

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th June, 2008

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Quarterly Economic and Budgetary Review for the First Quarter 2007/2008.

Annual Report and Accounts of the Kenya Post Office Savings Bank for the year ended 31st December, 2005, and the certificate thereon by the Controller and Auditor-General.

(By the Minister for Finance)

Annual Report and Accounts of the Local Authorities Transfer Fund (LATF) for the year ended 30th June, 2006.

*(By the Minister for Finance on behalf
of the Deputy Prime Minister and Minister
for Local Government)*

Annual Report and Accounts of the Kenya Industrial Property Institute for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Finance on behalf
of the Minister for Industrialization)*

Annual Report and Accounts of the Kenya Tourist Development Corporation for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenyatta International Conference Centre for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Catering and Tourism Development Levy Trustees for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Finance on behalf
of the Minister for Tourism)*

Annual Report and Accounts of the National Cereals and Produce Board for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Finance on behalf
of the Minister for Agriculture)*

Annual Report and Accounts for the Communications Commission of Kenya for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Finance) on behalf
of the Minister for Information
and Communications)*

Annual Report and Accounts for the Water Services Trust Fund for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts for the Water Services Trust Fund for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Finance on behalf of
the Minister for Water and Irrigation)*

Annual Report and Accounts of the National Environment Management Authority (NEMA) for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the National Environment Management Authority (NEMA) for the year ended 30th June, 2006, and the certificate thereon by the Controller and Auditor-General.

*(By the Minister for Finance on behalf
of the Minister for Environment
and Mineral Resources)*

NOTICES OF MOTIONS

APPROVAL OF TAXATION MEASURES

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, I beg to give Notice of the following Motion:-

THAT, the proposals relating to Excise Duties, Value Added Tax, Income Tax and Miscellaneous Fees and Taxes, contained in the Financial Statement for the Year of Account 2008/2009 be approved.

*(His Excellency the President has given
his consent to this Motion)*

ALLOCATION OF LAND TO MAU MAU WAR VETERANS

Mr. Mututho: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, acknowledging the gallant and selfless efforts by the Mau Mau fighters in

the liberation of the country from the British colonialists; further aware that these war veterans are in their sunset years and living in the most dehumanizing conditions and absolute poverty; this House urges the Government to consider allocating a minimum of 2.5 acres of arable land and any additional humanitarian assistance to every authenticated Mau Mau veteran as a token of appreciation for their role in bringing Independence to Kenya.

A BILL TO AMEND THE PARLIAMENTARY
SERVICE COMMISSION ACT

Ms. A. Abdalla: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend Section 45 of the Constitution of Kenya to provide for gender parity, regional balance and the nomination of non-sitting Members of Parliament to the Parliamentary Service Commission and for matters incidental thereto and connect therewith.

INTRODUCTION OF DRUG AND SUBSTANCE
ABUSE CONTROL AUTHORITY BILL

THAT, aware of the damage caused to the youth through the use of drugs and other chemical substances; aware further that the National Agency for the Campaign Against Drug Abuse (NACADA) was established through an Act of Parliament; this House grants leave for the introduction of a Bill for an Act of Parliament entitled "The Drug and Substance Abuse Control Authority Bill", in order to establish an Authority that will be responsible for policy formulation, implementation, monitoring, enforcement and the development of regulations related to drug and chemical substance abuse.

PROTECTION OF CHERANGANY HILLS FOREST
FROM ADVERSE HUMAN ACTIVITIES

Mr. Kaino: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

THAT, in view of the fact that Cherangany Hills, a Government gazetted forest is under serious threat from human activities such as logging, aware that the forest is an important natural resource which is the source of a number of rivers and streams, further aware that it is the Government's stated objective to conserve forests in order to mitigate the effects of climate change; this House urges the Government to protect Cherangany Hills forest from adverse human activities.

A BILL TO AMEND THE EMPLOYMENT ACT

THAT, aware that graduates have problems of accessing employment in Kenya; cognisant that the unemployment rate in the country is approximately 40 per cent; further aware that there is no agent that assists the unemployed youths to access jobs; this House grants leave to introduce a Bill to amend the Employment Act CAP.226 of the Laws of Kenya to establish an employment bureau, whose functions will be to collect and collate data on graduates, keep a data bank on qualifications and liaise with employers on employment opportunities and work out modalities of absorbing them into the job market and for related purposes.

INTRODUCTION OF BIOTECHNOLOGY
AND BIOSAFETY BILL

Mr. Ruteere: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, realising that Kenya has no law on biotechnology and biosafety; considering that emerging trends in the development of genetically-modified organisms and the advancement of genetic engineering for purposes of improving food crops and animal husbandry; cognisant of the need to have risk management and control in all areas related to and incidental to biotechnology; this House grants leave to introduce Biotechnology and Biosafety Bill to regulate the development, handling, transfer, use, release and disposal of materials, products, processes and organisms resulting from modern biotechnology, biosafety and for matters connected therewith and incidental thereto.

COMPENSATION TO BUDALANGI FLOODS
VICTIMS/LANDOWNERS

Mr. Namwamba: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, acknowledging that the series of devastating floods that have perennially hit Budalangi over the years and especially since the year 2000, were largely as a result of negligence by the Government, manifested in delayed and/or poor flood control measures and lack of an early warning system, which acts of omission amount to a breach of duty of care; noting that land owners whose land was taken by the Government during the construction of both the southern and the northern dykes in Budalangi were not compensated; this House resolves that the Government compensates all victims of the Budalangi floods from the year 2000 as well as land owners who lost their land during the construction of the above mentioned dykes in Budalangi.

QUESTIONS BY PRIVATE NOTICE

HARMONIZATION OF PRICES OF
FUEL IN KENYA

Mr. Chanzu: Mr. Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Is the Minister aware that the price of premium petrol in Nairobi and most other parts of the country is retailing at around Kshs100 per litre, while it is retailing at around Kshs93 per litre in the Mount Kenya Region, giving a difference of about Kshs7 per litre?

(b) Could the Minister explain this discrepancy---?

The Prime Minister (Mr. Raila): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to read out the Question?

Mr. Speaker: Order, hon. Prime Minister! I think you have fallen out of date with the latest developments in the House. The Chair made a ruling last week that Members have the option to ask a Question by citing the number or reading out the Question. The circumstances have changed in the sense that we have a trial-run on live coverage.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, even in the House of Commons, they have live coverage, but Members never read out Questions at all.

Mr. Speaker: Order, hon. Prime Minister! Indeed, we considered all those facts, as you

may be aware, but in view of what you have just said, you may not be aware of that. In the House of Commons, initially, hon. Members read out Questions. But their circumstances varied and changed such that they reconsidered the position and decided that Questions will not be read out. Our circumstances have not yet changed. So, the position as ruled will prevail.

Mr. Minister!

Mr. Chanzu: Mr. Speaker, Sir, I had not finished reading out the Question.

(b) Could the Minister explain this discrepancy and state the steps he is taking to ensure harmony in the pricing of petrol and other related products?

The Assistant Minister for Energy (Mr. Keter): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the price of premium petrol in Nairobi and most other parts of the country is retailing at around Kshs100 per litre. However, I am not aware that the same is retailing at Kshs93 per litre in Mount Kenya region, as it was retailing at between Kshs99 and Kshs102 per litre last weekend. Some Ministry's staff went there and found out that it is not retailing at Kshs93 per litre, but between Kshs99 and Kshs102 per litre.

(b) This discrepancy can be attributed to the following:-

Dominant presence of large oil marketing companies with their cartel-like behaviour in such areas as Nairobi with relatively high income consumers and big concentration of vehicles which cause a high demand of petroleum products, hence high prices. It may be noted that prices in upmarket areas in Nairobi are also higher than in the middle and low income areas. The cost of doing business in Nairobi is higher compared to other outstations, including Mount Kenya region. This is based on different parameters, including and not limited to the following:-

Land leases being higher than in other parts of the country. The rent, rates, staff wages and council charges on advertising are also higher. This in turn pushes the cost of products in Nairobi higher compared to other regions where the cost of doing business is lower.

The adoption of the Open Tender System by the Ministry, which provides competition in the industry at the wholesale level at the FOB, Mombasa, encouraged many independent oil distribution companies to penetrate markets in and outside Nairobi. The cost in some parts of western Kenya is higher than in the Mount Kenya region mainly due to the transport cost. The cost is lower in some of the areas because of the independent companies that are coming into the market. The Ministry provided the Open Tender System, so that it can create competition. The price of petroleum products will be the same in all parts of the country. The cost of buying fuel will only vary in Mombasa. This will depend on the various companies in the market and their overhead costs.

It is worth noting that documentation of pump prices is as a result of local taxes, the Kenya Pipeline tariff and the handling charges, which are fixed. The only thing which makes the prices vary from one company to another and from one place to another is the profit margin of the companies.

A Ministerial Statement that was requested by hon. K. Kilonzo explained some of the measures which we are putting in place, as a Ministry, to empower the National Oil Corporation of Kenya (NOCK). They have already acquired 13 service stations. They are in the process of acquiring only 33 service stations. However, that only pushes the National Oil Corporation of Kenya (NOCK) to 5 per cent of the market shareholding, which is controlled by the multinational oil companies.

Mr. Chanzu: Mr. Speaker, Sir, the Assistant Minister started off by talking about these cartels' behaviour. I am sure that what this House and country would not like to hear is about the issue of cartels. What is the Ministry doing to get rid of the issue of cartels in the oil industry?

Secondly, going by the explanation given by the Assistant Minister, I would imagine that if we go by economies of scale, fuel in Nairobi should be cheaper than fuel in the Mount Kenya region. When I brought this Question to the House, the price of super petrol was retailing at about Kshs100 per litre in Nairobi and at about Kshs93 per litre in the Mount Kenya region. Today, the

price of premium petrol is retailing about Kshs103 per litre in Nairobi and at about Kshs96 per litre in the Mount Kenya region. So, the discrepancies are still there. Could he explain those discrepancies?

Mr. Speaker: Order! Hon. Members, it has come to the notice of the Chair that when the Chair was on his feet, giving directions on the matter raised by the Prime Minister, a few hon. Members continued to walk around. Some of them even greeted their colleagues. Please, note that our practice and traditions are that when the Speaker is on his feet, hon. Members do not move. They will either be in their seats or freeze.

Proceed, Mr. Assistant Minister.

Mr. Keter: Thank you, Mr. Speaker, Sir. It is worth noting that 60 per cent of the market shareholding of the petroleum products sub-sector is here in Nairobi. So, the prices are driven supply and demand. There is a lot of demand for petroleum products in Nairobi. In my explanation, I said that the cost of running business in Nairobi is not the same as that of running business in other parts of the country. It varies. In terms of advertisement, the Nairobi City Council's charges are different from those of, say, Kericho County Council. So, the prices vary. Also, worth noting is the fact that the prices of petroleum products are still rising because they are being driven by the world market.

When we issued a Ministerial Statement to this House the other day, crude oil at the world market was going for US\$ 109 per barrel. Now, it is going for US\$ 136 per barrel. Hence a meeting is scheduled for the African Co-ordinate on 20th July, 2008, so that we deliberate on how the prices of petroleum products can be lowered. Hon. Members will remember that in 1994, this House passed a law and removed price controls on oil products. So, the oil industry is not controlled. We de-regulated the control of petroleum products.

Dr. Eseli: Mr. Speaker, Sir, could the Assistant Minister say whether it is true or not that the Ministry has no interest in regulating fuel prices because the Government's tax is a percentage of the fuel prices? Indeed, in that process, the Government is fuelling inflation. In other words, the Government is hunting with the lion and running with the hare.

Mr. Keter: Mr. Speaker, Sir, it is worth noting that the taxes being levied were approved by this House. If hon. Members want us to reverse that decision, we can do so by amending the law that was passed here in 1994.

We, as a Ministry, have no objection. Excise Duty chargeable on premium petrol is Kshs19.895 per litre. The Road Maintenance Levy chargeable on premium petrol is Kshs9 per litre, which goes toward rehabilitation of our road network.

Excise Duty forms part of Government revenue, which is used to fund other projects, including disbursement to the Constituencies Development Fund (CDF). Petroleum Development Levy is only 4 cents per litre. This goes towards funding the exploration exercise, which we are undertaking. In total, the Government levies Kshs29 per litre of petrol. So, the local taxes being levied on petrol are intended for the good of this country.

Mr. K. Kilonzo: Mr. Speaker, Sir, petroleum products are transported from Mombasa to the hinterland of Kenya, Uganda and Kigali, and yet, petrol in Rwanda and Uganda is cheaper than in Kenya. It is the same companies which sell petroleum products in all these countries. It is true that the prices of petroleum products have generally increased. What measures is the Government taking to subsidise the prices of fuel, so that *wananchi* can buy the commodities at lower prices?

Mr. Keter: Mr. Speaker, Sir, on Mr. K. Kilonzo's allegation that petroleum products are cheaper in Rwanda and Uganda than in Kenya, unless he tables evidence proving that allegation, I disagree with him. The taxes being levied on petroleum products for all those countries are fixed. Oil products are transported through the Kenya Pipeline to Eldoret and then all the way to Kigali through Uganda. If there are any price variations in Uganda and Rwanda, it could be because of variations in taxes levied locally in those countries, which I do not know.

Mr. Speaker, Sir, on the issue of subsidy, I said that the Government is trying to empower

the NOCK, so that it can bring down the prices of petroleum products in the country. Many hon. Members must have noted that NOCK petrol stations are selling petroleum products cheaply. So, we encourage hon. Members to fuel their cars at service stations which sell petroleum products cheaply. Sooner, the multinational oil companies, which control a higher percentage of the sector, will reduce their prices to an affordable level.

Mr. Were: Mr. Speaker, Sir, the variations in oil prices depend on the profit margin that each company is interested in making. Could we be told the minimum price of petrol per litre before addition of profit?

Mr. Keter: Mr. Speaker, Sir, I cannot provide that detail right now. Maybe, I can provide it tomorrow afternoon. However, as I said, 70 per cent of our oil products come into a pool at Mombasa. It is an Open Tender System where all the players in the industry come together. The Ministry of Energy is in charge of that exercise. So, the prices of all the petroleum products, irrespective of where you buy it, are fixed at Mombasa. The prices vary as the commodities are transported from Mombasa to the various inland destinations. I will provide the House with the costs of the various petroleum products per litre at Mombasa. Maybe, from that information, we can tell how much profit each company is making.

Mr. Speaker: Last question, Mr. Chanzu!

Mr. Chanzu: Mr. Speaker, Sir, considering the fact that recently, we passed the Consumer Protection Bill in this House, and taking into account the role the Government is supposed to be playing in protecting its citizens, could the Ministry consider re-introducing regulation because of the unscrupulous manner in which oil companies operate?

Mr. Keter: Mr. Speaker, Sir, I said earlier that it is upon this House to do so. The Energy Act empowers the Minister to do so, but if we take that decision, the multinational oil companies, which control the market, will reduce the supply. We will have a high demand and the prices will increase.

Therefore, we, as a Ministry, are approaching the issue with the rest of the country, so that we can take that decision together. However, if you want us to re-introduce regulation, that has to come through Parliament. The prices also keep on changing depending on the exchange rate of the dollar against other major currencies.

COMPENSATION FOR KENYANS KILLED IN TANZANIA

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

(a) Is the Minister aware that on 12th June, 2008, Messrs. Peter Chege Kimanga, Patrick Gachibi Njuguna and John Mburu Mbuthia, who were traders, were killed, burnt and buried in shallow graves in Mwanza Region in Tanzania?

