transport Licensing Board (TLB), bring order to the *matatu* industry. The *matatu* industry is not different from any other industry, where ownership, be that of land or any other property, is guaranteed. Of course, we want to stick to the rule of law. Nobody will be allowed to interfere with the right to life and the right to own property. This is what we have been fighting for all these years since we started multipartyism. Therefore, I want to join the President, as his Minister for Transport and Communications, in charge of even the licensing and control of *matatus*, in saying that we are not going to tolerate chaos in the industry. We have already held meetings with security personnel and the TLB, and we are going to hold more meetings with the stakeholders, to ensure that the *matatu* industry in this country operates like those of Uganda and Tanzania, where the rule of law is respected. That is the cardinal point that we must follow.

Mr. Deputy Speaker, Sir, therefore, I would like to say that, already, the war against corruption is being won. The general public have come into it. The *matatu* industry is being cleaned up by the travellers

themselves, and you have seen instances where even the traffic policemen have been apprehended by the general public. We should encourage the general public to continue doing so. We too, must join them, in order to win that war. Therefore, because we know that corruption has ruined this country, one of the responsibilities that this House must accept to shoulder is to assist the NARC Government to ensure that the cost of doing business in Kenya is reduced. That is because without reducing the cost of doing business in Kenya, we will not help in the campaign to attract investments from elsewhere. Let me add here - because I have been meeting many delegations from overseas and elsewhere, the way Kenya is being held outside this country is with very high esteem and short of something else happening, I am very confident that, in the next two years, we shall be examining our own capacity to spend the resources that will be at our disposal, particularly in all aspects of investments.

Therefore, I would like to join His Excellency the President in looking into the future with confidence; in looking into the future that is going to be bright; that if we all join hands together--- There is no reason why we should not do that. We are not going to behave like the previous KANU Government. We are not going to isolate the Opposition. We are not going to neglect their areas because the people in those areas are Kenyans. We want to be one people. We want to eliminate corruption and tribalism. We want to eliminate things that have kept us apart as a nation. Therefore, I am trying to say to my colleagues that: "Let us join together in order to reduce the cost of doing business in Kenya", whether it is in the Post Office or telecommunications, where telephone bills are loaded with rubbish and costs which have never been incurred. We want to deal with corruption on our roads and other areas. Let us eliminate costs that would prevent investments to come to Kenya.

That is my greatest plea to this House. That is because it is a national problem. That is a matter that has been expressed by the World Bank and many other investors. They ask: "Could you reduce the cost of investments? Could you reduce the cost of doing business in Kenya?" That is because that extra cost is a kind of corruption. Let me say this: Our offices are very free. But woe unto anybody who will suggest anything else other than doing business in the right manner. We do not want agents to work for the Government in order to give a contract to anybody. We do not want intermediaries. That is because the policy of the Government is quite clear. The way to do business is to reduce the cost of doing business in Kenya, by eliminating all those briefcase traders who hardly produce anything other than conclude deals which do not benefit Kenya.

(Applause)

Mr. Deputy Speaker, Sir, therefore, let those who want to participate in international business beware that agents will not be entertained, particularly in my Ministry. It will be direct business to the people, through the system of tender and fairness.

With those few remarks, I beg to support.

The Member for Magarini (Mr. Kombe): Mr. Deputy Speaker, Sir, first and foremost, my names are Mwalimu Ali Kombe of Shirikisho Party. I wish to take this opportunity to congratulate His Excellency, President Mwai Kibaki for having been elected as the President of the Republic of Kenya. I wish to also congratulate Opposition Members for having survived the NARC wave. It was a big wave! I also thank the people of Magarini for electing me, and also, for voting for the President; 8,000 people voted for the President. That was about 7,000 more than those who voted for the KANU candidate.

Mr. Deputy Speaker, Sir, the Presidential Speech touched on various areas which are of national importance. It highlighted areas which I would like to mention. One of them is the land issue. The land in Magarini has been awarded by the former regime to people who either did good or bad work. Many prominent people acquired land through dubious means because they never followed the right procedures of acquiring land. In that case, as I speak now, it is rather fortunate or unfortunate that some honourable Members do own parcels of land in that area. They have got title deeds for Ingomeni, Garite and Mabruai areas, where the residents have developed the area tremendously. I wish to urge the honourable Government of NARC to nullify those allocations and give the land to the residents and issue new title deeds.

Mr. Deputy Speaker, Sir, it is disappointing to hear that the former Government knew for sure that it had allocated honourable Ministers parcels of land in that area and yet, the same Government went ahead and sent adjudication officers to the area to adjudicate the land. As I speak, the residents there have got letters of offer of which they cannot pay for and get the title deeds because the land has already been allocated to other people and title deeds have been issued out.

Regarding the same issue, the Magarini Settlement Scheme was supposed to be a good project. Unfortunately, it was a project that was meant to dislodge the natives, and hence give way to prominent people. All plots off the main road are for non-residents. If we may condemn "strangers," if that word could suit them, it is the best--- It is my sincere hope that the NARC Government is going to look into it, and see the possibilities, not

even the possibilities, but straightaway to nullify such allocations and have such pieces of land given to the residents.

On the same note, I wish to urge the Minister for Lands and Settlement, Mr. Kimunya, to consider setting up a Land Registry at Malindi, since Malindi is a district on its own. As up to now, it is being served by Kilifi. We get problems travelling all the way to Kilifi where again we find that officers who are still nursing the KANU fever do not render good services at all. It is my hope that the NARC Government officials will be serious, and we shall have the Registry in Malindi, and we shall get our titles from Malindi.

Regarding the issue of water, it is rather unfortunate that we have water from Baricho being taken by people from Mombasa and beyond, and yet those who are just a kilometre away from the supply do not get even a drop of that water. A lot has been said, and a lot of money was set aside, but that project has never kicked off up to date. I wish to urge the NARC Government to ensure that the project takes off from Baricho to all other parts of the constituency.

I do not blame the former President for giving orders or decrees. I remember very well that one time we were at Marafa and he ordered the Water Engineer to make sure that water is supplied to Marafa. Unfortunately, that decree fell on deaf ears. It is my sincere hope that the current Government officials - Ministers, Assistant Ministers, engineers and the rest - will take orders and decrees from the President and make sure that they implement whatever they are asked to do.

When it comes to roads, the Magarini region was totally ignored. As I speak today, none of the roads are passable. All of them are seasonal - once the rains fall, that is the end. We are cut off from the rest of the world. We cannot move whatsoever. I wish again to ask the NARC Government to consider improving the roads in the constituency.

