

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th August, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.488

COMPENSATION TO WORLD WAR PRISONERS

Mr. Achola asked the Minister of State, Office of the President:-

- (a) how much compensation is currently being paid to Kenyans who were prisoners of the Second World War in Japan;
- (b) how many Kenyans have, so far, benefited and how much has been paid out; and,
- (c) considering that most survivors are at least 80 years old, whether he could urgently compensate those who have not been paid before they die.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

I beg to seek the indulgence of the House, because this Question is actually coming up for the second time. The Question had been asked before and I had given an answer in this House that the Government does not have records of Kenyans who were prisoners of the Second World War in Japan.

I am seeking the indulgence of the House on two accounts: The first one is that, Mr. Achola had undertaken to supply information about some people who had been paid, and whom he said he had the records of. I have waited for these records, but I have not received them. Secondly, the information about whether there were in fact, people from Kenya who fought in Japan is information which could possibly be provided for by the British Government.

I have been in contact with the British Government to see whether I can get this information. It has been very difficult to get this information as soon as I wanted it. I would like to ask the indulgence of the House that I continue trying to get this information and I will bring it to the House.

Mr. Achola: Mr. Deputy Speaker, Sir, we will accede to that because there is no point accepting the answer as it is. So, let him find out the information and give an appropriate answer when it is ready.

Mr. Anyona: Mr. Deputy Speaker, Sir, of course, the Minister was right in a sense by saying that this Question was dealing specifically with people who died in Japan. There is a more important question of the people who served in the Second World War; the veterans, who claim that they were not paid and that their case ought to be investigated and considered.

We are asking the Minister if this list could be compiled possibly through the DCs or any other forum. If it is possible, we would like the Minister to cover that area.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, we had agreed that, although that issue was not addressed in this Question I will give a comprehensive answer, enough to include all that.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister not misleading the House when he says that he is seeking the assistance of the British Government in order to get those records when we know that when the colonialists left the country, all the records were left behind?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I am not misleading the House. I am trying to use all means possible to get the information. The hon. Member should understand that this Question ought to have been Question No.1 on Independence Day. But I am being asked this Question 40 years later.

Mr. Deputy Speaker: We will defer this Question!

(Question deferred)

Question No.553

DISMISSAL OF MR. MUTHUNGU

Mr. Deputy Speaker: Mr. Muihia is not in? We shall come back to his Question later!
Next Question!

Question No.428

REFUND OF MONEY TO KALAWA PARENTS

Mr. Munyao asked the Minister for Education:-

(a) whether he is aware that despite his assurance to the House on 12th May, 2000 that money collected from Class Six pupils in Kalawa Division would be refunded, the officer in charge has not complied; and,

(b) when the money will be refunded to the parents.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the money collected from Class Six pupils in Kalawa Division was not refunded by the officer in charge.

(b) I intend to continue to follow up the matter to ensure that this money is refunded. This Question came up in the House several months ago, and I answered it. It is just that, up to now, the money has not been refunded, but I intend to continue to follow up the matter.

Mr. Munyao: Mr. Deputy Speaker, Sir, perhaps, I might seek the indulgence of the Chair. The answer I have is totally different from what he has given. However, how much time does the Assistant Minister need to be given before he finalises his follow-up? The concern is that, normally, these teachers keep on being transferred. What assurance do we have that the AEO will not be transferred before the money is paid?

Mr. Awori: Mr. Deputy Speaker, Sir, I am quite conscious of that fact, and that is the reason why I am being quite straight and honest with my colleague. I intend to follow up the matter to ensure that the money is refunded.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, you realise that whenever school pupils do not pay school fees, or whatever levies they are supposed to pay, they are normally sent out of school to go and collect the said funds. Now, these funds were collected by the DEO and his officers, and yet up to now, one year later, even after this Question was asked, it has not been refunded. What disciplinary action has the Ministry taken against the said officers for retaining the said money?

Mr. Awori: Mr. Deputy Speaker, Sir, we know what is fickleness of nature; people are always dishonest when they have collected money from the public. We are following up the matter. I cannot give a time frame, but I will do the best I can.

Mr. Wamae: Mr. Deputy Speaker, Sir, could the Assistant Minister ensure that in order to avoid similar happenings elsewhere, the Ministry will issue a circular so that any charging of fees must be approved by the District Education Board?

Mr. Awori: Mr. Deputy Speaker, Sir, the circular is already out there. It is the question of policing it to ensure that it is followed.

Mr. Anyona: Mr. Deputy Speaker, Sir, I am sure the Assistant Minister is being honest, but he is not coming out clearly. He is not telling us whether this money is there or it is not there, or whether it is the question of his officers defying him. Could he come out clearly on those two issues?

Mr. Awori: Mr. Deputy Speaker, Sir, when I say that I am following up the matter, it is obvious that the money is certainly not locked up in one of the Government offices. It must be with this officer and we are following him up.

Mr. Deputy Speaker: Mr. Awori, if that is the case, why do you not just knock it off from his salary?

Mr. Awori: Mr. Deputy Speaker, Sir, there are certain steps that have to be taken before we reach that stage. We possibly intend to reach that stage and knock off that amount from his salary.

Mr. Munyao: Mr. Deputy Speaker, Sir, I appreciate the assistance of the Chair who at one time was also a civil servant and knows the procedure of recovering---

Mr. Deputy Speaker: Order! The Chair is an hon. Member of Parliament!