(b) What steps has the Government taken to ensure that the bodies are exhumed and brought home for a decent burial?

(c) What steps has the Government taken to ensure the Tanzanian Government makes full compensation for the deaths to their families?

(d) Could the Minister explain the status of the investigations into the matter by both the Kenyan and Tanzanian authorities, and confirm or deny that Tanzanian policemen handed the men over to the mob that killed them?

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that three Kenyan traders were killed, burnt and buried in Mwanza Region of Tanzania on 12th June, 2008. Our High Commission in Dar-es-Salaam is pursuing the issue with a view to ascertaining the circumstances in which the Kenyans met their death and to seeking justice.

(b) The High Commission in Dar-es-Salaam has been asked to urgently ascertain the official position on the matter. Once this is obtained, we will be asking them to co-ordinate with the Tanzanian authorities to ensure that the bodies are exhumed and brought back to Kenya for a decent burial.

(c) The Ministry, through the Mission in Dar-es-Salaam, will see to it that a thorough investigation is carried out to ensure that the victims' relatives not only get to know the circumstances surrounding the deaths of their loved ones but are also compensated. We are also not just pursuing compensation but also justice to see that those who perpetrated the crime are brought to book.

(d) The Ministry is presently not in a position to confirm or deny that Tanzanian policemen handed the men over to the mob that killed them. Investigations are still ongoing, and so far 22 suspects have been arrested and are in custody. As and when we get information, we will communicate it to the families. We have advised the families that they have to wait until these investigations are over, then we see how to get the bodies back.

Thank you.

Mr. Mututho: Mr. Speaker, Sir, it is, indeed, very sad. The three gentlemen were traders dealing in razor blades. They actually lived in Kinangop and were domiciled in Naivasha. It is 13 days now since these people met their death. The car they were travelling in is owned by a driver to one of the Members of Parliament in that region. What is even more curious is that, because of the Minister's constant reference to the High Commission, I decided to call the High Commission yesterday afternoon. I am sad to report to the House that the Deputy to the High Commissioner responded by saying that they had written a letter and were waiting for a reply. That was yesterday in the afternoon. That gives the impression that other than the letter, and the Minister being aware of the matter, nothing of substance is going on.

Mr. Speaker, Sir,---

Mr. Speaker: Mr. Mututho, can you come to your question?

Mr. Mututho: Mr. Speaker, Sir, the police have been to the scene but have not exhumed the bodies. Could you tell us whether your officers have been to the scene and what steps have been taken? So far, as far as we know, only a letter has been written.

Mr. Wetangula: Mr. Speaker, Sir, it has to be appreciated that this criminal incident occurred outside our jurisdiction. The most we can do is to communicate with our sister State of Tanzania, which we have done. I have personally talked to my counterpart in Tanzania. He has assured me that the police are seized of the matter. They are investigating it and we will be able to communicate with the families and the hon. Member as soon as we get the information.

Mr. Speaker, Sir, secondly we cannot pursue exhumation of the bodies as an end in itself. Investigations must be done and the exhumation of the bodies will be the ultimate to bring them back home. Perhaps, exhuming the bodies now and bringing them to Kenya may end up prejudicing the investigations that are ongoing.

Mr. Speaker: Last question, Mr. Mututho!

Mr. Mututho: Mr. Speaker, Sir, I am satisfied to the extent that the Minister is aware that three traders died in Tanzania, and that once his officers have the time they will be able to go and follow up the case and have the bodies brought back in Kenya.

Thank you very much.

Mr. Speaker: Very well!

ORAL ANSWERS TO QUESTIONS

Question No.071

HARNESSING OF WATER FROM RIVER
NZOIA FOR GENERATION
OF ELECTRICITY

Mr. Speaker: Mr. Sambu! Is Mr. Sambu here? Mr. Sambu is not here; therefore, the Question is dropped!

(Question dropped)

Question No.089

COMPLETION OF KAPSOWAR-ARROR/CHEBARA - KOITILIAL ROADS

Mr. Kaino asked the Minister for Roads:-

- (a) whether he could confirm that Kapsowar-Arror and Chebara-Sangurur-Koitilial roads are important for the security of cattle-rustling-prone areas of Kerio Valley; and,
- (b) what plans he has to complete the construction of the mentioned roads, which have stalled for many years.

The Assistant Minister for Roads (Dr. Machage): Mr. Speaker, Sir, I beg to reply.

(a) I confirm that Kapsowar-Arror and Chebara-Sangurur-Koitilial roads are important for the security of the cattle rustling-prone areas of Kerio Valley.

(b) These roads fall under the jurisdiction of the District Roads Committee (DRC) and, therefore, the respective DRCs should prioritise them for funding by the Kenya Roads Board (KRB).

Mr. Kaino: Mr. Speaker, Sir, now that the Assistant Minister is aware that these roads are very important to the Kerio Valley, where there are serious insecurity problems, how many Marakwets or how many people in Kerio Valley, have to die so that he starts constructing the roads?

Mr. Speaker, Sir--

Mr. Speaker: Order, Mr. Kaino! You have asked a question! Allow the Assistant Minister to answer it!

Dr. Machage: Mr. Speaker, Sir, my prayer is that no Marakwet dies because of cattle rustling. This habit should stop. However, for Chebara-Sangurur-Koitilial Road, this is a classified Road E336, and had received funding for maintenance as follows: 2006/2007 - Kshs800,000; 2007/2008 - Kshs700,000 and in the coming financial year I have awarded it Kshs800,000. I think I am very fair.

Mr. K. Kilonzo: Mr. Speaker, Sir, there are certain roads in this country that are classified as security roads. The Kapsowar-Arror Road happens to be one of them. Initially, those roads used to be under the docket of the Minister of State for Provincial Administration and Internal Security. I want the Assistant Minister to tell us whether those roads are still under his docket and, if so, what measures he is taking to complete them. That is because, in my constituency, there is a similar road from Endau to Malindi, which is also in a sorry state.

Dr. Machage: Mr. Speaker, Sir, all the roads in the Republic of Kenya are under my jurisdiction.

(Laughter)

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

(Mr. Abdirahman stood up in his place)

Mr. Speaker: Order, Mr. Abdirahman! There is a point of order!

Mr. K. Kilonzo: Mr. Speaker, Sir, I was asking that question just as a matter of clarification. What measures is the Assistant Minister taking to ensure that those important security roads are completed? When he says that they are under his docket, he has not answered my question. Is he in order not to answer the question?

Mr. Speaker: The Assistant Minister is certainly out of order! You have only answered part of the question. Could you answer the last part?

Dr. Machage: Mr. Speaker, Sir, one of the questions he asked is whether the roads are under the docket of the Ministry of State for Provincial Administration and Internal Security, and I answered that. The Ministry of Roads is completely at the Minister's handling level. He will advise me on which roads he thinks are very important in your area. But there are certain roads that are of national security importance. I needed to be informed and reminded by hon. Members. I have taken your sentiments and points and I will look into the matter.

Mr. Abdirahman: Thank you, Mr. Speaker, Sir. The development of roads in this country is facing a very, very serious problem. Raising Questions all the time is giving us a lot of problems. But I want to go straight to my question. The District Roads Committees are able to plan only for constituency roads. They are not able to plan for trunk roads that connect major towns. What plans, as a matter of policy, does the Ministry have to take care of main roads projects?

Dr. Machage: Mr. Speaker, Sir, whereas the constituencies play a great role in identifying and dealing with some of those roads, the Central Government also gets concerned about the trunk roads and, hence, we conduct both provincial and Ministerial inspections. It is only two weeks since I toured Rift Valley and Nyanza. I intend to tour all the areas, including the constituency where the hon. Member comes from, and identify those important roads.

Mr. Speaker: Last question, Mr. Kaino!

Mr. Kaino: Mr. Speaker, Sir, the Assistant Minister has actually misled the House by saying that the districts do not prioritize the roads. That is a very important road! As much as I wish to accept the "prayers" of the Minister - I hope they are genuine prayers - we have suffered because of those roads. I would like the Ministry to check properly because there is a letter which came last week from the district---

Mr. Speaker: Order, Mr. Kaino! It is Question Time! Not debate time! Could you ask your question?

Mr. Kaino: Sorry, Mr. Speaker, Sir. Could the Assistant Minister go back and calculate how much money should be allocated to that road? An amount of Kshs800,000 is not enough for a new road like the Kapsowar-Arror Road.

Dr. Machage: Mr. Speaker, Sir, it is true. The hon. Member's concerns are legitimate. That money might not be enough for the kind of work to be done. But let us start somewhere! I have taken note and I will consider it in our next Budget.

Mr. Speaker: Next Question by Mr. Were!

Question No.100

MEASURES TO PROTECT KENYA'S SUGAR
INDUSTRY FROM COMESA IMPORTS

Mr. Were asked the Minister for Agriculture:-

(a) in view of the expected expiry of the safeguard measures, whether the Minister

could guarantee the preparedness of Kenya's Sugar Industry and its ability to survive the unrestricted duty-free imports from COMESA member countries; and, (b) what the Ministry is doing to ensure that the sugar companies or millers diversify their operations.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Speaker, Sir, I beg to reply.

(a) I guarantee the preparedness of Kenya's Sugar Industry for sustainable duty-free COMESA trade after the expiry of the safeguard measures on February, 2012, to be achieved through strategic private sector investment and the private-public sector partnership.

(b) The Ministry, through the Kenya Sugar Board, has developed an Industry Strategic Plan outlining interventions which include cleaning of the balance sheets of the industry institutions to make them attractive for injection of private capital for diversification and value addition to its products.

Thank you, Mr. Speaker, Sir.

Mr. Were: Mr. Speaker, Sir, you will realize that the Assistant Minister has answered that Question generally. He is only talking about strategic plans. What particular plans have you put in place to ensure that the sugar industry survives beyond 2012? As it is right now, if the Government does nothing, all those sugar companies are going to collapse. What specific measures have you put in place?

Mr. Ndambuki: Mr. Speaker, Sir, the Ministry has embarked on research to come up with better sugar-cane with high sucrose levels. The Government is going to privatize factories that it has an interest in. The Government is also exploring ways of pricing sugar-cane in a different way. The Government is going to adopt an energy policy aimed at promoting co-generation and other forms of biofuel production that will contribute towards making the sugar sector more competitive.

Mr. Speaker: Last question, Mr. Were!

Mr. Were: Mr. Speaker, Sir, I am a worried man because about six million people in western Kenya rely on sugar-cane for their livelihood.

The cost of production of sugar in the western parts of Kenya is very high.

Taking into account what is going on right now, the cost of production of one tonne of sugar in the western region is US\$700 per tonne, while the imported sugar arrives in this country at less than US\$400 per tonne. Come 2012, if the Government will keep on giving us answers like these--- That is because that kind of an answer has been given in the last five years! When I was in the Ninth Parliament---

Mr. Speaker: Mr. Were, it is Question Time! Could you, please, come to your question? It is not debating time!

Mr. Were: Mr. Speaker, Sir, I know it is not debating time, but it is a serious matter because six million Kenyans---

Mr. Speaker: Indeed, a serious matter calls for a serious question! Ask the question!

(Applause)

Mr. Were: Mr. Speaker, Sir, I want to believe that this is a serious question!

Mr. Speaker: Okay, carry on!

Mr. Were: Mr. Speaker, Sir, I am a worried man because the way the Question has been answered has been too casual and too general. Mr. Assistant Minister, could you tell us exactly what measures you are putting in place? What is the timeframe? You are talking about 2012. What is the timeframe for all those ideas that you have told us here?

Mr. Ndambuki: Mr. Speaker, Sir, what I have said is going to take place before the expiry of the safeguard period, which is 2012. As the hon. Member said, the sugar industry in Kenya is

expensive because of a number of factors.

We have taken into account some of those factors such as low cane crushing capacity. Some of these millers do not even have the capacity.

The other factors are low sugar extraction parameters, poor crop husbandry and poor physical infrastructure. These are some of the things that we have identified which are going to be taken care of before the time expires.

(Loud consultations)

Mr. Speaker: Order, hon. Members! In the light of the Business before the House and given that there are two Ministerial Statements to be made this **[Mr. Speaker]** afternoon, I will defer the last Question. Hon. K. Kilonzo, your Question will be first on the list tomorrow afternoon.

Question No.105

PAYMENT OF DEATH GRATUITY
TO MR. MWOVI NYAMAI

(Question deferred)

COMMUNICATION FROM THE CHAIR

PRIME MINISTER TO ISSUE STATEMENT
ON SCHOOL FEEDING PROGRAMME

Mr. Speaker: We have two Ministerial Statements, the first by the hon. Prime Minister and Member for Langata. I am told there is a Ministerial Statement you are supposed to give on the School Feeding Programme. Maybe you are not aware.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I am not aware!

Mr. Speaker: Mr. C. Kilonzo, you had asked for that Ministerial Statement?

Mr. C. Kilonzo: Mr. Speaker, Sir, there must be something very wrong because, on the day I asked for that Ministerial Statement, a particular Minister undertook to follow up the issue and pass the message to the Prime Minister.

So, I am not bound to repeat it. I expected the Minister to have passed that message to the Prime Minister. But, nevertheless, with your permission, could I repeat the request for the Ministerial Statement? It appears that the particular Minister has gone underground!

Mr. Speaker: Order, Mr. C. Kilonzo! I think the request for the Ministerial Statement is recorded in the HANSARD of last week.

Hon. Prime Minister, please, acquaint yourself with the Ministerial Statement as was sought last week and then, you will give indication to the House tomorrow afternoon on when that Ministerial Statement will be forthcoming.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, indeed, I have written to you on this particular issue because there was also another Question which was forwarded to my office yesterday.

Mr. Speaker, Sir, if you remember, you agreed that the Standing Orders will be amended to provide for the Prime Minister's Question Time every week. This is the practice elsewhere in the Commonwealth so that the Prime Minister does not have to answer piecemeal Questions from

Members of the House which actually refer to specific Ministries.

I would want your guidance on this particular issue. I think it is necessary that the House moves with speed to amend the Standing Orders so that the Prime Minister can be briefing the House on a weekly basis on the state of affairs of the Government.

(Applause)

CONSIDERED RULING

STANDING ORDERS TO BE AMENDED TO PROVIDE FOR PRIME MINISTER'S QUESTION/ANSWER SESSION

Mr. Speaker: Order, hon. Members! Indeed, as the Prime Minister rightly says the House is in the process of amending the Standing Orders so that, if possible all, or as the House deems appropriate, the Standing Orders will be amended to provide for a slot for the Prime Minister to have a Question Session. But that is for the House and not for the Chair to direct.

The Chair will be prepared to go by what the House will decide. At the moment, the Standing Orders stand unamended. This Question was directed to the Prime Minister on the premise that the areas that it covers are cross-cutting. The Constitution, as now amended, and as things stand today, the Prime Minister co-ordinates several Ministries. So, that Ministerial Statement is appropriately directed, hon. Prime Minister. You will, therefore, have to deal with it.

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

Mr. Speaker: The Prime Minister is on his feet!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the Prime Minister will not hesitate to answer a Question. However, first, we have a Standing Orders Committee of this House. It is the responsibility of the Standing Orders Committee to move with speed and amend the Standing Orders. This is what the Prime Minister is requesting.

Mr. Speaker, Sir, secondly, the Prime Minister co-ordinates the work of various Ministries. So, the Question that is directed to the Prime Minister will be appropriately referred to a line Ministry to deal with it. Well, I will hesitate to answer Questions from Members here in the absence of a proper provision for the Prime Minister to deal effectively with issues of the Government in the House. That is the reason why I have hesitated here. I would like the House to take this issue more seriously.