To solve this problem once and for all, since the area produces a lot of pineapples, I wish to ask the Government to consider tarmacking the road from Sabaki Bridge up to Bangale, then from Marikebuni to Bute, Garashi and Masindeni. Then on to Fundisa and Hadu. These are principal roads in the constituency. Then, the Government should move on to areas which are very productive but are impassable and hence the farmers cannot transport their farm produce. As a result, a lot of bananas and pineapples are wasted.

When you move into those areas, you will be surprised with the condition of the state of the schools and students themselves as parents cannot even afford uniforms at Kshs200. I hope the Government of NARC will take into consideration the improvement of roads.

Coming to the issue of education, this is a very touchy area and---

The Assistant Minister for Agriculture and Livestock Development (Mr. Munyao): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to say a few words concerning the real policy exposition by His Excellency the President. I would begin by thanking the people of Mbooni for electing me. They have tried many times in the past, but because of the cruel Government of KANU, and the wisdom of rigging all the time, they did not make it. But now, they thank the NARC Government and by extension you. I am speaking on your behalf because you may not get time to speak during this time---

The Member for Shinyalu (Mr. Khamasi): On a point of order, Mr. Deputy Speaker, Sir. Are we not entitled to know the hon. Member who is speaking because some of us do not know who he is?

Mr. Deputy Speaker: Order! Mr. Munyao, can you say your names?

The Assistant Minister of Agriculture and Livestock Development (Mr. Munyao): Mr. Deputy Speaker, Sir, I did not know; he is a good friend of mine. My names are Mr. Joseph Konzolo Munyao, Secretary-General of the Democratic Party of Kenya, the Member of Parliament for Mbooni and Deputy Minister in the Ministry of Agriculture and Livestock Development.

Mr. Deputy Speaker, Sir, having said so, would I also extend my gratitude to the people of Mwingi North for electing you because perhaps you may not get the time to speak like I am speaking? We have got three more days, and since I know that they like you and they elected you, I thank them.

The 18th of February, 2003, was a great day for Kenya, because before that day, Kenya was filled with so much propaganda by the prophets of doom; that, the President could not even speak and walk. But on Tuesday, 18th February, 2003, when His Excellency the President came to Parliament and addressed the House, then Kenyans knew that this was a new style of Government because they were used to the former President Moi who would always be covered by television wherever he went and even on some minor issues. So, it was very good that, at least, he came.

It is also good to know that our President had even publicly said: "*Usiniite Mtukufu; utukufu ni wa Mungu.*" He said that he should be called "Honourable" - he said that "Honourable" is enough. Therefore, this is a totally new style of leadership. We thank the doctors, both in Kenya and outside the country, who have been treating him. When the President was hospitalised, the doctors kept on informing us about his progress.

(Ms. Mwau walked out without bowing to the Chair)

Mr. Deputy Speaker: Ms. Mwau, please come back. We are in the process of learning. You bow to the Chair at the Bar.

(Ms. Mwau bowed to the Chair at the Bar)

Mr. Deputy Speaker: Very well!

The Assistant Minister for Agriculture and Livestock Development (Mr. Munyao): Mr. Deputy Speaker, Sir, We have been independent for the last 40 years. Kenyans never knew that heads of state go to hospitals. They never knew that heads of state are human and can at one time or another get hospitalised. The President took charge and told Kenyans that he had to be hospitalised at the Nairobi Hospital. That was a great thing for Kenyans to learn. I wish to request the Minister for Roads, Public Works and Housing to put up a beautiful memorial structure in honour of our President at the Machakos junction, where the accident took place. If you look at the place where the accident occurred, you will realise that God is with us. There are very many vehicles along that road.

I want to say that Kenya is in a very good mood. We have to sustain this mood. We must ask our workers to stop going on strikes and demonstrating. This is a time when we are wooing the world to come and invest in Kenya, and we cannot afford to have workers going on strikes. The National Rainbow Coalition (NARC) Government has promised Kenyans that it will create about 500,000 jobs or even more. We must have stability in our labour market. We need discipline and tolerance in the labour market. I am aware that there are high expectations, but everything cannot be achieved at once. Rome was not built in a day. I am sure better things are coming. I am also requesting our university students to be calm. We are aware that there are students who take even more than 12 years in universities because some of them go there with irrelevant intentions. With the NARC Government in office, we ought to see a difference.

Mr. Deputy Speaker, Sir, in the past, districts and divisions have been created out of political consideration. You will find that there are some districts which are smaller than some divisions elsewhere. I also know of some divisions which are smaller than even some locations, for example in Mwingi South and Mwingi North. The relevant Minister in the Office of the President must now consider setting up a committee to review the formation of districts.

We also know that the creation of districts must be done through an Act of Parliament. The creation of a district has to fulfil some particular requirements. The present 74 districts in Kenya today are not necessary. We do not need them. The number of districts have increased from about 35 to 74. Districts must be harmonised by using sizes or population. This should also happen to constituencies because some constituencies are so large and with a very high population. One wonders whether representatives from the large constituencies would be senior Members of Parliament. Some constituencies are very small, with a very low population. In the creation of constituencies, natural boundaries must be taken into account. Boundaries of some constituencies have even crossed rivers and others have crossed into other districts. We must harmonise this issue. I am calling upon the Minister who is responsible for the creation of districts and constituencies to try and harmonise their sizes and populations.

When you look at Mombasa Road, you wonder what will happen to it in the next ten years. People have encroached on the road reserve. They have put up structures all over. We should plan properly for the number of vehicles that use a certain road.

If you look at the Industrial Area immediately after M/s Firestone offices, you will realise that industries have been constructed all over along the road reserve. We must plan seriously for our roads. Those who are encroaching on Mombasa Road reserve must know that we will need to widen the Road in the next ten years. The Government is committed to ensuring that our roads are well planned for.

The Ministry of Agriculture and Livestock Development has informed the people of Eastern and North Eastern provinces that it intends to produce crops such as horticultural crops, cotton and sugar-cane, and produce livestock in these areas. We have investors who are ready to redouble their efforts to enhance agricultural activities in these areas.

The Member for Mwatate (Maj. Madoka): Ahsante sana, Bw. Naibu wa Spika. Kwanza, ni vyema tumshukuru Mwenyezi Mungu kwa kumwezesha Rais wetu kuja hapa na kulifungua Bunge la Tisa ili sisi tuweze kutimiza wajibu wetu kama Wabunge wawakilishi wa sehemu zetu.