The Speaker is the Chair of the Standing Orders Committee. We need to introduce the Prime Minister's Question Time, which is usually one hour on every Wednesday. If this was done, I would come here and explain to Members how the Government is working, what the problems are and the state of affairs of Government. It is, basically, the responsibility of the Prime Minister and the House deserves to be informed what happens in the Government.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Hon. Prime Minister, we understand your sentiments. But, perhaps, it will help for the record of the House, if the Member who sought the Ministerial Statement gives indication, for your purposes, as to why he directed that Ministerial Statement to

the Prime Minister.

Mr. C. Kilonzo: Mr. Speaker, Sir, my Ministerial Statement was directed to the Prime Minister's Office purely because it cuts across three Ministries; that is, the Ministry of Finance, Education and The Ministry of State for Special Programmes.

Mr. Speaker, Sir, as you are aware the World Food Programme has reduced the budget on School Feeding Programme. I do not think we will be doing justice to young children in our schools to deny them food on the basis that we are waiting for the Standing Orders to be amended. This is not just a normal Question. It has to be addressed by the House.

I think we will not be doing our job if we have to wait for the Standing Orders to be amended. It took the Ninth Parliament five years to amend the Standing Orders and they have not been effected. So, it is my wish that the Prime Minister takes this Ministerial Statement as an exception.

Mr. Speaker: Order, hon. Members! As the Chair has ruled earlier, this matter was directed to the Office of the Prime Minister because the issues which are canvassed in that Ministerial Statement, as is sought, are cross-cutting. They relate to more than one Ministry. They relate to the Ministry of State for Special Programmes, so do they relate to the Ministry of Education, so do they relate to other departments in the Office of the President and so do they relate to the Ministry of Finance.

So, that Ministerial Statement is appropriately directed to the Prime Minister, as seen against the background of the recent amendments to the Constitution. So, the direction of the Chair still stands. Hon. Right hon. Prime Minister, please prepare to give that Ministerial Statement even as we are in the process of amending the Standing Orders as necessary. May it be noted that the Standing Orders are adopted or amended or reviewed by the House and not by Mr. Speaker.

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir. Last week, several requests for Ministerial Statements were not communicated to the relevant Ministries. This forced Members on this other side of the House to remind the Government that there were Ministerial Statements which had not been issued. Clearly, this Government has gone to sleep. It is clear that the Government is not taking its work seriously. Again, here is a Prime Minister who is not aware that he is supposed to issue a Ministerial Statement in this House.

Mr. Speaker, Sir, you promised this House that the sword of justice will be applying fairly to both sides. Any time we delay to ask Questions in this House, you have been very firm on us. We want to see that sword of justice also cutting the same way on the Government side.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I do not want an impression to be created here that this Government is afraid or does not want to take up its responsibilities of answering Questions and issuing Ministerial Statements as demanded by hon. Members. However, hon. Members must also appreciate that it requires time to get information when they request for Ministerial Statements.

While I am not apologising on behalf of Ministers who have been asked to issue Ministerial Statements, I want hon. Members to appreciate that Ministerial Statements are not made at the spur of the moment that they are required. Some research and information must be gathered before factual statements are made. However, the work of the Prime Minister is to coordinate the work of the Government. Questions coming here, many of them, will be cross-cutting. It is, therefore, right that the Prime Minister can refer a particular Question to a Minister to answer. So, that does not mean that the Prime Minister has to personally have to answer all the Questions that are cross-cutting.

I really want to plead with you that it is very important that, as the Chair of the Standing Orders Committee, you must lead the way to ensure that the Constitutional amendments which were introduced by this House find some kind of route for implementation. It is not the Prime

Minister but the House, in plenary, which is supposed to do this.

The Standing Orders Committee needs to be convened as a matter of urgency so that these amendments are introduced and the Prime Minister can have an avenue through which he can access this House and give the information that hon. Members require.

Mr. Speaker: Order, hon. Members! This matter must now come to a halt. Hon. Prime Minister, you have made your point and it has been noted. As a matter of fact, the Standing Orders Committee has already had meetings and we are close to tabling, in the House, the proposed amended Standing Orders. That has already been done. I want to reassure the House that the Chair will remain firm and that the justice meted out by the Chair will be balanced at all times. It will apply both ways indiscriminately.

In the light of the Business that we now have, we will defer the Ministerial Statement by the Minister for Foreign Affairs to tomorrow afternoon. We will now move on to the next Order. Order No.7 has already been overtaken by events since this morning.

The Debate on Budget Speech which is provided to last, at least, seven days was completed this morning. Hon. Members were not interested in making contributions beyond what had come, up to this morning. That may say that, perhaps, the Minister did his job ably up to that point.

We will move on to the next Order. Note that we will continue sitting until 6.34 p.m.

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

VOTE ON ACCOUNT

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, I beg to move:-

THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kshs246,434,247,840 representing one half of the total net estimates of Recurrent and Development Expenditures made up in the manner set out in the Vote on Account Schedules laid in the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending 30th June, 2009, until such time as the Appropriation Act for the year comes into operation.

VOTE ON ACCOUNT SCHEDULE (RECURRENT) FINANCIAL YEAR 2008/2009

Estimates showing the several services which a vote is required for the Financial Year ending on 30th June, 2009			
Vote No.	Service	Total Net Estimates 2008/2009	Vote on Account 2008/2009
		Kshs	Kshs
R01	Ministry of State for Provincial Administration and Internal Security	38,691,087,000	19,345,543,500
R02	State House	913,000,000	456,500,000
R03	Ministry of State for Public Service	1,286,447,200	643,223,600
R04	Ministry of Foreign Affairs	6,336,000,000	3,168,000,000
R05	Office of the Vice-President and Ministry of State for Home Affairs	9,453,584,600	4,717,792,300
R06	Ministry of Planning, National Development and Vision 2030	2,169,000,000	1,084,500,000
R07	Ministry of Finance	22,389,913,910	11,194,956,955
R08	Ministry of State for Defence	42,781,000,000	21,390,500,000
R09	Ministry of Regional Development Authorities	688,430,000	344,215,000
R10	Ministry of Agriculture	7,712,380,000	3,856,190,000
R11	Ministry of Medical Services	23,211,815,000	11,605,907,500
R12	Office of the Deputy Prime Minister and Ministry of Local Government	909,000,000	454,500,000
R13	Ministry of Roads	1,224,882,380	612,441,190
R14	Ministry of Transport	2,115,710,000	1,057,855,000
R15	Ministry of Labour and Human Resource Development	883,000,000	441,500,000
R16	Office of the Deputy Prime Minister and Ministry of Trade	1,017,893,780	508,946,890
R17	Ministry of Justice, National Cohesion and Constitutional Affairs	1,009,411,830	504,705,915
R18	Ministry of Gender and Children Development	1,616,405,000	808,202,500
R19	Ministry of Livestock Development	2,860,340,000	1,430,170,000
R20	Ministry of Water and Irrigation	3,343,000,000	1,671,500,000
R21	Ministry of Environment and Mineral Resources	1,058,070,000	529,035,000
R22	Ministry of Cooperative Development and Marketing	882,170,000	441,085,000
R23	Cabinet Office	1,151,000,000	575,500,000
R24	Ministry of East African Community	458,214,990	229,107,495
R25	State Law Office	954,570,000	477,285,000
R26	Judicial Department	1,447,233,200	723,616,600
R27	Public Service Commission	378,581,150	189,290,575
R28	Kenya National Audit Office	1,345,000,000	672,500,000
R29	National Assembly	7,245,304,550	3,622,652,275
R30	Ministry of Energy	197,657,990	98,828,995
R31	Ministry of Education	106,838,410,000	53,419,205,000
R32	Ministry of Information and Communications	1,133,810,000	566,905,000
R33	Electoral Commission of Kenya	2,126,205,000	1,063,102,500
R34	Kenya Anti-Corruption Commission	1,263,000,000	631,500,000
R35	Ministry of State for Special Programmes	5,525,934,000	2,762,967,000
R36	Ministry of Lands	1,440,761,140	720,380,570
R40	Ministry of State for Immigration and Registration of Persons	667,000,000	338,500,000
R41	Ministry of State for National Heritage and Culture	1,490,004,250	745,002,125

R42	Ministry of State for Youth Affairs and Sports	4,031,069,000	2,015,534,500
R43	Ministry of Higher Education, Science and Technology	18,813,790,000	9,406,895,000
R44	Ministry of Housing	888,088,000	444,004,000
R45	National Security Intelligence Service	8,000,000,000	4,000,000,000
R46	Ministry of Tourism	1,222,249,000	611,124,500
R48	Office of the Prime Minister	1,000,000,000	500,000,000
R49	Ministry of Public Health and Sanitation	2,258,000,000	1,129,000,000
R55	Ministry of Forestry and Wildlife	3,369,033,700	1,684,516,850
R56	Ministry of Fisheries Development	723,499,200	361,749,600
R57	Ministry of Nairobi Metropolitan Development	260,026,000	130,013,000
R58	Ministry of Development of Northern Kenya and Other Arid Lands	228,700,000	114,350,000
R59	Ministry of Public Works	926,579,620	463,298,810
R60	Ministry of Industrialization	1,303,340,700	651,670,350
	SUB-TOTAL KSHS	349,231,540,190	174,615,770,095

VOTE ON ACCOUNT SCHEDULE (DEVELOPMENT) FINANCIAL YEAR 2008/2009

Estimates showing the several services which a vote is required for the Financial Year ending on 30th June, 2009			
Vote No.	Service	Total Net Estimates 2008/2009	Vote on Account 2008/2009
		Kshs	Kshs
D01	Ministry of State for Provincial Administration and Internal Security	4,486,000,000	2,243,000,000
D02	State House	242,000,000	121,000,000
D03	Ministry of State for Public Service	396,100,000	198,050,000
D04	Ministry of Foreign Affairs	970,000,000	485,000,000
D05	Office of the Vice-President and Ministry of State for Home Affairs	1,381,000,000	690,500,000
D06	Ministry of Planning, National Development and Vision 2030	11,383,935,700	5,691,967,850
D07	Ministry of Finance	11,128,339,410	5,564,169,705
D09	Ministry of Regional Development Authorities	708,567,210	354,283,605
D10	Ministry of Agriculture	4,005,175,400	2,002,587,700
D11	Ministry of Medical Services	3,116,094,610	1,558,047,305
D12	Office of the Deputy Prime Minister and Ministry of Local Government	2,428,804,590	1,214,402,295
D13	Ministry of Roads	24,689,500,000	12,344,750,000
D14	Ministry of Transport	3,063,000,000	1,531,500,000
D15	Ministry of Labour and Human Resource Development	494,460,000	247,230,000
D16	Office of the Deputy Prime Minister and Ministry of Trade	98,800,000	49,400,000
D17	Ministry of Justice, National Cohesion and Constitutional Affairs	200,673,200	100,336,600
D18	Ministry of Gender and Children Development	711,281,300	355,640,650
D19	Ministry of Livestock Development	1,212,438,800	606,219,400
D20	Ministry of Water and Irrigation	8,390,831,100	4,195,415,550
D21	Ministry of Environment and Mineral Resources	672,620,970	313,810,485
D22	Ministry of Cooperative Development and Marketing	219,000,000	109,500,000
D23	Cabinet Office	172,000,000	86,000,000
D25	State Law Office	93,000,000	46,500,000
D26	Judicial Department	454,200,000	227,100,100
D30	Ministry of Energy	22,335,000,000	11,167,500,000

D31	Ministry of Education	9,067,724,200	4,533,862,100
D32	Ministry of Information and Communications	2,024,000,000	1,012,000,000
D34	Kenya Anti-Corruption Commission	100,000,000	50,000,000
D35	Ministry of State for Special Programmes	3,841,176,000	1,920,588,000
D36	Ministry of Lands	574,375,000	287,187,500
D40	Ministry of Immigration and Registration of Persons	1,218,000,000	609,000,000
R33	Ministry of State for Special Programmes	2,126,205,000	566,905,000
R34	Ministry of Lands	1,263,000,000	1,063,102,500
R35	Ministry of State for Immigration and Registration of	5,525,934,000	631,500,000
R36	Persons	1,440,761,140	2,762,967,000
R40	Ministry of State for National Heritage and Culture		720,380,570
	Ministry of State for Youth Affairs and Sports	667,000,000	
R41	Ministry of Higher Education, Science and Technology	1,490,004,250	338,500,000
R42	Ministry of Housing	4,031,069,000	745,002,125
R43	National Security Intelligence Service	18,813,790,000	2,015,534,500
R44	Ministry of Tourism	888,088,000	9,406,895,000
R45	Office of the Prime Minister	8,000,000,000	444,004,000
R46	Ministry of Public Health and Sanitation	1,222,249,000	4,000,000,000
R48	Ministry of Forestry and Wildlife	1,000,000,000	611,124,500
R49	Ministry of Fisheries Development	2,258,000,000	500,000,000
R55	Ministry of Nairobi Metropolitan Development	3,369,033,700	1,129,000,000
R56	Ministry of Development of Northern Kenya and Other	723,499,200	1,684,516,850
R57	Arid Lands	260,026,000	361,749,600
R58	Ministry of Public Works		130,013,000
	Ministry of Industrialization	228,700,000	
R59		926,579,620	114,350,000
R60		1,303,340,700	463,298,810
			651,670,350
	SUB-TOTAL	349,231,540,190	174,615,770,095
	KSHS		

Mr. Speaker, Sir, I would like to emphasise that His Excellency the President has given his consent to this Motion. I presented the National Budget for the Financial Year 2008/2009 before this House on 12th June, 2008. During the presentation, and thereafter, I have received strong encouragement from my colleagues. Allow me, therefore, to thank hon. Members for the overwhelming support they have given to the Budget proposals contained in the Financial Statement. I also wish to thank Members of the public for the positive response to the same and the confidence with which they embraced the development agenda we have elaborated for our nation.

Mr. Speaker, Sir, I also want to thank hon. Members for the completion of the debate on the Budget Speech this morning and for passing the same in my absence, which I regret. I would have liked to be here in person but I was caught up in other business in the office and my Assistant Minister is away on another business outside. We really did not expect that it would be completed this morning. Hence, I would like to apologize for such a big event happening in my absence.

Mr. Speaker, Sir, in the past, there have been concerns and varied opinions on our commitment to carry through our development plans and the extent to which they get implemented. I want to assure the House that this sceptical view is far from being correct and, for starters, the First Medium-Term Plan (FMTP) of our Vision 2030 has been founded on realistic issues that we need to focus on in order to achieve development in the following areas. I want to reiterate this as the basis of which we will be asking for all these monies.

The first thing is the restoration of our economy to a higher broad-based growth rate path, again with expanded opportunities for all Kenyans. The second item that we are looking at is the creation of employment opportunities particularly for our youth and extending financial and other

forms of assistance to encourage self-employment. Again, we went through a whole raft of measures on how to improve the economy in the Budget Speech and all that is included in the Estimates. The third item is the reduction of poverty by evenly accelerating development across the whole country in all the regions. The fourth is greater effort on our human resource development in order to enlarge our human resource base, again geared towards creating a reliable workforce through quality and appropriate education. Again, this is very clear with the investments we are making at the primary education level, the secondary education level and in terms of extensions to the tertiary colleges.

Mr. Speaker, Sir, these are our areas of focus and I would like to take this opportunity to reaffirm that the Government will not waiver from the economic path that we have charted for continued development of our country through the implementation of the plan we have formulated and the execution of the strategies that we have set in order to achieve our objectives.