Hotuba ya Rais wetu iligusia mambo yote ambayo yanahusu ujenzi wa taifa hili, na maisha ya Wakenya kwa jumla. Tunampa pongezi kwa Hotuba yake. Ijapokuwa aligusia mambo mengi, hakugusia Serikali za Mitaa

na pia Kawi. Lakini nina hakika kwamba Wizara ambazo zinahusika zitaangalia mambo hayo, ambayo ni muhimu kwetu sisi. Ukisikiza vile Wabunge wanavyosema, utagundua kwamba wanaonyesha kama hakuna mambo yoyote mema ambayo yametendeka katika taifa hili. Ni vyema tutambue kwamba kuna mambo mema ambayo yametendeka. Tukiangalia ujenzi wa barabara, tutaona kuwa kuna barabara nyingi ambazo zimejengwa na Serikali iliyopita. Kuna miradi mingi ya maji ambayo ilianzishwa na Serikali ya KANU. Ukipaa juu angani na uangalie mijengo ambayo iko katika taifa hili, utaona kwamba kuna maendeleo kadhaa ambayo yamefanywa. Kwa hivyo ni vizuri tutambue maendeleo ambayo yamefanywa na Serikali ya KANU. Hakuna haja ya kulalamika tu kwamba hakuna mambo mema ambayo yamefanywa na Serikali iliyopita. Labda mambo mengi zaidi yamefanywa, lakini ni vizuri tushukuru kwa yale machache ambayo yalifanyika.

Kuhusu vile vyumba vya aibu ambamo Wakenya wengi waliteswa, Serikali iliyopita ilileta Sheria hapa na kuunda kikosi cha National Security Intelligence Service (NSIS), ili kuhakikisha kwamba mambo kama hayo hayatatendeka tena. Kwa hivyo hatua ilichukuliwa na ni vizuri tushukuru kwa sababu ya hatua hiyo. Kwa hivyo, ni bora tushukuru kwa yale mambo mengine mema ambayo yalitendwa na Serikali iliyopita. Baba wa Taifa, Rais Kibaki alisema kwamba Serikali itafuatilia mambo ya usalama sana. Ningependa kusema kwamba ni wajibu wa Serikali kuhakikisha kwamba maisha ya Wakenya na mali yao yatalindwa. Ninasema hivi kwa sababu labda kuna vita ambavyo vitatokea katika nchi ya Iraq. Tunataka kufahamu mipango ambayo Serikali iko nayo kuhakikisha kwamba usalama na mali ya Wakenya yatalindwa. Tunataka kujua Wakenya watafanya nini vita hivyo vikija katika nchi yetu. Hii ni kwa sababu tunafahamu kwamba magaidi wa kimataifa wanalenga Kenya. Kwa hivyo Kenya itakuwa na wajibu---

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to talk about terrorists, knowing very well that when he was in the Cabinet, they allowed terrorists to come here, bomb, kill our people and destroy property even as late as last year?

The Member for Mwatate (Maj. Madoka): Bw. Naibu wa Spika, ninafikiri kwamba Mbunge yule hafahamu yale anayoongea. Hii ni kwa sababu sisi kama Serikali hatukuwaruhusu hao magaidi waje kushambulia Kenya. Ningependa kusema kwamba magaidi hao huenda kwenye kila nchi. Hii haimaanishi kwamba tuliwaruhusu waje hapa Kenya. Nimeiliza Serikali ambayo iko mamlakani ituambie ni mipango ambayo iko nayo kwa sababu tunafahamu kwamba hao magaidi wanaangalia Kenya. Sisemi kwamba watafaulu, lakini ni lazima jambo hili liangaliwe.

Pia, Rais wetu aliongea juu ya usalama na vile polisi wetu wataangaliwa. Wengi wameongea kwamba polisi wetu hawajapata mafunzo ya kutosha. Ningependa kusema kwamba polisi wetu wamepata mafunzo ya kutosha. Kitu ambacho ninafahamu kinawatatiza, na ni wajibu wa Serikali hii kukitekeleza, ni kuhakikisha kwamba polisi wetu wanapewa vifaa ambavyo vitawasaidia kutimiza wajibu wao. Kwa mfano, ni heri wapewe magari na pesa za kununua petroli ya kutosha kuwapeleka mahali wanapohitajika. Pia, tunataka polisi wapewe nyumba nzuri za kukaa na waongezwe mishahara. Ninafahamu kwamba hili ni jambo ngumu kutekeleza, lakini tunasihia Serikali yetu ihakikishe kwamba polisi wetu wanalipwa vizuri. Watu husema kwamba polisi wetu hupokea rushwa kila Ijumaa. Watu hutoa pesa kwa urahisi katika siku ya Ijumaa kwa sababu wanaogopa kuwekwa korokoroni na kukaa huko Jumamosi na Jumapili. Tungependa kuomba Serikali ihakikishe kwamba mahakama inakaa katika siku hizo. Ni vizuri tuwe na weekend courts, ili kisa kikitokea kwa mfano Jumamosi na mtu apelekwe huko, kesi yake inasikizwa wakati huo. Hii itawafanya watu wasihongane kwa sababu wanaogopa kupelekwa korokoroni. Hili ni jambo ambalo linafanyika katika nchi zingine za ulimwengu kama Australia.

Nikija katika upande wa barabara, kuna barabara zetu ambazo tunaomba zitengenezwe. Rais wetu alisema kwamba ule uhusiano wa nchi zetu za Afrika Mashariki unathibitishwa. Njia moja ya kufanya hivi ni kuhakikisha kwamba barabara ambazo zinaunganisha nchi hizi zinajengwa vizuri. Tunaomba Serikali iweke lami barabara ya Mwatate/Taveta. Jambo hili likifanywa, ule uhusiano au mawasiliano kati ya mataifa haya yetu utakuwa mwema na mipango yetu, kwa jumla, itatusaidia. Pia, katika barabara zetu, ningependa kuunga mkono wazo la kupeana hizi barabara kwa makampuni ambayo yanaweza kuzijenga; kubinafisisha ujenzi wa barabara. Labda njia hii itasaidia Serikali kuhakikisha kwamba mipango yake ya ujenzi wa barabara hizi unafanywa upesi vile inavyowezekana. Ninaunga mkono jambo hili sana. Tunawaomba wafanye kile wawezalo, ili mambo haya yafanyike upesi iwezekanavyo.

Wabunge wenzangu wameongea juu ya National AIDS Control Council na tulishangaa wakati Makamu wa Rais aliposema kwamba itakaa katika Ofisi ya Rais, na Waziri wa Afya anasema kwamba watu wengine wanang'ang'ania ihamishwe hadi Wizara ya Afya. Je, tutafuata nani? Hii ndio sababu tunasema kwamba ni lazima Mawaziri wasikizane na wafahamu ni jambo gani linatakiwa. Hatutaki kuchafua mawazo na akili za Wakenya. Ni vyema Mawaziri waelewane ili wanapohutubia wananchi, wanasema mambo ambayo wananchi wanaelewa.

Sisi katika upande wa upinzani tumesema kwamba tutashirikiana na Serikali. Ningependa kusema kwamba tutashirikiana nanyi kama mtafuata sheria. Tunasema kwamba sisi na nyinyi ni watu wa kutoka nchi

moja na tuko na lengo moja. Kama ni mipango ya kupunguza umaskini wa Wakenya, sisi zote tunahusika. Ni kwa nini tusiwaunge mkono? Tutawaunga mkono kwa mambo hayo yote. Kwa hivyo, ningependa kusema sisi tuko pamoja na Serikali, lakini wakiteleza tutawapinga.

Bw. Naibu wa Spika, ninaunga mkono Hoja hii.

The Member for Kabete (Mr. Muite): Mr. Deputy Speaker, Sir, we are in the dawn of a new beginning. We want a new beginning for our country and we want to promote reconciliation. We want economic and social development for all Kenyans. That is the objective. However, we need assistance from everybody. In particular we cannot have a new beginning by sweeping under the carpet some events of the past that cannot be swept under the carpet. So, all irregularly grabbed public land, houses and forests have to go back to the public before we can have a new beginning. All the money that has been stolen and taken from the public has to be returned to the public so that we can have a new beginning.

Mr. Deputy Speaker, Sir, indeed, all those people who have endured torture and humiliation want to see justice done so that we can have a new beginning. It is not for me, the Government or even for the church to say that a person who has been violated - a lady who was defiled and raped, that she must forgive her defilers. It is for that lady; it is for the victim to do the forgiving and not for us, the Government and not even for the church. So, in order for them to be able to do that, they also must have justice. The victims of the clashes have got to go back to their land and be given compensation. So, I do trust that the Government will move with speed to establish a Truth and Reconciliation Commission so that the truth can come out and so that those who wish to ask for forgiveness and acknowledge their wrongdoing can have the opportunity to do so. Nobody wants to be vindictive, but justice is a necessary ingredient to reconciliation and to a new beginning.

Mr. Deputy Speaker, Sir, take the case of research land which has been grabbed across the entire republic. We are talking about poverty eradication and we are an agricultural country. A majority of our people depend on agriculture. If we are going to make any headway towards eradication of poverty, we have to address agriculture and the way to address agriculture is to increase productivity and to lower the cost of production. We have got to lower the cost of the inputs, and also the cost of energy, for example, has got to come down so that horticulture and irrigation can be affordable. We have got to lower the cost of the inputs while increasing productivity. How do we increase productivity? We increase productivity by giving to our farmers high yielding seed varieties be it maize, wheat, sugar or potatoes. How do we get these high yielding seed varieties? We do so through research. So, the Government has got to prioritise research, give it adequate funding and pay our scientists enough money so that they can do research and give us high yielding varieties of maize seed, wheat, cane, potatoe and other crops so that we can be able to increase what we produce.

Mr. Deputy Speaker, Sir, but even if we were to give them this money, where is the land on which they are going to carry out the research? The research land has been grabbed by the so-called private developers. It is a misnomer to talk about Government land. The Government does not own land. The Government of the day holds land on trust for the Kenyan people, for public goodwill. Days were when the Government, if it intended to promote housing in Kileleshwa, would advertise the plots there in accordance with the law. The applicants would be required to prove that they do not have another piece of land or house and that they have got the funds to construct their own house for living in by themselves within two years, and the law did not permit and does not permit them to sell that plot without development. If you are allocated a commercial plot, the law does not permit you to sell it before you develop it, and you had to develop it within two years. If you did not, you forfeited it. So, the law is there. It is just that in the last two decades those in power have been acting in violation of the trust. It is abuse of office. That is what they have been doing. The previous government allocated public land and houses contrary to the law and then the allottees sold the same properties and stashed that money in their pockets. Those were fraudulent allocations. Those were unconstitutional allotments.

Mr. Deputy Speaker, Sir, they were illegal allotments and I do want to say this: That there are only three Members of this House on whom the President has graciously conferred the dignity and title of Senior Counsel. There is my friend, hon. Mutula Kilonzo who is a nominated Member of Parliament and the hon. Attorney-General who is an ex-officio Member of this House and the third person is the Member for Kabete who is the only elected Member of the three in this House. So, when the Member for Kabete expresses an opinion on law, the new Commissioner of Lands and the new Minister for Lands and Settlement should take it seriously.

(Laughter)

Mr. Deputy Speaker, Sir, I agree that the way to comprehensively address the issue of grabbed land, forests and buildings is for this House to enact a law - A Validation, Verification and Nullification Act to give power under that Act to investigate and to cancel those titles so that we can act constitutionally and in accordance

with the law. However, I want to say this: Even under the existing law there are sufficient provisions for cancellation of a title that was issued fraudulently and illegally in abuse of a policy. So, let the new Minister for Lands and Settlement sit with the Attorney-General and the Commissioner of Lands. There are some cases that cannot wait for the enactment of that sort of law. There are some things that must be done immediately. The Commissioner of Lands has got the power to call for a title that was issued unconstitutionally and to cancel that title. That is the path that we must follow in respect of, for example, grabbed research land.

Mr. Deputy Speaker, Sir, here in Kabete there is land that used to be for artificial insemination where we used to have quality bulls where the semen used to be distributed to our farmers and at that time our cows were producing. It has been grabbed! 40 acres have been grabbed. That research land cannot wait for enactment for three years and that sort of thing. Let the Minister for Lands and Settlement call for those titles and cancel them so that the land reverts immediately to its rightful owners.

(Applause)

Mr. Deputy Speaker, Sir, if you go to Limuru you will find that land meant for potato research has been grabbed. In Tigoni we need a lot of land for potato research because where you plant the seeds for potatoes must be allowed to go fallow for the next three or four years before you can re-use it. Again, it was grabbed. A chunk of it was given to a lady who used to be a headmistress of a famous school and who at that time was a very good friend to a powerful politician. She was given a chunk of that land. I do not want to elaborate because African culture does not permit me. I think that the sons of some of these top politicians maybe with us here and so I cannot elaborate, but the next piece of land was given to an hon. Member. Again, the rules of the House do not permit me to name him, but there is no rule that prevents me from saying that that particular Member is on that side of the House. Let the title be recalled. Let those titles be cancelled so that we can proceed with research.