Mr. Speaker, Sir, the Financial Statement that we made included the proposals on taxation and expenditure projections. These two components of our Budget will be dealt with by this House during the sessions of the Committee of Ways of Means and the Committee of Supply. However, before the commencement of the Committee of Supply, hon. Members will have had the opportunity and ample time to scrutinise the resource allocations in detail.

In this regard, Mr. Speaker, Sir, I do believe that hon. Members have already received their copies of the Estimates in terms of the big books of both the Recurrent and Development Expenditure for the Financial Year 2008/2009 and, indeed, also the Budget Strategy Paper that gives them the broader thinking on exactly what is captured.

Mr. Speaker, Sir, during the debate on the Votes, Members will have the opportunity to interrogate the proposals and, again, with the added benefit of the individual Ministries being present to provide the necessary clarifications, this will then be followed by the Appropriation Bill which will give us the authority to spend all the funds as approved by this House. In the meantime, the country has to run. The law has provided for us a mechanism through which we can access 50 per cent of the funding pending the approval of the Appropriation Bill. This is the approval I am seeking from the House today.

Mr. Speaker, Sir, successful completion of the Budget formulation is the first phase of the Budget process. The next challenge lies in the management and implementation of the Budget. Budget management and implementation gives substance to our plans and strategies. This function is, therefore, very crucial since it entails the provision of services and implementation of our development programmes and projects. Therefore, financial management, monitoring and evaluation will continue to be strengthened to ensure the smooth implementation of our programmes, projects and provision of efficient and effective services to Kenyans.

Mr. Speaker, Sir, I want to assure the House that we will also continue to deepen the reforms that we have been undertaking and to strengthen our institutions by efficient service delivery and enhance both the economy and value for our money. These reforms will include budgetary as well as financial management reforms that do emphasise, among other aspects, all forms of accountability. In this regard, our Budget formulation and presentation are being reviewed and enhanced in order to re-orientate expenditures to outputs and outcomes instead of pegging our considerations on levels of allocations. Our audit will also have to be re-oriented to be based on outputs and outcomes instead of mere compliance to budgetary ceilings.

Mr. Speaker, Sir, I, therefore, wish to inform the hon. Members that the Estimates that are indicated by Item level allocation and which are contained in the Schedules that we have supplied are, in fact, a breakdown of the programme of this Budget under which the Ministries, Departments and budgets have been formulated. The programmes indicate, among other things, the output and outcomes. We will soon be publishing and sharing with the House the programme-based budget

listed by each Vote for the Financial Year 2008/2009, so that hon. Members can actually see what we are hoping to achieve as a result of this expenditure.

Mr. Speaker, Sir, notwithstanding the above, as I earlier said, it is the procedure of the House to scrutinise, in detail, the estimates during the Committee of Supply. Therefore, with the leave of this esteemed House, I propose that I do not dwell in detail on the allocation of each Vote at this point. This, again, will be undertaken at an appropriate time.

Mr. Speaker, Sir, for the Financial Year 2008/2009, the net Estimates of Recurrent Expenditure will amount to Kshs349,231,540,190 for which, for the time being, I am seeking approval of 50 per cent of that, which is Kshs174,615,770,095, while the net Estimates for Development Expenditure amount to Kshs143,636,955,490, out of which, again, I am, for the time being, seeking approval for Kshs71,818,477,745.

Mr. Speaker, Sir, again, included in these Estimates, for purposes of emphasis, is funding for some very critical ongoing programmes and implementation of new projects. Some crucial programmes will include the development of expenditure infrastructure, enhancement of energy supply, including research and development of alternative sources of energy and development of the Information and Communication Technology (ICT) subsector.

Mr. Speaker, Sir, I am pointing out this because it is important that we appreciate that, unless there is confirmation of availability of at least half the amount that this House will eventually have to approve, it will be very difficult to even float tenders for some of these projects. People want to look at what services we have that will give them money. That is why we are asking for the maximum that the Constitution allow us, which is 50 per cent. We want this approval to give us the confidence; that we have enough money to, at least, start the tendering process. We want to see some of these roads and power projects started. Indeed, we can even start moving the Constituencies Development Fund (CDF) monies around the constituencies. We can commit on salaries for the foreseeable future. Indeed, we can even commit on mortgages knowing that, at least, we have some money available.

Mr. Speaker, Sir, we also need these monies to meet some of our contractual obligations. Some of these contractual obligations are payable on a half-yearly basis. We actually need the entire amount of money that will be required to meet that half-year obligation. Anything short of that will mean that we will be falling out on some obligations that we have agreed to pay on some of the interest on our long-term bonds that we actually need to pay on half-yearly basis.

Mr. Speaker, Sir, we also need this money for funding to cater for payments of salaries and wages, including all the other expenditures that are related to personnel emoluments. I also factored, within this, for example, the adjustment of salaries of the civil servants in Job Groups "D" and "L", police and security forces and payment of the allowances that were agreed upon. I need to have that comfort that, come July 1st, we not only have the approval, but also the funding available to commit into the foreseeable future, hoping that somewhere before October we will have passed the Appropriation Bill which will then release the balance of the money.

Mr. Speaker, Sir, critically important again are monies for our free primary and secondary education. We need to have the certainty that we will have the bursaries and other expenditures which will need to spend between now and December. The commitments for that, as hon. Members are aware, end in August. At the beginning of September, we will need to be paying the third term fees which means that we actually need the entire second half. We need the first half of the Budget to be able to commit on school fees by the time we pay for the education of those children ahead of the approval of the Appropriation Bill which, traditionally, comes just around October if we are to allow for the maximum time for the discussion on the individual Votes.

Mr. Speaker, Sir, as hon. Members are aware, the Government provides essential goods and services that cannot be interrupted without serious repercussions and distress to this nation. In fact,

the matter is so serious that, come tomorrow, in the unlikely event that this will not have been concluded, we would actually not start the year 2008/2009 because absolutely there will be no money to run this country, including this House. That is how serious the matter is, and I believe that this House will rise to the occasion. Therefore, it is the fundamental consideration of provisions in the Vote on Account within the Constitution of Kenya. It is a Constitutional matter. The country is relying on the actions of the House, this afternoon, to determine whether we should move forward into the next financial year or the country closes business.

Mr. Speaker, Sir, in this regard, I will also request the House to take cognisance of the fact that the Financial Year 2007/2008 will come to and end on 30th June this year. That is basically this weekend. We have to close all our books by 30th June, 2008 and not a single cent that is currently voted can be spent after the midnight of 30th June, 2008 and we now need this authority so that we can have new books opened and new monies spent come 1st July, 2008. Accordingly, our forefathers had a foresight and did provide within the constitution that we could draw funds from the Consolidated Fund for provision of services until the full authority has been granted through the Appropriation Act.

Mr. Speaker, Sir, in accordance with Section 101 of our Constitution, the purpose of this Motion is to seek approval of the House to authorise the withdrawal, from the Consolidated Fund, of monies not exceeding one half of the total net sum included in the Printed Estimates of both Recurrent and Development Expenditures for the Financial Year 2008/2009. This will enable the Government to provide essential goods and services uninterrupted until the Appropriation Act, 2008/2009, is enacted by this House, hopefully towards the end of October, which will be in the last quarter of this year. This is a very crucial Motion that has its basis in a Constitutional provision. Therefore, I request hon. Members to approve it to enable the Government to access the funds required by the Ministries and Departments at the commencement of the next Financial Year 2008/2009 with effect from 1st July, 2008. Also it will enable the hon. Members to access the funds to be able to run the programmes within their constituencies through the Constituencies Development Fund (CDF). Also the House will access the money for its own running. So, it is important for all of us to have that in mind.

Mr. Speaker, Sir, I look forward to the support of each and every hon. Member as we embark on our desired journey, which we appropriately captured within the Budget; to build a cohesive, equitable and prosperous Kenya. It is a straightforward and serious Motion, and I am sure hon. Members will treat it with seriousness and give it the attention it deserves.

With those few remarks, I beg to move and kindly ask Mr. Mudavadi to second.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I beg to second the Motion moved by the Minister for Finance on the Vote on Account.

This is a Procedural Motion in the sense that it has been a tradition of this House that whenever the Budget has been presented, the Minister for Finance then seeks the authority of the House, so that Parliament can authorise the release of 50 per cent of the monies required from what is reflected in the Annual Printed Estimates to allow for the functioning of the Government.

Mr. Speaker, Sir, I just wish to reiterate that what is sought here does not preclude the Members of Parliament from focusing on some specific aspects of the individual Ministries. More opportunity for scrutiny will be made available in the course of the proceedings of the House, particularly when the individual Ministries start tabling their detailed proposals in terms of expenditure and programmes. That will provide the hon. Members with a much more elaborate opportunity to question the programmes that the Ministers will be bringing with respect to their various Votes.

Mr. Speaker, Sir, I just want to emphasize that, as things stand now, most functions of

Government, especially when it comes to the end of the financial year, tend to be slow and a lot of activities that ought to be programmed can actually get delayed. Therefore, I would like to plead with the hon. Members to support this Motion, so that the important issues, especially those relating to the CDF---

Mr. Speaker, Sir, not too long ago, there was a Question in this House where it came out very clearly that there have been delays in the release of those funds. So, it is absolutely essential that Parliament endorses this request by the Minister for Finance, so that we can embark on the programmes that relate to our constituencies.

Mr. Speaker, Sir, I also want to go further and talk about the local authorities because, within this framework, the local authorities will be able to receive the resources that fall under the Local Authorities Transfer Fund (LATF). Those are vital resources required by the 175 local authorities to start dealing with programmes at the grassroots that will have an immediate and important impact on the wellbeing of the people who voted us into this House.

Mr. Speaker, Sir, I just want to emphasize once again that this is a procedural issue. It is not a matter that would cause any major upheaval to the country. In fact, denying the Ministry of Finance the authority, we would complicate the functioning of the Government. So, I just want to second the Motion, and request the hon. Members to deal with it expeditiously. They can make their contributions but end up approving this Vote on Account, so the public activities can be started in the next financial year.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Speaker, Sir, thank you for giving me this opportunity to make my contribution. I thank the Minister for Finance for bringing this Motion to Parliament, so that we can endorse the spending of money by various Ministries. This is a straightforward Motion. We require this money like yesterday. In fact---

Dr. Eseli: On a point of order, Mr. Speaker, Sir. I will say this at the risk of irritating the Chair, but looking at this Motion---

Mr. Speaker: Order! You have said that you are irritating to the Chair?

Dr. Eseli: No, Mr. Speaker, Sir!

Mr. Speaker: Could you, please, withdraw that?

Dr. Eseli: I withdraw that Mr. Speaker, Sir.

Looking at this Motion, apart from the Mover and the Seconder, who are supposed to speak for about one hour, the Chairperson of the Departmental Committee on Finance, Planning and Trade was supposed to be limited to 30 minutes and the tradition that I have seen here is that after the Mover has finished then the Chairman of the relevant Departmental Committee should have been the next person, but we have not seen that.

Mr. Speaker: Yes, I appreciate that but it is not expressly provided for in any of the Standing Orders. Is it? If it is not, then according to Standing Order No.1. I will tell you that where there is no express rule, then the Chair has the discretion to direct the Business of the House as it deems appropriate and useful.

Mr. Githae, proceed!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Speaker, Sir, thank you for that clarification.

I am speaking in my own right as the hon. Member for Ndia Constituency, and I thought we were all equal.

I was saying that whereas we appreciate the hard work that the Minister has done, to come up with this substantial Budget, we should have passed this Motion yesterday. We need this money, so that the new Ministries can be given a preliminary Budget to start working on their programmes.

Mr. Speaker, Sir, we must accept that the way forward, in effecting devolution, can be done through the Constituencies Development Fund (CDF). At the moment, CDF is composed of 2.5 per cent of the total Government revenue. I think we need to recommend to the Minister to start increasing that amount from 2.5 per cent to 5 per cent, 7.5 per cent and 10 per cent. That is the way forward.

Mr. Speaker, Sir, again, if you look at our neighbouring countries, they are one step ahead of us. They have no controversies about districts, constituencies and Local Government Ministries, basically because there is a convergence of all those three items. One way in which we can proceed with devolution is to convert all the constituencies into districts and local authorities. That way, the constituency then would be the basis of allocation of Government funds. To me, that is the way to go about it. We need to do a proper study, so that we can do a proper devolution.

We need to take power to the lowest possible organ of the Government. One way in which we can do that is to recognise constituencies. The CDF, bursaries and HIV/AIDS money are all based on the constituencies. Therefore, even the Government allocation should be done based on constituencies. If we were to go that way, then this clamour for new districts would come to an end. It would mean that once a constituency is created, it automatically becomes a district and a local government area. To me, that is the way to go.

Mr. Speaker, Sir, I must also urge the Minister for Finance to bring some amendments to the Finance Bill and on CDF. We have constructed schools, but we do not have enough teachers. We cannot pay the teachers. In my constituency, we have put up a secondary school in every primary school. We wonder what to do! Do we construct more schools or what do we do? What we need now are teachers. At the moment, whenever I construct a new school, we only get a principal and one teacher. The rest are being paid by the parents. So, we keep on talking about free secondary education but, in reality, it is not practical unless the schools are provided with teachers by the Government.

Mr. Speaker, Sir, the same applies to dispensaries. We have constructed many dispensaries. In my constituency, for example, we have three dispensaries which are fully built, with power, but they are not functioning because they have no staff. The CDF Committee should find a way of making use of that money to pay nurses and teachers, so that the institutions that we have built do not become white elephants.

Mr. Speaker, Sir, I also commend the Minister for giving each constituency Kshs1 million for sports. But it is not very clear how that money is going to be disbursed. Again, I would urge him to send that money to the constituencies. We are the people on the ground. We know what is happening there. We know the teams that are on the ground. Therefore, we can sort out some of those issues. That is a good beginning but, Kshs1 million is not enough. If you decide to buy games kits for about 20 teams, that money is not enough. But it is a good measure. We appreciate what the Minister for Finance is doing.

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

Mr. Okemo: Thank you very much, Mr. Speaker, Sir. I rise to oppose this Motion. An appropriate amendment will be brought in due course.

(Applause)

Mr. Speaker, Sir, I do not accept the statement by some of the hon. Members who have

contributed here; that this is a Procedural Motion! It is not a Procedural Motion! Probably, it has been treated as one in the past. We come here and, as a matter of ritual, we are presented with half of the Printed Estimates. We pass them and say: "The Government can now go ahead and spend the money." That is not how it should be done. In fact, there is a very serious omission on the part of the Minister for Finance, both during his submission of the Budget Speech and thereafter. He has never taken any trouble to explain to this House the actual implementation progress of the Budget. We know, as a matter of fact, that in every quarter, the Minister for Finance is supposed to present to the House an implementation plan to show how the money has been spent. That way, we can know how much money has been approved and how much has actually been spent.

Mr. Speaker, Sir, what he should have started with today, is to come to this House and say: "This is what has happened in the past. Last year, we passed a Vote on Account where 60 per cent was approved and, in actual fact, before the Appropriation Act was approved, this is what happened." What he has come up with here is a very simplistic and, actually, a very lazy way of doing business. He has come up with a linear extrapolation of a full Budget and divided it by two for all the Ministries. Not very much thought has gone into this thing. What the Minister ought to have done is to analyze every Ministry. That is because Ministries do not spend money uniformly. That is a fact! So, merely to give approval for 50 per cent for each Ministry is actually like giving a blank cheque. The Minister should have done some homework and actually come up and said: "Some Ministries may require even 70 per cent. Others may require 20 per cent. Others will require 10 per cent." He should do it on a Ministry-by-Ministry basis. But to come here and give us 50 per cent across the board is a lazy and easy way of putting it; and trying to take advantage of a Constitutional provision.