Mr. Deputy Speaker, Sir, we want to work constitutionally and I am saying there is enough provision in the law for us to work constitutionally even now in cancelling those titles so that we can immediately begin to use that research land. It is not just in Kabete. I do hope to say to the hon. Kirwa since he is a young Member in years compared to his colleague the hon. Karisa Maitha, let him copy the speed and energy of his counterpart in the Ministry of Local Government. Let him go round the whole country and repossess all this research land immediately without waiting for anything more.

(Applause)

Mr. Deputy Speaker, Sir, I do wish to support the Speech of President Kibaki and to finally say that the distinction between the NARC Government and the former KANU Government is in action. This is a Government of actions and not just words. The public is now waiting to see the specifics of how we are going to implement the policies that we have articulated. We have said all the things that we need to say. The next stage is implementation. Actions speak louder than words. The public is waiting to see how we are going to achieve this. I am sure we are going to achieve our objectives but let us move with speed.

I beg to support.

(Applause)

The Member for Bura (Mr. Wario): Mr. Deputy Speaker, Sir, I would like to thank God, the creator, the cherisher and the sustainer of the world for giving me this opportunity to speak for those, whose voices otherwise, could not be heard. My name is Ali Wario, the Member for Bura, Tana River District of Coast of Province.

Mr. Deputy Speaker, Sir, the most difficult task is to judge Kenyans by their ability of speech. Kenyans are orators, they are very good at speeches. I have no justification to praise anybody in this House. This country has had three presidents who were all orators. Unfortunately, as I speak to you, I come from the darkest district and constituency as far as insecurity, high poverty levels and high illiteracy rate is concerned. Due to these reasons, I do not see why I should praise anybody here. In the 40 years of Independence, Tana River is the only district in this country which has no electricity. This lack of commitment and concern by the Government is simply because we went against KANU at Independence. That is the price we are paying. So, I am telling my colleagues on the other side of the House that we have paid a big price to be on this side; women were raped, animals killed and human lives lost simply because we opposed KANU. We still have that fear with us and that is why majority of us support KANU. But next time, I hope we will think about the issue of crossing over to

NARC.

Mr. Deputy Speaker, Sir, in the President's Speech, unfortunately, poverty has not been adequately addressed. It has only been mentioned. Unless we revive Bura Irrigation Settlement Project and the small schemes along the river in Tana River District, we cannot adequately address the question of poverty in that particular district.

Mr. Deputy Speaker, Sir, this country has had three successive governments. If it comes to the language of livestock, it is a vocabulary which cannot be understood by the Government of this wonderful country. Livestock is the engine of a pastoral economy and the fuel to this engine is marketing of these livestock. I want to draw the attention of Kenyans to the horns, bones, skin, milk and meat. If these are exploited properly, they will pump millions and millions of shillings into the economy of this country.

Mr. Deputy Speaker, Sir, on the question of pastoral land use system, pastoralism manages 80 per cent of Kenya's land mass. Unfortunately, pastoralism is not recognised as a land use system in Kenya. The only two land use systems recognised in Kenya are town planning and farming. Despite the fact that pastoralism manages 80 per cent of this country's land mass, it is not recognised as a land use system in Kenya. Unless grazing grounds are recognised as farms, the conflict between farmers and pastoralists cannot be resolved adequately.

Mr. Deputy Speaker, Sir, the holding grounds which were set aside for livestock marketing were grabbed by politically-correct individuals in the last two regimes. This has made pastoralists to be paupers and beggars. I am very happy the Minister for Lands and Settlement is here, I appeal to him to revoke the titles of all holding grounds which have been grabbed so that they can revert back to the intended purpose.

Mr. Deputy Speaker, Sir, the current education system is meant for people with permanent settlement. It does not accommodate the pastoral child. The free education system introduced by the NARC Government has no meaning if boarding facilities cannot be provided for the pastoral child so as to benefit from the educational system in the country.

Mr. Deputy Speaker, Sir, on the question of employment, hundreds and hundreds of our youths are in the streets. The focus is at the district level. I request the NARC Government to focus, as far as employment is concerned, at the constituency level.

Mr. Deputy Speaker, Sir, in as much as we respect conservation, tourism must have a human face. Recently, wildlife rangers using aeroplanes killed several camels in my constituency particularly at Goka. I come from a district which accommodates three national parks, three irrigation schemes and one national ranch which amounts to 1 per cent of Kenya's land mass. The area which was to be set aside for pastoralism has been taken over by blind policy planners who do not recognise our lifestyle.

In as much as we respect conservation, tourism must give room to pastoral communities to alternate between existing ecological zones so as to cope with diseases and drought. I request the Minister for Information and Tourism to ensure that 25 per cent of the revenue which accrues from tourism is ploughed back into those local areas so as to improve the lives of poor Kenyans, who are dying there. They only see warders when they come to arrest and mistreat them.

Mr. Deputy Speaker, Sir, I want to speak for Kenyans whom you have never heard of before. I want the NARC Government to recognise the indigenous people and the minorities. The people in question here are the Wattas. Wattas are indigenous people and a minority. Their lifestyle is hunting and gathering. The Government has given focus to protecting wildlife at the expense of the Wattas. They were created by God and their number cannot threaten the wildlife. The Government has put much focus on the wildlife and forgotten the Wattas. Their lifestyle has been tampered with and they have nowhere to turn to. I request that the minorities particularly the Ara, be legally recognised. While others communities have been given tribal codes, these people have been left out. I fail to understand what constitutes a tribe. The Munyo Yaya, Malakote and the Wattas were denied their rights and their identity has been interfered with.

Lastly, Mr. Deputy Speaker, Sir, as a pastoralists, I still practise pastoralism and even when I go home, I go to look after my livestock. I am forced to walk several kilometres in search of water. I, therefore, appeal to the Ministry of Water to provide borehole facilities particularly at a place called Bangale in Bura Constituency.

Mr. Deputy Speaker, Sir, on the question of corruption, an hon. Member said that the former President must declare his wealth. I challenge him to move a step ahead because we have so many former presidents and their wealth is still there. That culture should start somewhere before it comes to former President Moi. Let us not deal with corruption half-way. If we want to address the question of corruption, let us start from the beginning instead of starting in the middle. There is a Bill which is already before the House which proposes that we declare our wealth to specific people secretly. If we want to fight corruption by declaring our wealth, we should do it to the birds and the trees. Let everybody know the amount of livestock you own or the money you have in your account. It does not need to go to a specific committee.

Mr. Deputy Speaker, Sir, may I conclude by praying to the policy planners of this country to consider

pastoralism. I beg to register my appreciation to the President who for the first time in the history of this country has recognised pastoralism and the marginalised areas of this country.

Thank you.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I would like to commend the Speech of His Excellency the President of this country during the State Opening. The President touched on a number of issues. When we were campaigning, we agreed that we were going to create more jobs.

The first priority in order to create jobs is to re-evaluate the status of these expatriates who are coming to this country. This is because a number of Asians come as visitors in Kenya and later on get work permits and do jobs which are supposed to be done by Kenyans, including working as drivers. For example, matatus which ply the Eastleigh route are being driven by people of Asian origin. I do not want to be seen to be discriminative, but there are so many people locally who can do those kinds of jobs. You will agree with me that even when Mr. George Gareth was appointed the Chief Executive of the Kenya Commercial Bank, we had so many economists and chartered accountants. Why should we have somebody from the United Kingdom, South Africa or Australia to come and do such jobs? This is unbelievable! Thank God, the NARC Government is going to streamline and restructure the job needs.

Mr. Deputy Speaker, Sir, if we re-evaluate the status of these expatriates, then we will be able to create more than 100 job opportunities for our own people. We should revert to the situation that prevailed 12 years ago and we will create jobs for our people.

Mr. Deputy Speaker, Sir, you are aware that there are some bursaries which are given to children who are less fortunate. We should streamline the issuance of bursaries because in most cases, they are not given to the less fortunate children, but to children of people who can afford to pay school fees. Bursaries are even given to people who are in this House. It is high time emphasis was put on capturing the poverty index of each and every district. That in itself will help us.

The Member for Kanduyi (Mr. Wamunyinyi): On a point of order, Mr. Deputy Speaker, Sir. You heard the hon. Member say that bursaries are given to hon. Members in this House. He cannot get away with that. Could he substantiate?

Mr. Deputy Speaker: Order, Mr. Wamunyinyi! I think it was agreed that we avoid interrupting hon. Members when they are making their contributions. I do not think there is anything he has said that he cannot get away with.

Proceed, Mr. Ojode!

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, with regard to health, last year a number of my constituents went without drugs, and a number of them were bed ridden. They were bed ridden because the former Government could not afford to distribute and supply essential drugs for our people. A majority of my constituents could not access the essential drugs. A majority of them were bed ridden as a result of malaria infections, schistosomiasis, HIV/AIDS related diseases, amoebiasis, typhoid and many other diseases. This was not because drugs could not be availed. When we raised a Question to that effect, we were told that the Government did not have the funds. If you look at the financial scandals in 2001 and 2002 at the Kenyatta National Hospital, you cannot believe it. There is no way you can accept that, the previous Government did not have enough money to supply the drugs.

Mr. Deputy Speaker, Sir, you will agree with me that when we went to campaign with you at Mwingi, there was a fracas when the KANU goons came to our rally. There was a commotion where people got wounded, but we could not take them to hospital. In 2001, a contract was awarded by Kenyatta National Hospital, for the supply of bedside lockers. The original cost was about Kshs60 million, but afterwards this contract was varied to Kshs160 million. The variation was not signed for but the payment was made in advance, and yet the Government could not even buy retroviral drugs for HIV/AIDS patients. The Government then claimed that this money had come from USAID whereas it never came from there. The Government simply juggled with the accounts of expenditure, both development and recurrent, and got the money to pay the contractor. There was nothing like bedside lockers. If there ever were they were shoddy supplies given.

Mr. Deputy Speaker, Sir, another contract for window curtains and screens was awarded at a total contract sum of Kshs57 million, and later on it was varied up to Kshs260 million, yet we are claiming that we do not have money. This is shameful. The Government could not purchase retroviral drugs for the HIV/AIDS patients on the pretext that there were no funds, and yet this was just a one year scandal. The former Minister for Medical Services and the Minister for Public Health never took action. Up to what extent can we go on this way? The contract was given to politically correct people. The Ministry of Health should constitute a committee to investigate these scandals.

Mr. Deputy Speaker, Sir, the other scandal is with regard to the laundry equipment. The contract sum

awarded for the laundry equipment was about Kshs17 million, but it was varied up to Kshs30 million. To my surprise, the contractor is the same one. To make it worse, the equipment was second hand and was meant for domestic use as opposed to industrial use, and yet they kept talking of "our Government".

Mr. Deputy Speaker, Sir, there was another scandal in the supply of borehole equipment given to the same cartel of contractors at Kshs11 million. If the Ministry took hon. Members from this House to go and inspect the boreholes, they are not in existence and yet Kshs11 million has already been consumed by the contractor who was paid in advance.

Mr. Deputy Speaker, Sir, the worst scandal is with regard to the rehabilitation of houses. The proposed extension and rehabilitation of the Registrar's flats, the Sisters' flats, Sisters' mess and domestic staff quarters was awarded at a contract sum of Kshs367 million. It was varied to Kshs550 million. No contract was signed, no performance bond was signed and no insurance was signed, and yet I have a contract audit report here for doubting Thomases who are on the opposite side of the House. Some of them are involved in these scandals. I would like to assure them that the NARC Government will not leave any stone unturned. Those people who were involved will be taken to court and made to pay. Let them be assured that the NARC Government will recover this money no matter who you have behind you. We cannot even talk about shortage of drugs because over Kshs1 billion has so far been siphoned by just two people. So, how many people are dying in Ndhiwa as a result of shortage of drugs at the expense--- Well, I cannot say much about that. The only thing we can do to this former Government is to institute---

Mr. Deputy Speaker: Order, Mr. Ojode. Your time is up.

The Assistant Minister for Lands and Settlement (Mr. Ojode): With those few remarks, I beg to support.

Mr. Deputy Speaker: Now I agree you are yourself. I heard your voice.

The Member for Isiolo South (Mr. Bahari): Thank you, Mr. Deputy Speaker, Sir. Perhaps just to contribute further on this, the speech of His Excellency the President was focused on economic recovery.

Mr. Deputy Speaker: State your name, please.

The Member for Isiolo South (Mr. Bahari): For the second time, Mr. Deputy Speaker, Sir?