In fact, the Constitutional provision is very clear. It says that before the Appropriation Act is in place, this House, in order to enable the Government to function--- I do not think we are as irresponsible as to deny the Government funds to function. That would be irresponsible of this House. But to give them 50 per cent is questionable because it is not justified! The Minister has not shown justification as to why it should be 50 per cent and not 30 per cent, 40 per cent or even 70 per cent. Okay, 70 per cent would be against the Constitution.

But, Mr. Minister, how do we know that if we give you 50 per cent, you will be able to spend it before we have the Appropriation Bill approved? That is because between now and the time the Appropriation Bill is approved is only four months. The Appropriation Bill ought to have been approved and passed by 30th October, according to the way we do business in this House. That is four months from now. If you really want to do the lazy job, why do you not do four over 12 times the amount of money you want, so that by the time the Appropriation Act is in force, you will have spent your money for the four months?

Why do you want six months? So, I would like to suggest that the Minister justifies to us - if he has actually done that homework - on a Ministry by Ministry basis why he requires 50 per cent. There is no need to approve money so that it just lies there and yet you do not need it. That is misusing the House! Even trying to dangle to us the carrot of CDF and the issue that our salaries or this House will not function, is actually a form of blackmail. We do not accept that. We need to be convinced that, indeed, the Minister needs 50 per cent or if he needs more, then he should justify. But he cannot get more because the Constitution will not allow him to do so.

Mr. Speaker, Sir, I know that there is an appropriate amendment coming. We want to reduce this figure to fit in. Since the Minister seems to be very comfortable with linear extrapolation, we will use that to allow him to spend four months equivalent of the full year's Budget which will be about 30 per cent.

With those few remarks, I oppose the Motion and look forward to an amendment that we can support.

Mr. Speaker: Order, hon. Members! I wish to revisit the matter raised by Dr. Eseli, so that hon. Members are appropriately guided.

After the Motion was seconded, I proposed the Question and I then picked on Mr. Githae to make the next contribution. This was because Mr. Githae was the only person who stood up when I cast my eyes across the Chamber. Mr. Okemo was not on his feet at that time. Yes, that is so. Going by the provisions of Standing Order No.63, you do not catch the Speaker's eye by virtue of your position. You catch the Speaker's eye by expressing your intention to want to speak. Standing Order No.63 provides that every Member desiring to speak, regardless of whether or not you are a Chairperson of a Departmental Committee, a Minister for that matter or even the President--- You must express your desire to speak by rising in your place. You will then catch the Speaker's eye. So, be guided accordingly.

Mr. ole Metito!

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): I thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this important Motion. I beg to support this Motion.

Mr. Speaker, Sir, when the Minister for Finance read the Budget two weeks ago, he talked of a Budget that is going to drive us towards the achievement of Vision 2030 which has three pillars. I would like to emphasise on the two pillars namely, the economic and the social pillars. Those two pillars are aimed at reducing the disparities within our regions. I would like to request that we use this Budget as one of the medium-term plans to actually try and reduce those disparities. The reduction of those disparities with regard to development has a lot to do with each and every Ministry.

Mr. Speaker, Sir, I would like to start with the Ministry of Education. With regard to the Kshs53.4 billion that they are asking this House to approve today, they should use part of that money to employ teachers. Before they do that, due to the creation of new districts, the Ministry of Education should move first to gazette the registration of the District Education Boards (DEBs) for those new districts. That way, when the employment of new teachers is done - mostly it is done in August - those new districts should be given their due allocation. They can only do so if the DEBs are gazetted. If that is done, we will reduce these discrepancies on teacher allocation and give priority to those districts that really have a high shortage of teachers, for example, my district and others.

It is also important that the Ministry of Education uses this money to employ, or post District Education Officers (DEOs) to those new districts and also provide them with facilities for logistics, say, vehicles so that they can efficiently and effectively discharge their duties.

Mr. Speaker, Sir, moving on to the Office of the President which is asking this House to approve a sum of about Kshs19.3 billion, because of the creation of new districts, a lot of divisions were proposed to be created by the residents of those districts. However, they have not been gazetted for the Office of President to post District Officers (DOs) and other security officers who will help in boosting security in those areas. So, in line with those pillars of the Vision 2030 required to really reduce the discrepancies or regional imbalance in terms of development, this Ministry should actually focus on those new areas that can take development closer to the people. It should also gazette those new divisions and post the relevant security personnel so that we see development in those areas. Even health is a matter to consider here.

Mr. Githae talked about CDF money having been used to do a lot in our constituencies. We have built a lot of health facilities, but they are becoming white elephant projects. So, I would like to request the Ministry of Medical Services which is asking for about Kshs11.6 billion to focus on operationalization of those new facilities, especially in the rural areas. If we focus so much on human resource, for example, if it is a matter to do with teachers, nurses or other civil servants,

they really like to apply to be placed in urban areas like Nairobi and others. If we focus on our objectives in the Vision 2030 and try to redistribute personnel and give priority to the rural areas, we will see a lot of change in terms of development.

Mr. Speaker, Sir, with regard to the Ministry of Agriculture, it is a fact that we have already provided seeds. We are also supposed to provide subsidised fertilizers to farmers because of famine and post-election violence. However, I could not understand why there was no mention of writing off of the AFC and the ADC loans owed by farmers in those areas. Actually, it is illogical to ask those farmers to pay those loans and yet you are providing them with seeds and fertilizers simply because they cannot afford them.

So, I would like to see a portion out of the Kshs23.8 billion that the Ministry of Agriculture is asking this House to approve today, actually going towards the writing off of those AFC and ADC loans. In fact, a Motion was passed in this House recently with regard to that.

The Ministry of Roads is doing a lot in terms of infrastructure. The Ministry of Roads really needs to supervise the implementation of the Roads 2000 Programme which caters for the roads in the rural areas. The way the work is being done, it is actually going on slowly and even the standard of the roads being done is actually questionable. I would like to request the Ministry to be very keen on implementation of the Roads 2000 Programme. They should not only be keen on the major roads, rather they should also be keen on roads in the rural areas which are very critical to the development of this country.

With those few remarks, I beg to support.

The Minister for Lands (Mr. Orengo): On a point of order, Mr. Speaker, Sir. I was looking at Mr. Speaker when the hon. Member stood up to speak. I did not see Mr. Speaker's eyes directed to Mr. Imanyara. I do not know how Mr. Speaker is directing his eye. Did he really catch Mr. Speaker's eye?

(Laughter)

Mr. Speaker: Order, Mr. Orengo! Mr. Speaker's eyes see the whole Chamber all the time!

(Laughter)

Indeed, as things stood at the time that Mr. Imanyara caught Mr. Speaker's eye, he was the first one on his feet. The Prime Minister stood as the third among those who were standing.

Proceed, Mr. Imanyara!

Mr. Imanyara: Mr. Speaker, Sir, obviously, my friend has taken too much time looking at those very old files in the Lands Office and he has lost some of his eyesight! I appreciate that he would not have wanted Mr. Speaker to catch my eye before catching his.

Nevertheless, I rise to oppose this Motion. Those of us who are opposing this Motion are not opposing it for the purpose of bringing the operations of the Government to a halt. That is not our intention! Indeed, the principle captured by Section 101 of the Constitution is precisely to enable the Government to function pending the passage of the Appropriations Act. If I may just read it--- For the full import, it says:-

"If the Appropriations Act for a financial year has not come into operation - and, indeed, it has not come into operation - or is not likely to come into operation - we trust that it will come into operation by the end of October - by the beginning of that financial year, the National Assembly may---"

So, the wording of the Constitution is "may". A tradition has emerged in this House over the years that where a discretion is provided for in the Constitution, the Minister for Finance takes

it for granted that the House will rubber-stamp his intentions and give him the money that he requires. If that has been the tradition, the time to end it is today.

(Applause)

Mr. Speaker, Sir, I would have expected the Minister for Finance to lay the basis as to why he needs 50 per cent of the Vote on Account. Why not one or two months? He failed to address that issue and, in doing so, he was taking this House for granted.

We could have rejected this Motion outright but, as I said, it is not our intention to bring the operations of the Government to a halt. Our purpose is to send a message - loud and clear - to the Minister for Finance that he cannot - and he will not - get away with taking this House for granted; nor will this House ever again be a rubber-stamp for his wishes.

(Applause)

This morning, we had an unprecedented---

The Minister for Lands (Mr. Orengo): On a point of order, Mr. Speaker, Sir. I know that at one time, Mr. Imanyara was known as the "King" of Meru. He keeps on using the word "we". Is he speaking on behalf of the Meru people so as to say "we"? Why can he not speak for himself?

(Laughter)

Mr. Speaker: Mr. Imanyara, whom are you speaking for?

Mr. Imanyara: Mr. Speaker, Sir, I speak, first and foremost, on behalf of the people of Central Imenti and as an elected Member of the Kenya National Assembly, just like my good friend speaks as the hon. Member for Ugenya and, occasionally, in his Ministerial position as the Minister for Lands.

The point I am making is that the time for taking this House for granted has passed. The principle captured by the Constitution enables this House to scrutinise the reasons the Minister will provide for wanting 50 per cent of the Budget. He has failed to do so! For that reason, and for reasons stated very ably by Mr. Okemo, I am proposing an amendment to the Motion as the Minister for Finance has brought to this House. So, instead of giving him 50 per cent of the money, we give him money sufficient until 30th October, 2008. We reduce the figure he wants by half. That will be about 25 per of the money that he seeks, rather than 50 per cent. That will enable him run the operations of the Government up to the end of October. You will notice that during his presentation, he indicated that he expected the Appropriations Act to be passed by the end of October. If that is so, why then does he need the money to cover a six-month period?

Mr. Speaker, Sir, because he has not made out a case, I am submitting an amendment to the Motion on the Floor of the House, firstly, by deleting the figure Kshs246,434,247,840, that is the full amount that he seeks, by half. So that the figure that we will grant the Minister will be Kshs123,217,123,920. Secondly, by deleting the word "one half" appearing on the second line and inserting the word "one quarter". This will enable him to run the operations of the Government up to the end of October. Thirdly, by deleting the words "in the manner" and substituting therefor, the words "of half of each of the respective amount". If you look at the Motion, there is a schedule attached to it that sets out how the figure of Kshs246 billion is arrived at. I am proposing that those figures that are set out in that schedule be reduced by half.

The fourth amendment is inserting the words "and the schedule laid to be amended to reflect the above" so that, when those amendments are inserted, the Motion will read as follows:-

THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kshs123,217,123,920 representing one quarter of the total net estimates of the Recurrent and Development Expenditures made up of half of each of the prospective amounts set out in the Vote on Accounts Account Schedules laid in the House, be authorised for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending 30th June, 2009, until such a time as the Appropriation Act for the year comes into operation and the Schedule laid be amended to reflect the above.

If we do that, the Treasury personnel will go to work and ensure that the Appropriations Bill and Act are brought to this House, debated and passed before end of October, so that we can give the Minister the entire amount that he seeks to provide for the Budget Estimates. For that reason, I, therefore, propose that amendment and my good friend, Mr. Ethuro, will second it.

(Applause)

The Minister for Lands (Mr. Orenge): On a point of order, Mr. Speaker, Sir. I am wondering whether the House can actually proceed to debate the Motion as amended. I have several reasons that I want to seek your guidance over. One, I see the Motion as amended by Mr. Imanyara. At the end of the Motion, it is saying: "The President has given his assent to this Motion", which is not true. So, the Motion is telling a lie as it were! It has not been approved!

(Applause)

However, more importantly, one of the most important functions of Parliament is to authorise expenditure, particularly, when we are in the Committee of Supply. You will find the same provisions in Section 100(1) as you find in Section 101. Unfortunately, Mr. Imanyara, when reading that Section, as a good lawyer who is well paid, never reads the whole provisions. Good lawyers who are well paid never read the whole provisions. They read the part that supports their case and leave out the parts that do not support their case. So, I would urge you to read the entire provisions of Section 101 in relation to Section 100. It says as follows--- That reflects what the Minister for Finance has actually done; not from today but from yesterday.

It reads as follows:-

"If the Appropriation Act of a Financial Year has not come into operation, or is not likely to come into operation, by the beginning of that Financial Year, the National Assembly may, by a Vote on Account, authorise the withdrawal from the Consolidated Fund of monies not exceeding, in total, one half of the sums included in the Estimates of Expenditure for that year that have been laid before the Assembly for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during that year until such a time as the Appropriation Act comes into operation, but any monies to be withdrawn shall be included under separate Votes for the several services."

Mr. Speaker, Sir, the most important part of this section is "that they shall be included under separate Votes for the several services." It is important to note that each Vote has a head or a sub-vote, in respect of which monies are withdrawn in accordance with the Appropriation Act. The Motion that has been moved by the Minister for Finance has got a Schedule. Before he moved the Motion, he tabled this Schedule. Even before he laid the Schedule on the Table of the House, the Annual Estimates were laid on the Table of the House before the Budget. Accordingly, anything that we do during the Committee of Supply must be in accordance with the provisions that relate to

the Committee of Supply, which are found in Part C of our Standing Orders, starting from page 52.

Under Standing Order No.142(2), the procedure by which we vote in the Committee of Supply, says:-

"The Chairman shall put severally the Questions with respect to the Votes of the Annual Estimates, namely, that the several amounts of such Votes to be granted."

So, each Vote is put into consideration. Therefore, it is my submission that Standing Order No.142(2) applies *mutatis mutandis*. If it did not apply, then the Minister for Finance would not have tabled this Schedule. In fact, the Schedule is known, technically, as "Vote on Account Schedule (Recurrent) Financial Year 2008/2009". This is to ensure that the officers who are empowered to withdraw money from the Consolidated Fund can go to this Schedule and actually check out how much money Parliament passed for purposes of particular services or Departments. It cannot be done in a wholesome or in global terms as contained in the Minister's Motion. That is why there is a Schedule. In the circumstances, as Mr. Imanyara amended the Motion, had to amend the Schedule---

An hon. Member: He has amended the Schedule!

The Minister for Lands (Mr. Orengo): No, he has not amended the Schedule. The Schedule is part of the Motion.

Mr. Speaker, Sir, you will remember that, as Parliament, there are so many legislations we pass here, which have schedules or rules or regulations. If the schedule is part of the Bill, you must also vote on the schedule. Accordingly, we must pass, in respect of each Vote, the amount that has been laid down in the schedule by the Minister for Finance.

So, I would say that if we go in any other version, we will be violating the foundations of our Constitution, which require this House to pass the Estimates Vote by Vote, and not in a global way.

Mr. Okemo: On a point of order, Mr. Speaker, Sir. Somewhere along the line, I lost Mr. Orengo's argument. If I listened clearly to what Mr. Imanyara said in amending the Motion, he did explicitly state that the figures in the schedule, which is actually the various Votes, will be adjusted by half. Now, how else other than him going to write on a piece of paper and coming to present it on the Floor of the House could he have possibly done it? To me, the effect of that is to amend each of the votes contained in the original schedule that had been tabled by the Minister. So, to me, Mr. Orengo's criticism looks mischievous. He is my friend. I am trying to avoid using any words that could offend him.

The Prime Minister (Mr. Raila): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Mr. Prime Minister?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I think Mr. Okemo has been out of the Treasury for too long that, probably, his mind is lapsed.