Mr. Deputy Speaker: When did you say your name?

The Member for Isiolo South (Mr. Bahari): My names are Abdul Bahari Ali---

Mr. Deputy Speaker: Order, Mr. Bahari! You did contribute yesterday, did you not?

The Member for Isiolo South (Mr. Bahari): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You cannot contribute twice on a Motion. Can you sit down? I hope you have learned a lesson.

The Member for Kangundo (Mr. M.M. Maitha): Thank you, Mr. Deputy Speaker, Sir. My name is Moffat Muya Maitha, the Member of Parliament for Kangundo. Let me start by thanking his Excellency the President for his very good speech which he made on the 18th of this month. All Kenyans were very happy to note that our President was in good health and they wish that he was able to walk around the country so that they can thank him profusely for the work he has done for them to make sure that the Kenyan Government gets a second liberation. Secondly, let me thank the people of Kangundo for electing me as their Member of Parliament. We were 17 candidates in number and that was brought about by the fact that the NARC nominations were not done fairly. I am asking the parties to also practice democracy so that candidates can be elected fairly.

Mr. Deputy Speaker, Sir, the other issue is about corruption. When we talk of corruption starting from the top, let us also know that there is also corruption from the small men and women at the bottom. Let us look at the officials who are at the district and provincial headquarters. Those people are also encouraging corruption. If corruption is to be wiped out at all, then every Kenyan should not contribute to it by giving bribes. The other issue is about security. In Kangundo there is no security as such. I wondered when the Minister for Justice and Constitutional Affairs said that they were very quick to arrest those who were involved in burning the house of Mr. Biwott. The other day my house was broken into. My wife was beaten seriously and goods were stolen. Up to now nobody has been arraigned in court to answer the charges of damaging of property.

Therefore, I would like to ask the security detail in Machakos and in the Ministry of Justice and Constitutional Affairs to make sure that the people of Kangundo do not suffer because we are experiencing cases of burglary on a daily basis.

We have many co-operative societies in Kangundo, but they are being mismanaged by the management committees which are in place. Currently, we have three important co-operative societies, that is, Kwa Matuu, Kyanzavi and the Wendano Matuu Farmers' Co-operative societies. Nothing is going on in these societies because the management committees have looted everything. In fact, they are now cutting down the trees which have been there for many years and selling them. I am asking the Minister concerned to make sure that those trees are not cut down because

this will destroy the forests which are the future heritage for our children.

When we talk about free primary education, we know many children have now been admitted to school. This is posing a problem in that the teachers who are teaching those children are not enough. Therefore, we are asking our Government to employ as many teachers as possible so that they can alleviate the problem of shortage of teachers countrywide. We had a meeting at one time with the teachers and I was their representative. Mr. Raila and Mrs. Ngilu came to our meeting at the KNUT House where they promised the teachers that they would be paid within 100 days of the NARC Government being in place. Those leaders who were in that meeting went home convinced that the NARC Government would pay the stalled salary award for our teachers. If we have 240,000 teachers in the country, and every teacher convinced 10 voters to vote for the NARC Party, this means that the 2.4 million votes which the NARC Government got came from the teachers. Therefore, I am appealing to the Government that as they allocate money towards provision of free education for our children, they should also find money to pay the stalled salary award for our teachers. In 1997 teachers voted in the KANU Government knowing that the Government would pay them that salary, but when this was not done then we changed our minds and told them to vote in the NARC Government during the last general election. It would be good to honour these salary payments because once you are educated you have to thank that teacher. Therefore, if this Government can do something for the teachers it would be most welcome.

The roads in Kangundo are not passable. They are just like tracks. I would like to ask those who are concerned to tarmac the Tala-Thika Road which is not passable during the rain season. Rural electrification has not been carried out in Kangundo. I am urging the Minister concerned to help us get electricity in our constituency. We have the Donyo Sabuk National Reserve. During the night, the wildlife in that national reserve normally descend from the hill and destroy farmers crops. I would like to ask the Minister for Information and Tourism to put up an electric fence around the national reserve to prevent those animals from destroying our peoples' crops.

Water is life and Machakos District has been depending on relief food. During last elections we decided not to accept the relief food so that we could vote in a Government which can bring water to our people. Therefore, I am asking the Minister for Water Resources Management and Development to make sure that we have boreholes in Kangundo and Ukambani because if we have water, then there will be no need for relief food. Our people are hard working and I know they can work with their hands to make sure that they get the food they want.

Mr. Deputy Speaker, Sir, when we talk about commerce in our villages and our small markets, we have traders. Let me request the Ministry of Trade and Industry to give soft loans to our people so that, at least, they can generate some income. This is because we know that when they have something for themselves and their children, then poverty will have been alleviated in a way.

With those few remarks, I beg to support.

The Member for Yatta (Mr. J.P. Mutiso): Mr. Deputy Speaker, Sir, my names are James Philip Mutiso from Yatta Constituency.

First, I wish to congratulate you for being elected to the Chair. Since yesterday, I think we have gained from you wise counsel. I think we are learning a lot from you, and I feel honoured that my vote was not cast in vain.

Having said that, I want to turn now to the President's Speech. A lot has been said about the President's Speech. The Speech exemplified the person of His Excellency the President, the way we know him. Sometime in 1975, those who were born by then do recall that there was a survey done by the *Times Magazine*, on the leading personalities in the world. Unfortunately, by then only three personalities were quoted from Africa. Suffice it to say, hon. Mwai Kibaki was one of the three quoted from Africa as whole.

(Applause)

It, therefore, does justify the kind of Speech which gave his exposition about the country's economy. That is exactly what the Kenyan people expected from him.

Mr. Deputy Speaker, Sir, we can talk a lot about the His Excellency the President's Speech, but I want to zero down on a few things that I think will help this country move ahead. Corruption is one item that we cannot ignore. Let me remind hon. Members in this august House that, in the early 1980s, there was an exchange of words between Kenyan and Tanzania Governments. With the Chair's permission, I would like to say that we were called names, and instead of heeding their advice, we reverted to calling them names. We were called "man-eat-man society." I think I remember that very well. We reiterated by calling them "man-eat-nothing society." I think the signs of corruption had started showing by that time. That was in the early 1980s.

Mr. Deputy Speaker, Sir, if the Tanzanians were given an opportunity to re-evaluate their opinion on us, I

tend to think, in all fairness, they probably, would call us now "man-eat-everything society." This is because we have gone beyond corruption; we have gone to the level of grabbing everything that is available, including pieces of land that are meant to be for our future generations.