(Laughter)

(Mr. Okemo stood up in his place)

Mr. Speaker: What is it, Mr. Okemo?

Mr. Okemo: Mr. Speaker, Sir, I know that the Prime Minister now sits in the office I used to sit formerly, but that does not give him extra wisdom to understand finance matters. It is purely a point of sitting.

(Laughter)

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, Mr. Okemo has forgotten that what he was criticising here is what he exactly did when he was Minister for Finance in this House. The point being raised here---

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

Mr. Speaker: What is it, Mr. Imanyara?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I am on a point of order.

Mr. Speaker: The Prime Minister is himself on a point of order.

Mr. Imanyara: Mr. Speaker, Sir, Mr. Okemo was also on a point of order.

Mr. Speaker: Mr. Imanyara, allow him to finish his point of order. If you have concerns with that point of order, then the Chair, in his discretion, may allow you to raise that concern, just like I have allowed the Prime Minister.

The Prime Minister (Mr. Raila): Thank you, Mr. Speaker, Sir. The point being raised here is based on the Constitution itself. When this House does go to the Committee of the whole House, we usually debate this vote by vote. Later on, the House will have an opportunity to interrogate all these votes.

The point here is that the Estimates were laid before the House, which contain the global figures, which are in this schedule. In order to comply with the provisions of the Constitution, the Minister for Finance has produced the respective figures.

The Motion talks of one half of the total net Estimates of Recurrent and Development Expenditures, which is Kshs246,434,247,840, but the Minister went further to give the actual figures for each vote. The Minister did not have to do this were it not a requirement of the Constitution. He would have easily just said that the figures as contained in the Printed Estimates be halved, and that would be all. However, it is a requirement that, in the Committee of the Whole House, we should go vote by vote. That is why, for example, if you begin with Vote R01, Ministry of State for Provincial Administration and Internal Security, instead of just putting the figure of Kshs38,691,087,000, he has gone further to give the actual half of that figure in the next column of the Schedule.

Mr. Speaker, Sir, therefore, in order for the amended Motion to be valid, the Mover of the amendment ought to have done exactly the same thing. He should have gone and divided that figure by four and indicate the actual corresponding figure in a schedule. Otherwise, we will be offending the provisions of the Constitution and the Standing Orders of this House.

Thank you.

CONSIDERED RULING

MR. IMANYARA'S PROPOSED AMENDMENT
TO VOTE ON ACCOUNT MOTION IS VALID

Mr. Speaker: Order, hon. Members! The Chair has heard sufficient information on this matter as to be in a position to rule.

Hon. Orenge stood on a point of order and the Chair, therefore, got the impression that there was something out of order, or that there was a procedure which was being flouted, or which was under a threat of being breached. Having listened very carefully to Mr. Orenge, and subsequently to the Prime Minister and other hon. Members as have contributed on this matter, the Chair rules as follows. The matter, which has been raised by Mr. Imanyara, is a proposed amendment. Indeed, it is a Motion to amend the Motion by the Minister. As the Chair understands it, the Member for Ugenya did, in his point of order, go into the merits of the Motion. So, Mr. Orenge, you began to debate the Motion rather than point out what, in deed, was out of order!

(Applause)

It is my position that the views expressed by hon. Orengo should have awaited the seconding of that Motion, and at that point the Chair then would propose the amendment and Mr. Orengo would very well have legitimately raised those concerns, inclusive of the form that the amendment has taken. I have also heard the Prime Minister with his concerns, that the amendment, if at all, should have been specific. As I see the Motion, it proposes that this House approves an allocation of Kshs246,434,247,840, which will be half of the Budget amount or the amount in the Printed Estimates, indeed, in accordance with Section 101 of the Constitution. As I see it, the Motion by Mr. Imanyara similarly carries a figure of Kshs123,217,123,920. It is in the Motion that has been given to the Chair and the House.

Mr. Prime Minister, the proposed amendment is not generalised. It is specific in the sense that it cites the amount that it wants the House to approve. In those circumstances, I find the Motion, or the proposed amendment to the Motion, up to where we have come, valid.

(Applause)

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I do not want to challenge your ruling. However, I think the reason that is being advanced here is actually Constitutional. The proposed amendment has not quite complied with the provisions of the Constitution. The Motion which was moved by the Minister goes further and talks of the figures and adds:-
"--- in the manner set out in the Vote on Account Schedules laid in the House".

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

Mr. Speaker: Hon. Members, allow the Prime Minister to finish!

Mr. Prime Minister, please, proceed!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, what we are talking about here is the Schedule. The Motion talks of the Vote on Account Schedule, which was laid in the House. The amendment, which has been moved by Mr. Imanyara, has no schedule. Therefore, to discuss that proposed amendment offends Section 101 of the Constitution. You cannot bring a Motion to amend---

Hon. Members: On a point of order! On a point of order!

Mr. Speaker: Order, hon. Members! The Prime Minister will be heard!

Mr. Prime Minister, please, proceed!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, it cannot be introduced because the Motion has a Schedule. The proposed amendment does not have a schedule. So, if we were to debate that Motion, we are saying it would be unconstitutional, because it is not as complete as is required by Section 101 of the Constitution.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Mr. Speaker, Sir. We wish to urge that the Chair re-considers its ruling on this matter, purely on the basis that it is a Constitutional requirement, including the fact that His Excellency the President has to signal his consent to this matter. As the hon. Member for Ugenya and Minister for Lands eloquently pointed out, there is no way the President will have given consent to Mr. Imanyara's amendment of the Motion.

Mr. Speaker, Sir, the very fact that there is no schedule--- It is really all set out there; it is a

Constitutional requirement that the figures be expressly set out. Yesterday, in the House Business Committee (HBC), we were able to look at this and, in fact, decided that we would be prepared to come and present before this House the specific Votes on the various Ministries, the 42 of them. Considering the immense interest hon. Members have with regard to the need to exercise oversight over all these Ministries, we want to beg that we do not act in a manner that is unconstitutional. Certainly, I do know that the Chair would not want to act in that manner.

Mr. Okemo: On a point of order, Mr. Speaker, Sir. None of the contributors from the other side of the House has come out to specifically state what aspect of the Constitution has been contravened. If you read the provision, it is very clear. In fact, it looks like the Prime Minister was implying that it must be 50 per cent. The Constitution says "not exceeding", which means it can range from zero to 50 per cent. If you want to talk about the Schedule, the amendment has already been made, and it specifies that the figures that are in the Schedule will be divided by two. So, how more specific can you be than to talk about the Schedule and the global figure? It is within the Constitution.

The Minister for Finance (Mr. Kimunya): On a point of order, Mr. Speaker, Sir. Is Mr. Okemo in order to confuse this House that this Motion is referring to half of the figures in the Schedule? The figures in the Schedule are in two columns. This amendment does not state which column the amendment is seeking to amend. It basically says everything be divided by a half. It is not clear; we are talking of a quarter. The Schedule talks of the full amount for the full year. There is what we have proposed, but we are not actually coming out with it.

Mr. Speaker, Sir, besides, I think, unless we are looking at a different calendar year, a year is 12 months. Thus a quarter year is three months. What we are hearing is that the amended Motion is to give money for four months. Now, four months is not a quarter of a year. Four months out of 12 months is one-third. So, I think we are comparing apples with oranges. I would like to ask hon. Members to first of all reconcile what they want to do before we can even debate this Motion.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I had actually been called upon to second this Motion. If the Front Bench was kind enough to wait for my submission, we would have eliminated the misunderstanding. They seem not to understand a few things; could I proceed to second the Motion?

(Applause)

Mr. Speaker: The points of order that have been raised by the Government side are legitimate and, indeed, they are so weighty that the Chair, really, has a duty to listen to those points of order. The Government side, by the point of order which has now been raised by the Prime Minister, subsequent to my ruling, is intimating that, if we proceed with the Motion of amendment as proposed, we are likely to be in breach of the Constitution. If that were to be so, then, indeed, if we proceeded, the House will be doing a thing that is unconstitutional and, therefore, out of order. But having listened to the concerns raised by the Prime Minister and, indeed, ably supported by the Leader of Government Business, I still find that the proposed Motion of amendment, up to where we have come, is legitimate.

(Applause)

That is because the Motion moved by the Minister is seeking the approval of the House for half the amount of the budget as contained in the Estimates. Indeed, the Schedule attached to the Motion, as I have looked at it, divides each Vote on each Ministry by half, beginning from the first one to the end! The proposed amendment wants to reduce that to a quarter, instead of a half. The figures are set out in both Motions.

Hon. Members: Yes!

(Applause)

Mr. Speaker: So, I do not see anything unconstitutional up to where we are with this Motion.

Mr. Ethuro, you may proceed!

Mr. Ethuro: Thank you, Mr. Speaker, Sir. I think this country appreciates the fact that, we elected you as the Speaker of the Kenya National Assembly.

Mr. Speaker, Sir, what we have seen from the Front Bench, with due respect to people I admire and respect, is what the learned friend; a man I thought I will never contradict in life, the hon. J.A. Orengo, that the most paid lawyer and, of course, being a Minister of the Government now, is the most paid Kenyan and lawyer. He has to do the bidding of his employer. That is what you see here! It has nothing to do with the Constitution!

(Laughter)

The Minister for Lands (Mr. Orengo): On a point of order, Mr. Speaker, Sir. Did you hear what the hon. Member for Turkana has said; that I have got to do the bidding of my employer? It is not right for the hon. Member to cast aspersions and if he thinks that my contribution is doing the bidding of my employer and not expressing myself in pursuance to Section 79 of the Constitution, then I think he is absolutely out of order. That is because I can never be made to say something that I do not believe in.

Mr. Speaker: Order! Hon. Ethuro, that is quite a fair concern on the part of the hon. Member for Ugenya. The effect of your statement is that you are demeaning the capacity and ability of hon. Orengo. Will you, please, therefore, withdraw?

Mr. Ethuro: Mr. Speaker, Sir, I will not hesitate to withdraw and apologize to the House, if the understanding of hon. Orengo is to demean him. I would not want to do that and I have no such desire because I know he is a man of intellect and a good standing in the society and he has fought for democracy.

But, Mr. Speaker, Sir, I was raising this matter in relation to the description he had given to hon. Imanyara in terms of "a best paid lawyer". It was in that context.

(Applause)

But having said that, Mr. Speaker, Sir, I rise to second this Motion, because this is a new Parliament. We want the Government side not to continue with the lazy procedural manner just because we have done it over time as a matter of tradition! We want to tell the Minister for Finance that, first, this morning, he was even absent! He was not here to witness the proceedings of the House.

(Applause)

He needs to get serious! We want him to be serious enough!

We want the Minister for Finance, just as he admonished us when he presented the Budget Speech that we should think outside the box--- Is it wrong for us to borrow from his own teachings that we should think outside the box when we know that the law, according to Section 101, allows us not to exceed 50 per cent? We are saying: Why do we not have a quarter? After all, performance contracting is on a quarterly basis!

(Applause)

The Rapid Results Initiative is pegged on hundred days. Is that too much to ask of the Government; to be the change that they desire to bring to this country? That is what we are saying. There is nothing new here! What is scaring the Front Bench is the fact that, it has never happened before. But they should realize that Ekwee Ethuro and others were never on this side of the House! So, we have to demonstrate to them that this Parliament has to assert its authority!

Mr. Speaker, Sir, if you go back to Section 99(4), it says:

"Parliament may prescribe the manner in which withdrawals may be made from the Consolidated Fund or any other fund of the Government of Kenya".

It is either through an Appropriation Act or a Vote on Account, which is restricted to 50 per cent.

Mr. Speaker, Sir, more importantly and substantially is that the Minister for Finance, in his Estimates, has not even obeyed the law on Constituencies Development Fund (CDF)!

(Applause)

The CDF Act clearly says: "Equal to and not less than 2.5 per cent". These are his own figures! I am not creating my own! On the other revenues, he has estimated to raise Kshs467 billion. Simple arithmetic, unless, of course, you know--- They do not seem to appreciate the figure of a quarter; 2.5 per cent and 50 per cent. That is why they cannot understand how you cannot move from 100 per cent, 50 per cent and to 25 per cent. There is another 2.5 per cent because we want the Minister to appreciate something called "a quarter"---

Mr. Speaker, Sir, Section 4(2)(a) of the CDF Act says:

"---an amount of money equal to and not less than 2.5 per centum of all Government ordinary revenue collected in every financial year".

The second consideration we want to give to the Minister is: We want to give him a quarter so that, in the second quarter, he will be able to come to this House and give us a proper figure which he has calculated. That is because he needs more calculators and computers than he may be having!

The second issue is: The Minister brought the Financial Management Bill to this House. It was debated and, up to this day, he has not published the rules and regulations. How are we supposed to operate? That is why we are saying that the business of being lazy because we have given you 50 per cent of the Vote must stop by making sure that in every quarter, the Minister accounts to this House on the previous expenditure, so that we can be able to give him more money.

While I am seconding this Motion, the third point is: The Committee of Supply is only there for 20 days and we have 42 Ministries. Each Ministry will require two days. Only 10 Ministries can be voted upon, contrary to what hon. Orenge suggested. We cannot remove even a shilling from a Ministry. You can only do a figurative Kshs20. What is that?

Mr. Speaker, Sir, on Section 48, where there is an argument about the President giving assent--- He has already given assent! Section 48 only denies us a Bill or a Motion that will decrease the charge to the Consolidated Fund, but not to reduce it! In fact, we are doing the President a favour by making sure that it is less than what he had authorized. Surely, who cannot accept such logic?

(Applause)

(Question of the first part of the amendment, that the words to be left out be left out, proposed)

The Vice-President and Minister for Home Affairs (Mr. Musyoka): On a point of order, Mr. Speaker, Sir. In view of the importance of the business before the House this afternoon, I want to suggest that rather than debate this amended Motion, the Houses goes straight to vote on it so that, we can go substantially to the main item. It is a point of order because we have the three hour limitation.

Mr. Speaker: Hon. Members, I appreciate the sentiments by the Leader of Government Business. But the mood of the House will appear like we have to allow some ventilation, at least, a certain amount of it, before we move to vote.

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, I respect your ruling on that. Accordingly, I wish to oppose this amendment, which was not brought in good faith.

Mr. Speaker, Sir, listening to the Mover and the Seconder and the submission before that, it is very clear that the intention is to reduce the amount of money available for the Government to function to not more than 25 per cent which represents three months of operation. As we all know, three months will lapse by the end of September. The Vote on Account will not be before this House and the Appropriation Bill will not be before this House before October. So, what happens for the month of October? Are we saying that there will be no operations in this country for the entire month of October before we pass the Appropriation Bill?

Mr. Speaker, Sir, what will happen to this country if unforeseen circumstances forced us to be out of this House by October when we are supposed to be discussing the Appropriation Bill? We are actually going into a paralysis. If I borrow the words of hon. Okemo when he was submitting, he said this House cannot be irresponsible to deny Government operation. We are now veering into that irresponsibility by actually saying, yes, we want to move on but we do not want to give enough muscle and legs for operations to move on. I believe that hon. Okemo mentioned and I think it was picked up, that we will not be making accountability. If they were in this House at the beginning of this Session, they would have noted that I tabled the accountability statement for the first quarter of 2007/2008 fiscal year which basically says what we did. I believe a lot of this may be informed by the fact that Members were not even aware of what we have presented before this House.