Mr. Deputy Speaker, Sir, the corruption vice is something that should be fought from all quarters. I do not think that leaving one or two arms of the Government to fight the corruption vice, would really suffice. We need to call upon all genuine Kenyans to fight this vice.

As I speak now, I would like to say that the perpetrators and, perhaps, the fathers of the vice of corruption are still at work, day and night. We need to come up with a policy on how to eradicate and completely finish that vice, before it catches up with us. Unfortunately, most of the monies that have been looted from this country have not been re-invested in the country. A lot of it has been taken and stashed outside the country! I think in all fairness, if the money were stolen and re-invested here in the country, perhaps, the question of unemployment today, would have been something of the past. But I wonder whether the very many people that participated in this particular looting, were thinking of the welfare of this particular country. I think we all should show an indication that we are patriotic Kenyans. We should begin to repatriate the monies that are stashed outside the country. We can create a lot of employment opportunities in this country, if we had the monies that are stashed outside invested in this country. If we did that, definitely, we would create a lot of employment opportunities. I speak with a lot of authority in this area.

Mr. Deputy Speaker, Sir, I have watched over the years; Kenya was leading in the informal sector development. We went to Uganda and Tanzania to export our expertise out there. Right now, as I speak, I think Uganda may be leading in the development of the informal sector. Maybe, Tanzania could be following Uganda. What went wrong with Kenya? On the shelves of the Kenyan Government offices are stashed excellent and explicitly written policy statements and papers on how to get the economy moving. Unfortunately, that has not been the case.

Right now, we need, as the august House, to come up with a policy on how to re-evaluate the policy papers that are stashed in Government office shelves and see where we can borrow ideas from and implement them. We tend to go for new ideas because there is money for research, without evaluating what research we did previously. If this august House were to set up a Committee to check for documents in every Ministry, we would find very useful documents which are idle there and nobody is making use of them.

Mr. Deputy Speaker, Sir, before we come up with new development plans and sessional papers; I think there is need to ensure that we check and ascertain whether the objectives highlighted in the previous development plans and sessional papers were achieved. If they were not achieved, we need to revisit the same, not just for the sake of coming up with a new sessional paper or a development plan, just because some people would like to be acknowledged to have written those documents. I am saying this because I worked in the Government for almost 26-27 years. I think that is something that requires to be looked into by this august House. Some of us have worked for the Government and we can together make this country move ahead.

Mr. Deputy Speaker, Sir, the menace we seem to be facing from unruly groups needs to be fought from all quarters. Maybe somebody is encouraging that menace, but let me tell you soon or later, it will get to you. So, let us collectively fight this menace day and night to make sure that we get it out of the way, lest there be no country called Kenya.

Mr. Deputy Speaker, Sir, we inherited a budget from the previous regime. We made a lot of pledges during our campaign, but unfortunately the previous regime looted our coffers. We are grappling with little money to implement some of the pledges we made to the electorate. There is need for our people to know---

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

The Member for Yatta (Mr. J.P. Mutiso): Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

The Member for Muhoroni (Prof. Olweny): Mr. Deputy Speaker, Sir, I wish to begin by thanking Kenyans for the peaceful transition we had late last year which kicked out the previous regime and brought in the new administration.

Mr. Deputy Speaker, Sir, I wish to support the Presidential Speech. As a matter of fact, I congratulate him because his was a well-thought out speech, which touched on most issues that are dear to the citizens of this country. Actually, the speech raised the hopes of Kenyans with regard to the pledges we made during the campaign last year.

Mr. Deputy Speaker, Sir, the President, in his speech, talked about security. I remember ten years ago, some citizens were terribly terrorised during the so called land clashes. That was actually terrorism. The other day when some people tried to invade some farms in Molo, appropriate measures were taken against them. That shows that the current Government is committed to giving Kenyans the security they deserve. However, some

organised gangs, for example *Mungiki*, have contributed to insecurity. That is actually another form of terrorism. When we talk of terrorism we think of planes being hijacked but we have it right here with us. We have had it for the last ten years. I appreciate the efforts of the Government to fight those organised gangs, particularly *Mungiki*. During our campaign we also pledged to provide free primary education and free health care. All of us will agree that these two pledges are already being implemented. Basic education is a fundamental right to all Kenyans. Free basic education is going to benefit most of the destitute children, particularly orphans. We have many orphans in this country who are going to benefit from our free primary education policy.

Mr. Deputy Speaker, Sir, even though primary education is now free, secondary and tertiary education still remain a problem to many Kenyans. Most parents cannot afford to pay secondary school fees for their children. Also, given the fact that many Kenyans are currently impoverished, secondary and tertiary education in Kenya is still a problem. This is an issue which the Government may wish to address by either looking into ways of lowering the cost of secondary and tertiary education, or finding a way of economically empowering the citizens of this country. We all know that Kenyans are seriously impoverished. Particularly, those in the rural areas cannot afford to take their children to secondary schools, colleges or universities.

The President covered the agricultural sector very well in his Address. He said that agriculture is the mainstay of our economy. This is one of the sectors which suffered from the ills of the previous Government. We shall not forget the suffering that the previous regime subjected the coffee industry to. The dairy industry almost collapsed. Rice production in this country is on its knees. The cotton industry is no more while the sugar industry is doing badly. All these industries have suffered from mismanagement, negligence and inappropriate policies of the previous Government. It is my pleasure to note that the President gave Kenyans the hope that appropriate policies will be developed with a view to revitalising the agricultural sector.

Mr. Deputy Speaker, Sir, currently, the sugar industry is suffering from poor marketing. One wonders why the price of a commodity must be lowered when the cost of its production is rising. This is one aspect which is affecting the sugar industry. Sugar millers have lowered the price of sugar-cane while the cost of producing the same is rising. For instance, Chemilil Sugar Factory pays the lowest price to sugar-cane farmers. The factory has not paid the farmers their dues for the months of July, August and September, 2002. The Sugar Act provides that if the farmer is not paid within a month of sugar-cane delivery, payments shall be made with interest. However, this is not happening. Instead, the price of sugar-cane is being lowered and payments to farmers made late and without interest. These are actually the remnants of the practices of the previous regime.

Mr. Deputy Speaker: Order! Order! Prof. Olweny, you will continue contributing to the Motion on Tuesday.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for us to interrupt our business. The House is adjourned until Tuesday, 25th February, 2003, at 2.30 p.m.

The House rose at 6.30 p.m.