Mr. Speaker, Sir, in moving the Motion, I gave reasons why we need 50 per cent and not less than 50 per cent. I indicated that there are some commitments that require to be paid on half-yearly basis and those will require the full amount for half of the year. I also mentioned that we need to give comfort for some of the construction contracts. There are people who need to see that within the Government Budget, there is enough money to facilitate the calling of tenders. We cannot do that with a quarter of the Budget. People need to see at least we have committed enough to be able to start a road and complete it. I believe it is not just that we did some leaner calculations. We consulted with the various Ministries and asked them what they needed. Invariably, every Ministry required much more than 50 per cent, but our limit is up to 50 per cent. So, what we are basically asking for is not because that is what will take the Government up to December, 2008. This money could well be finished by October. It is not just a simple calculation by dividing by 50 per cent.

Mr. Speaker, Sir, this House is part of these beneficiaries. We need to buy vehicles and do electrical works. That will not mean that we only do 50 per cent. We cannot buy half a vehicle. Members cannot accept half a mortgage. Members will not accept half their salaries just because

we are asking for 50 per cent. We are asking for the maximum amount that the Constitution can allow, knowing very clearly that we actually need much more money than this, even for the first half of the year.

Mr. Speaker, Sir, I beg that the House dismisses this Motion---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to lie and cheat this House that there is money---

Mr. Speaker: Mr. Mbadi, that word "cheat" that you are imputing on the Minister is definitely unparliamentary or even for that matter the word "lie". So, could you, please withdraw and apologise?

Mr. Mbadi: Mr. Speaker, Sir, I withdraw and apologise. I want to replace the word with to "mislead" the House by saying that the National Assembly is supposed to buy vehicles when the schedules provided indicates there is no Development Budget for the National Assembly.

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

Mr. Speaker: Order, Mr. Ethuro! The Minister is responding to a point of order.

The Minister for Finance (Mr. Kimunya): Mr. Speaker, Sir, to help the hon. Member, the Budget for Parliament is a one line item. It appears within the Recurrent Expenditure. I hope that as you get yourself familiar with what happens in the House, you will be able to contribute more effectively.

Mr. Speaker, Sir, the issue we are discussing here is, again, informed by the assumption - and I can see where the proponents of the amendment are coming from - that we just make a leaner calculation and say we want to withdraw 50 per cent. I can tell this House that between now and December 2008, we will be requiring much more money than the 50 per cent. But we know that the Constitution can only allow us to withdraw up to 50 per cent. For education alone, I mentioned, for example, we will need to pay the fees for the third term. That fees will be paid before we pass the Appropriation Bill. If we deny the Ministry of Education those funds to pay fees for our children, they will all be out of schools because Parliament has not acted with responsibility to foresee the need for that money by the time it befalls us. So, let us not just look at it like an assumption that we have not done our work. We have done more than we needed to do.

As I mentioned in the Budget, this is the most difficult Budget we have had to do. More importantly, we need to start giving confidence to the people out there, that we know what we are doing, as a House and a Government. We are not giving people the impression that we are doing that in half measures. It is not estimates. We are not saying that life will continue after a quarter. We must show that we have confidence and we will go for the whole one year and that we will pass the Appropriation Bill as reflected in the Motion that was approved this morning, in terms of saying we are comfortable. We want to go forward, we want to get out of poverty. That must be done by all of us pulling together and saying let us move forward in confidence that we are going to be here for the next five years and help this country to move forward.

Mr. Speaker, Sir, with those few remarks, I beg to oppose vehemently and ask the rest of the House to join me in the same.

Mr. Ogindo: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I rise to support the amendment. This House has been enjoying a lot of traditions at the expense of accountability. This is a new Parliament. This is the first Budget of the Tenth Parliament. I want to urge this House to look at the Tenth Parliament as a Parliament that will reform the Budget-making process in this country.

Mr. Speaker, Sir, the only thing this House does on the Budget is to approve the expenditures. I believe that is a job this Parliament can do ten times in a year. We have a Vote on Account today. The Minister is seeking 50 per cent. The amendment wants to give a quarter. If we give 50 per cent and combine that with the CFS amount and given the number of Ministries that

this country has today, by the time we deal with the Appropriation Bill, over 50 per cent of the amount in the Budget shall have been spent.

Mr. Speaker, Sir, in order to enable this House perform its cardinal function of oversight, it is imperative that we give the latitude the Minister has. We can only do that by giving him what he needs when he needs it. At this point in time, I believe he does not need expenditure that exceeds three months. In line with our desire to reform the Budget-making process, the time to start is now and I want to persuade this House that to reduce this debate in future, we come up with a law that puts a clear ceiling on the Vote on Account and engages this House in this Budget making process.

With those few remarks, I beg to support the amendment.

Ms. A. Abdalla: Thank you, Mr. Speaker, Sir. I wish to support the amendment as proposed by hon. Imanyara. By the mere fact that this amendment has brought some efficiency and effectiveness in this House, just look at the Government side. It is full House, meaning that they are able to give the Kenyan people what they are paid for, and that is service. They are here to listen to what we have to say because this matter of money has brought some unity in the Grand Coalition.

(Applause)

Mr. Speaker, Sir, we saw the Ministers united in opposing the amendment. Why can they be that united in issues such as the amnesty debate, the Internally Displaced Persons (IDPs) and the rest? Because time is not on our side, I would like us to take this initiative of thinking outside the box by ensuring that this amendment passes, so that despite the fact that the Vice-President and Minister for Home Affairs is very confident that he has the numbers, that we will prove that this matter of business as usual shall not go on.

(Applause)

Mr. Speaker, Sir, finally, the Minister said that he is worried that if we do not pass the full 50 per cent, the Government will not have money to pay salaries and the like. We know that 18 Ministers are members of the House Business Committee (HBC). It is their business to ensure that we stay here and not go on recess until we are able to pass the Appropriation Bill. So, do not throw the ball to us. We are in the Opposition and it is their job to ensure that those Bills are passed.

With those few remarks, I beg to support the amendment.

Mr. Nyambati: Thank you, Mr. Speaker, Sir. I stand here to very strongly support this amendment despite the fact that His Excellency the Vice-President and the Prime Minister have told us to oppose it. I do not see why really the Government is being panicky on this issue because we are providing enough money for the Government to be able to function for the months that we are giving. I do not see anything wrong, besides, we are not violating the constitution.

The constitution says very clearly that we can give up to 50 per cent. We have given enough money to run the Government. We want the Minister for Finance to also be efficient. Let him look at this like signing a performance contract in those three months, so that we can see how he performs.

Mr. Speaker, Sir, there is no problem in this House going against what it has been practising before which may have been wrong or right. So, I support this amendment. Let us have it passed so that---

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): On a point of information, Mr. Speaker, Sir. I was just going through the objections that hon. James Orengo addressed and I have realised that there is one objection that you did not make a ruling on. He said that clearly, any Motion like this requires the consent of His

Excellency the President. The President had given his consent on a Motion of Kshs246 billion. This is on Kshs123 billion and he asked: When did hon. Gitobu Imanyara see the President to get his authority for the reduced amount? Hon. Imanyara has not yet answered that. Could he tell us when he went to obtain approval? We are not aware of that and you never gave a ruling whether it was necessary for hon. Gitobu Imanyara to go to State House and seek His Excellency's authority for the reduced amount. We need a ruling on that. The President had given his consent on the total amount and not half. So, he requires to go to State House and get his approval for the half of the amount.

(Laughter)

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. You do not need to be a lawyer. The consent by His Excellency the President is to discuss this Motion and not the figures. Otherwise, we will not be talking about a constitution which says that Parliament has the powers to determine the amount. Is hon. Githae in order to mislead the House?

Mr. Namwamba: On a point of order, Mr. Speaker, Sir. I think this House must resist any attempt to be drowned in a flood of detail and be crippled by semantic somersaults by the Government. The presentation of this Motion before this House is purely for purposes of debate. The President does not legislate for this House. Therefore, any attempt to amend this Motion does not require Presidential consent. Therefore, hon. Githae, who is actually my learned senior, should not mislead this House in that respect.

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

Mr. Speaker: Order, hon. Members! We need to save time on this. Our Standing Orders, as they are today and the law for that matter, require that matters which are going to entail taxation of Kenyans, or debits from the Consolidated Fund, must get the consent of His Excellency the President. The President has given consent to access to upwards of Kshs246 billion. What this Motion of amendment seeks to do is within that consent. Note that what is significant is that it is within the consent that has been given to the Motion. It is not outside that consent, because the Motion seeks to reduce the figure and not go above the consent that His Excellency the President has given.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I just want to applaud and support your ruling. If you look at Standing Order No.48, it says that you cannot proceed to move an amendment to a Motion the effect of which in the opinion of the person presiding, would be a negation of the original Motion. It means that they do not seem to understand that you had already consented as the presiding officer.

Mr. Speaker: Order, Mr. Ethuro! The Chair has already made a ruling which, among other things, covers what you are saying.

Mr. Bahari: On a point of order, Mr. Speaker, Sir. I just want to support you in that Mr. Githae was completely out of order, because you had already disposed of that Motion; so, he can only bring a Motion to rescind that. That matter has been disposed of, and I request that we proceed for the benefit of the House.

The Minister for Lands (Mr. Orengo): On a point of order, Mr. Speaker, Sir. I was just wondering what Mr. Namwamba was saying, which was clearly out of order. He said that the President does not legislate. There cannot be a legislation without the hand of the President in it. Parliament consists of the National Assembly and the President. I think what Mr. Namwamba was not taking into consideration is that this Motion requires a resolution and not an enactment. To that extent, if it is a resolution, then the President may not be involved, but he used the word "legislate". It is not just a matter of semantics. If Mr. Seroney was alive today, he would not let you get away

with that.

Mr. Speaker: The point of order by Mr. Orengo is valid. Essentially, what he has said captures the correct position in law. As a matter of fact, our law, as it stands today, is that the President is himself a Member of Parliament, representing a constituency. Therefore, he legislates in that capacity even before you move to the higher capacity, where he consents to legislation before it takes effect.

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

Mr. Speaker: No, please!

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

Mr. Speaker: What is it, Mr. Namwamba!

Mr. Namwamba: On a point of order, Mr. Speaker, Sir. I think I am entitled to set the record straight. I did not say that the President does not legislate. I said that the President does not legislate for this House. That is simple and concise English! He is part of the legislative process, but does not legislate for this House.

Mr. Speaker: Order, Mr. Namwamba! Was that really necessary, in the light of my ruling? That notwithstanding, you have had your day.

Mr. Nyambati: Mr. Speaker, Sir, my happiness in this House is to see a united Government. I hope that you continue like that. I would like to say that this House should be let to legislate. We should not be blackmailed that the President has given consent. The President is one of us, and when a Motion is on the Floor, we should debate it and agree on what to do. I urge the Government side not to blackmail us when we are doing our work in this House. I strongly support the amendment. Please do not feel as if we are intimidating anybody. We are giving you enough money to run this Government until you bring the Appropriation Bill.

With those few remarks, I beg to support.

The Vice-President and Minister for Home Affairs (Mr. Musyoka): Mr. Speaker, Sir, I oppose this Motion of amendment in the strongest terms possible. In order to make progress, I urge that this House does not send the wrong signals to a nation that is clearly beginning to heal, to the people in the IDP camps, where some of them feel that we are sending mixed signals. If we want to cut down this figure to the one that Mr. Imanyara's Motion suggests, the message you are sending to the people, and, in fact, to investors, is that you are not sure about the future. This House is sending wrong and mixed signals. I want to urge and plead with all of you that you will have time to look at every Vote and scrutinise it; we will also be able to move Motions for the traditional 20 Shillings reduction.

I want to urge my friend, the hon. Member for Nambale, to consider where we are coming from. Sometimes tradition is not necessarily negative. If it is tradition that ascertains the principle of certainty, I think we should stick to it. I want to urge that we do not send the wrong signal. This House should not appear uncertain about the future. That is why our colleagues are seeing that the Government is together. We will continue in that spirit, but for now to begin to send a wrong signal so early in the life of this Grand Coalition Government, that we can actually lose a Motion--- I do not know the under currents and do appreciate that hon. Members have legitimate concerns, but for now, we need to speak with one voice, that this Government is concerned about the need to fight poverty.

There is need to start healing this land. I am certain that if we were to accept this amendment Motion, the signal that will be going out in the streets is that the Grand Coalition Government is not able to deliver on its promises. We have heard the Minister for Finance saying that contractors may feel unsure about whether to make commitments. Ministries will be handicapped. So, I passionately appeal to all of you that, let us send out a powerful signal that we will exercise our oversight roles, but we will also be conscious of what this nation needs at this

stage.

With those few remarks, I beg to oppose.

Mr. Thuo: Mr. Speaker, Sir, I rise to oppose the amendment. It is very important, as hon. Members have pointed out, that we do think out of the box. However, we have a responsibility. Indeed, we may even choose to throw away the entire box, but in doing so, we cannot purport to throw away the entire mechanism of the Ministry of Finance merely because we can come into the House and chop figures. A lot of work has gone into this. When the Minister read the Budget--- There are a lot of details as to how he arrived at these figures. It would be very unfair to then assume that the figures have a linear relationship and, therefore, chop a quarter off. From our own pointed lives, and from our work in the Constituencies Development Fund (CDF)---

Dr. Eseli: On a point of order, Mr. Speaker, Sir. The hon. Member who was on the Floor was trying to convince us that a lot of work went into this. But I do not see the difficulty in taking a figure and dividing it by two. That is the work that went in.

Mr. Speaker: That is not a point of order!

Mr. Thuo: Thank you, Mr. Speaker, Sir. As I was saying, it is not just a linear relationship. We know from our own lives or even from managing our own Constituencies Development Fund (CDF) money that figures are not accrued in a linear fashion.

As the Minister for Finance explained, it is vital that he is given the means with which to run the Government for the next few months. It is a bit mischievous to assume, therefore, that, by cutting it into a quarter, we have catered for the next three months. That is not true. I know that even hon. Okemo, who is a former Minister for Finance, knows that, that is not true.

Mr. Speaker, Sir, I would, therefore, suggest that if this was to hold, those who are calling for the amendment ought to be put to test. They ought to give their Estimates and go into details that allow this House to determine how their figures have been arrived at. It is very noble and nice for us to imagine--- In fact, not to imagine but to go out of our way and say that the Tenth Parliament seeks to be engaged in the process of Budget making. That is fine. There is a procedure to do so. We ought to bring the necessary legislation. We ought to change the entire process and anticipate it. The relevant Ministries ought to be aware so that, as we approach next year, or whichever year that we do so, we are ready and the mechanism is in place, so that this House is engaged and we are all part of the process. For now, we owe the country a responsibility to accept that, that has not happened. As a result, we ought to allow - and if we choose to say so and agree that this will be the last time that we do so - the Government to move on and we bring those changes that are necessary for us to do so. We need to look at it in a very holistic manner.

It is very nice and noteworthy that hon. Members have praised the Government for coming here today. They are very pleased that they have managed to bring the entire Government in the Front Bench here. Having achieved their intended purpose, it would be nice at this stage if they dropped these other matters, so as to allow us to proceed. Their point has been made. They can keep checking us out every so often.

Mr. Speaker, Sir, with those many remarks, I beg to oppose.

The Minister for Industrialization (Mr. Kosgey): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to oppose this amendment.

Mr. Speaker, Sir, the purpose of any Motion or legislation is to achieve a certain effect for the benefit of our country. Now, it has been a tradition that, before 25th June, we pass the Vote on Account. Half of the money in the Budget is passed by this House to enable Government services to run until the Appropriation Bill is passed in November, before we break for Christmas.

Now, if we want to think outside the box, what is the purpose of having this amendment? Even my good friend and school mate, hon. Okemo, knows this very well. I am surprised that an hon. Member of the calibre of hon. Okemo can actually support such a Motion, knowing very well-

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Mr. Okemo: On a point of order, Mr. Speaker, Sir. Is it really in order for hon. Kosgey to imply that I am not able to make proper judgement in terms of whether to support this Motion or not, by saying that a person of my calibre should not have taken the position that I have taken? Hon. Kosgey knows - and I hope he knows - what a Vote on Account is. We are not opposing the Budget. We are not saying that we are denying the Government the money. We are saying that we want to give them a certain amount of money that is adequate to run the Government, and not for the Government to feel lavish because there is money available. All we are doing is to try to instil some kind of fiscal discipline.

The Minister for Industrialization (Mr. Kosgey): Mr. Speaker, Sir, I agree with the hon. Member for Nambale that this House has certain responsibilities to do with the expenditure. But this amendment serves no purpose completely. Completely! That is why I was shocked to hear that my friend is supporting the Mover of this Motion, who just wants to appear to be opposing. This is a Motion which is trying to flex a muscle. Let us face it. It serves no purpose except flexing a muscle.

An hon. Member: Which muscle?

The Minister for Industrialization (Mr. Kosgey): You do not have any muscles to flex!

(Laughter)

Mr. Speaker, Sir, let us go back to serious issues. The President has given consent to this figure. Although you made a ruling which I do not want to challenge--- By saying that it is anything less than this figure--- I think the consent is for the whole Motion and not a small part of the figure, or anything less than that figure. While I do not want to challenge your ruling, you know very well what Section 101 of the Constitution of Kenya says with respect to the expenditure of taxpayers' money.

Mr. Speaker, Sir, there are Government programmes awaiting the passage of this Vote on Account. There are expenditures which even exceed what this Vote on Account has. If we were to give a quarter of this amount, as the Motion implies, it would really drive Government services to a halt.

Let us face it. It is like saying that you do not want to pass the Vote on Account. It is quite true! That is why I was saying that a legislation or a Motion has a purpose. Sometimes, when we have a Motion like this--- We really would like to be criticized or guided on matters of principle; something which is good for the nation. But when it is something which is negative for the nation-- - As I said, it is just for the purpose of grand-standing or trying to show that there are some people who are opposed to the Government for the sake of it. For that purpose---

(Mr. Ogindo stood up in his place)

The hon. Member for Rangwe, I am on the Floor!

I beg to oppose.

Mr. Bahari: On a point of Order, Mr. Speaker, Sir. Hon. Kosgey who was on the Floor has walked in and out of this House. He has told the House that Members who have moved an amendment to this Motion have not given any reasons and yet, we are very well aware of all the reasons that they have given here. Is he in order?

Mr. Speaker: He is quite in order because that is his personal opinion and he is entitled to it! Order, hon. Members! Given that the Business we have before us must be completed by 6.34 p.m, and given that Members have largely ventilated on this matter, it is now the desire of the Chair

to put the Question. But I will put the Question in two parts, in accordance with the Standing Orders. First, the amendment which desires that certain figures and words be deleted. Once deleted, then I will put the question on the second part which calls for the insertion of new words. So, please, note!

(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)

(Several hon. Members stood up in their places)

Mr. Speaker: They have the requisite numbers.

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

Mr. Speaker: What is it Mr. Bahari?

Mr. Bahari: Mr. Speaker, Sir, although the hon. Members on the other side have the right numbers, I have not heard them shout, "Division!"

(Loud consultations)

Mr. Speaker: Order, hon. Members! Are you or are you not calling for a Division?

Hon. Members: Division! Division!

Mr. Speaker: Order, hon. Members! We will then go into a Division. May the Division bell be rung!

(The Division Bell was rung)

DIVISION

(Question put and the House divided)

(Question negatived by 62 votes to 39)

ABSENTIONS: Nil

AYES: Messrs. Anyanga, Baiya; Ms. Chepchumba, Dr. Eseli, Messrs. Ethuro, Gaichuhie, Imanyara, Joho, Kaino, Keynan, Kiilu, Kilonzo C., Kioni, Dr. Kones, Messrs. B.K. Langat, Linturi, Litole, Magerer, Mbau, M.H. Ali, Dr. Monda, Mututho, Mwadeghu, Mwaita, Mwathi, Mbadi, Namwamba, Mrs. Noor, Messrs. Nuh, Ogindo, Okemo, Ombui, Omollo, Osebe, Ruteere, Shakeel, Washiali, Yakub and Zonga.

Tellers of the Ayes: Messrs. Baiya and Linturi.

NOES: Ms. A. Abdalla, Messrs. Anyango, Bahari, Baya, Bifwoli, Duale, Githae, Gumo, Haji Y.M, Kabando wa Kabando, Kajembe, Kamau, Kenyatta, Keya, Khang'ati, Ms. Leshomo, Dr. Mwiria, Messrs. Kimunya, Kinyanjui, Kipkiror, Kiptanui, Kiuna; Dr. Kosgey S, Messrs. Kosgey H, Dr. Kuti, Messrs. Magwanga, Mathenge, Mbiuki, ole Metito, Midiwo, A.C. Mohammed, Mudavadi, Mrs. Mugo, Messrs. Munyaka, Musila, Musyimi, Musyoka, Mwatela, Ms. Ndeti, Mr. Ng'ang'a, Maj-Gen. Nkaisserry, Mr. ole Ntimama, Dr. Otichilo, Dr. Otuoma, Messrs. Obure, Ojode, Prof. Olweny, Prof. Ongeru, Messrs. J. Onyancha, Orenge, Otieno, Outa, Rai, Raila, Prof. Sambili, Maj. Sugow, Messrs. Thuo, Waititu, Wambugu, Wathika and Yinda.

Tellers of the Noes: Mr. Nguyai and Ms. A. Abdalla.

Mr. Speaker: Hon. Members, the position, therefore, is that we revert to the original Motion.

(Debate on the original Motion resumed)

Mr. C. Kilonzo: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

Mr. Speaker, Sir, we may have lost, but it is a lesson to the Ministry of Finance and other Ministries. What the Ministry of Finance did today was very wrong. None of its officers, including the Minister and the Assistant Minister showed up. More seriously, even the Minister for Planning, National Development and Vision 2030 and the other Ministers are not here. They also did not bother to send their staff here.

The Minister for Lands (Mr. Orenge): On a point of order, Mr. Speaker, Sir. What is the relevance of what the Member is saying to the Motion before the House? I mean the question of relevance is critical, unless he wants to turn this House into a *baraza*.

(Laughter)

Mr. C. Kilonzo: Mr. Speaker, Sir, we know the hon. Member is missing this side!

Mr. Speaker: Order, hon. C. Kilonzo!

The point of order raised by the Member for Ugenya has merit in it. Indeed, our Standing Orders clearly provide that in contributions that Members make, they have to be conscious that they are, among other thing, relevant to the business before the House. So, you must obey the rules pertaining to relevance.

Mr. C. Kilonzo: Mr. Speaker, Sir, I appreciate that these "fellows" will want to go and take a rest but I have the right to be heard.

The Assistant Minister, Office of the Prime Minister and Ministry of Local Government (Mr. Githae): On a point of order, Mr. Speaker, Sir.

Mr. C. Kilonzo: Mr. Speaker, Sir, could you protect me?

Mr. Speaker: What is your point of order, Mr. Githae?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae): Mr. Speaker, Sir, I am sure you heard the hon. Member on the Floor referring to hon. Members as "these fellows". Is it in order to refer to hon. Members as "these fellows"?

Mr. Speaker: Order, Mr. C. Kilonzo! Indeed, once again, that point of order is valid. In this House we only have hon. Members. We do not have "fellows". Hon. Members, up to as far as we have come, the Chair has endeavoured to ensure that we comply with the Standing Orders and that we live within the rules. But the discretion of the Chair, among other things, is to mete out discipline. Very soon one of you may have to go into the record of the history of this Parliament, as the first that I may have ordered out of the House. Please, take note of that!

Mr. C. Kilonzo: Mr. Speaker, Sir, I wish to oppose the Motion. In most cases, when you want money even in the private sector and you are asking for a lumpsum amount of money, you must specify it. It was not our intention to approve the 50 per cent of the Estimates. Nevertheless, we want to tell the Government that it is not going to be business as usual. We want to see a united Government. The Ministers go out there and attack each other in public, but when it comes to the Budget, they are united so much because there is money involved!

An hon. Member: Is that relevant?

Mr. C. Kilonzo: That is relevant!

Mr. Speaker, Sir, allow me to say that this time round, we are giving the Government 50

per cent, but we do not want to be told that money has been returned to the Treasury at the end of the financial year. This is always the practice. The Ministers and Assistant Ministers have all signed performance contracts--- This was a reasonable Budget, but it should be implemented on the ground. That is where the catch is.

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

The Assistant Minister for Livestock Development (Mr. Duale): Mr. Speaker, Sir, would I be in order, having exhaustively discussed this matter, to call upon the Mover of the Motion to reply?

Mr. Speaker: No! Order! It is a Supply Day and the Chair has directed that we will continue until 6.34 p.m. So, we still have some 13 minutes.

Mr. Bahari: Mr. Speaker, Sir, it is quite clear that a lot of things in the past have been taken for granted. I think this Motion has made it abundantly clear that we have to think outside the box and that Members of this House should not be taken for granted.

Mr. Speaker, Sir, one of the things that this Ministry has taken very lightly is the issue of cost-reduction. It has been a very easy-going Ministry. The issue of cost-reduction has not been adequately pursued, so that Kenyans will not continue to be helpful.

Mr. Speaker, Sir, the other issue is that year in, year out, the Ministry, like has been said here before, has received a lot of monies returned to Treasury for failure to be utilised by various departments of the Government.

When Questions have been asked in this House, reasons have always been given that the Ministry has no capacity and so on. That is not fair to Kenyans. Services are being denied for monies that have been voted.

Mr. Speaker, Sir, the Minister must in future penalise those departments of Government that cannot utilise funds and give to those who are able to utilise so that Kenyans can enjoy the benefits of the taxes that they have paid for.

Thank you.

Mr. Namwamba: Thank you, Mr. Speaker, Sir. It would be a very sad thing if we allow institutions that enjoy prerogative powers to advance impunity and a culture of indolence. We have debated the Budget and the Estimates, some of which have been tabled by the Minister in this Motion. As Members debated these Estimates, the Front Benches were completely empty. Indeed, the Minister came to respond to matters that he had no occasion to listen to. Impunity is not just about trigger-happy cops shooting people dead. Impunity is also abuse of prerogative powers. The Ministry of Finance has repeatedly abused its prerogative powers. It is quite a sad day that because of a hard mentality that pervades Government, where anything proposed by the Government passes because if you are in the Government, then you must pull in the direction of the Government.

Mr. Speaker, Sir, it is, indeed, a sad day that today we took a step to advance that hard mentality to another level. I hope that the debate that we have had here today will send a message to this Government that the Tenth Parliament intends to take very seriously its role of oversight to ensure accountability in the Government. It is also important that anytime Motions like this come to the Floor, this House should not be thrown into a panic mode. Listening to the Leader of Government Business talking about signals that would be sent out there, it was an attempt to throw this House into a panic mode. That was unnecessary. There would be no better signal to send to the people of this country than for them to know that they now have a House that can stand up to impunity. That is the signal that this House attempted to send out today. While we fully support the Grand Coalition Government deep in our hearts, we want to see it serve and succeed to the full course, as intended in the national accord. We also want the Coalition Government to enjoy and make full use of this good will, and break out of the box of impunity.

So, for the record, I oppose this Motion, because it is a measure in the direction of a culture of impunity. I want to challenge the Government to take this opportunity to break out of that hard mentality, and be strong enough to stand up for what is good for the Constitution and the

institutions of this country and for this land, today and for posterity.

Thank you, Mr. Speaker, Sir.

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, I wish to support the Motion, but first of all I wish to say that we should not be grandstanding, because the role that this Parliament is to play in the next five years has to measure up with other Parliaments. There have been Members of previous Parliaments who have been detained for standing up for what was right; they were not talking about issues like this, but about grander issues and ideas that shook this nation. There are people who were assassinated and who were Members of this Parliament. I think we should not be grandstanding, but be up to the task. I like what the Members in the opposite side are doing. These are not new things. I even understand why this Motion had to be opposed. I understand the underlying current.

If we did not want this Motion to be opposed, then it would not have been put before the House. So, I think nobody is restraining anybody from supporting or opposing the Motion. What I find very strange, and which is different from the way I was trained, is that when you have a Motion of this nature moved by the Minister for Finance, making specific recommendations--- I have listened from the time we started debating this Motion, unfortunately I was not given a chance to speak earlier. But I have not heard anybody on the opposite side saying anything about the Schedule and why that money should not be given to any particular Ministry or Department or service of Government. That is what Parliament is all about. Parliament was founded on the principles of "no representation, no taxation"; so, that every element of taxation and expenditure should be looked into and scrutinised by Members of Parliament.

I find it strange that we are electing the easier part of taking global kind of positions in a Motion of a substantial nature. In fact, if this was the House of Commons, probably, somebody would have moved a Motion to deal with the specific Vote, and give the reasons why they do not want that particular Department or Ministry to get the amount which is contained in the Schedule. I hope that in this engagement and conversation, we will make this a greater Parliament by talking about the issues that are before the House, and the ones that are not before it.

If it is to think out of the box, those who constitute the current Government have not behaved like animals in Mara, where when a wildebeest goes south they all go south. There are issues where we have disagreed. That is the way it should be. If you are telling us to think out the box and somebody on the opposite side is saying that we should not disagree, then I do not know what you are talking about. We are a vibrant Government and are not going to allow anything to be presented before this House, if there is no agreement and consensus. The Prime Minister made it loud and clear, more than two months ago, about that what he thought of that part of Africa that has shamed the rest of the Continent. That was not a Government position. The Government did not quarrel with it because he took a different position. But I think the Government has eventually come to that position.

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. I am just wondering what hon. Orengo would make of collective responsibility, if he is going to spend a lot of time telling us how divided they are!

The Minister for Lands (Mr. Orengo): Mr. Speaker, Sir, you know, I think hon. Ethuro does not even deserve to be a Christian or Muslim. You were supposed to sit in your little corner. Although you believe in the same creed, you can sit in your little corner and say your prayer in your own way.

I think every Government in every part of the Globe sees things from different perspectives although, when there is an issue like this before Parliament, under the principle of collective responsibility, we do not bring out our differences. Therefore, to expect that I would oppose this Motion would go against Sections 16 and 17 of the Constitution, of which I am very conscious about.

Mr. Speaker, Sir, all that I am saying is that a good Government that is governing properly

in an accountable and transparent manner--- When other people want to do business with you, they would want to look at your foreign reserves. They would ask: "Do you have foreign reserves for the next one month or for one year?" If it is the case of Botswana, they may even be having it for two years.

If the Minister for Finance or the Prime Minister is signing an agreement with a foreign Government, like he did in the United States of America, if, in terms of implementation, somebody can demonstrate that the Government cannot meet its end of the bargain because there is no provision in the Budget and there is no mechanism for making that provision, it will make the work of the Government extremely difficult.

Mr. Speaker, Sir, with those few remarks, I beg to support and wait to hear something substantial coming from the other side about the Constitution and the Truth, Justice and Reconciliation Committee. It should not be a ping-pong game. But this is really a big issue that we have got to deal with.

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow Thursday, 26th June, 2008, at 2.30 p.m.

The House rose at 6.35 p.m.