Mr. Munyao: Forget that, Mr. Deputy Speaker, Sir. I thought the Chair has no ears!

Mr. Deputy Speaker, Sir, in May last year, the Assistant Minister promised that the investigations were in progress and now he is telling us that the investigations are still going on. We respect this Assistant Minister. Could he

assure this House that by October, when we come back to this House, the money will have been paid back to the parents?

Mr. Awori: That is certainly a very tall order. I will do the best I can, but I cannot give any guarantee.

Question No.486

SALARIES/TERMINAL DUES FOR KFA WORKERS

Mr. Manyara asked the Minister for Agriculture:-

- (a) whether he is aware that Kenya Farmers Association Workers have not been paid salaries and terminal benefits since May, 1998; and,
 (b) when they will be paid.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo):

(a) Yes, I am aware that the Kenya Farmers Association (KFA) workers have not been paid part of their salaries and terminal benefits since May, 1998.

(b) The balance will be paid as soon the organisation's financial position improves.

Mr. Manyara: Mr. Deputy Speaker, Sir, some employees have received part of their payment. But most of the employees have not been paid a single cent since 1998. They have been suffering for the last three years and most of them have been going without food and clothing. In fact, most of them have divorced their spouses and some men have had their wives running away. What is the Assistant Minister doing to rectify this situation?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, it is true that most, if not all the workers, have not been paid from 1998. This is because KFA, after liberalisation of the agricultural sector, did not do very well. As a result of this, people moved to other institutions where they could get farm inputs much cheaper than what the KFA was offering. The KFA went down since then and it has some creditors who have not been paid their money. As a result of that, the KFA has been faced with major financial constraints. For it to be revived, it will need a high injection of funds so that it can be revived in order to pay its employees.

Mr. Khamasi: Mr. Deputy Speaker, Sir, the KFA was once a vibrant organisation. It was turned into the Kenya Grain Growers Co-operative Union (KGGCU). When KGGCU was going down, it was turned into KFA again. Could the Assistant Minister demonstrate to us by figures that KFA is solvent and that it is not going to go under receivership?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I cannot give that guarantee because, presently, the creditors of KFA are asking for over Kshs2 billion. So, I am not going to give that guarantee because the organisation has no funds except the properties that it owns. But I cannot guarantee that it is not going to be insolvent.

Mr. Deputy Speaker: Mr. Assistant Minister, you have just given us the figure of creditors. What about the figure of their debtors?

Mr. Sumbeiywo: The debtors of KFA, which include the Government Ministries, parastatals, co-operative societies, millers, advocates' fees, together with bad and doubtful debts, gives a figure of Kshs648 million.

Mr. Otula: Mr. Deputy Speaker, Sir, KFA has been selling its properties. Where has this money gone to if they have not paid their workers?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, when the liberalisation of farm inputs was effected, this institution remained with goods in their stores which they could not dispose of. They had to lower the prices of those goods. As a result, they incurred a lot of debts. That could be the reason why the institution cannot pay its workers at the moment.

Mr. Otula: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering my question? My question is: KFA has been selling its moveable assets. Where has this money gone if they have not been paying the workers?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I am not aware that the KFA has sold its moveable properties. What I know is that - and this is on record - these employees have sued the KFA with regard to their salaries and terminal benefits. When these employees took the institution to court, they were allowed to sell some of the properties but there were no buyers. So, the auctioneers have remained with the instructions and court orders to sell some of the KFA properties.

Mr. Kariuki: Mr. Deputy Speaker, Sir, KFA is a farmers association. Why should the Government interfere by appointing chief executives like arap Birgen? What ownership does the Government have in KFA to warrant its interference in the management?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, the Government does not own any shares in KFA. The

Government came in to try and salvage KFA which has a total membership of 64,000 with a share capital of about Kshs500 million. So, the Government should try and help the institution to revive its operations. Otherwise, the Government does not own any shares in KFA.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this company has a management problem. In order to help the workers, the company needed to be restructured because KFA has branches throughout the country. People own shares in KFA. Why could the company not float more shares so that they could bail themselves out of this problem and pay the workers?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, the Kenya Farmers Association (KFA) does not have any working capital at the moment and has problems in attracting any buyers. Even if we float shares at the moment, I am sure nobody in Kenya, not even local or external institutions, would be willing to give funding to rescue that institution.

Mr. Manyara: Mr. Deputy Speaker, Sir, I have evidence that there is a company from South Africa that wants to buy the KFA. The Assistant Minister has just said that there is nobody willing to buy the KFA. Why is he not selling the KFA to that particular company from South Africa? The company is interested and has the money and other resources to salvage the KFA and pay the workers. What are you doing about it?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I will be very happy to get the details of that company because up to now, it has not applied through the Ministry to buy the KFA. If it has approached the KFA directly, we would like to support that company to buy the KFA and run it vibrantly as it used to be in the past.

Mr. Omingo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to deliberately refuse to answer a question asked by Mr. Khamasi about the solvency of the company?

Mr. Deputy Speaker: Let us proceed to the next Question by Dr. Oburu!

Question No.308

DISMISSAL OF MR. AMEMBI

Dr. Oburu asked the Minister for Labour and Human Resource Development:-

(a) whether he is aware that Mr. Frederick Amembi was dismissed from service by Lima Limited on 10th February, 1994 and that, to date, no terminal benefits have been paid to him, despite several appeals to the company; and,

(b) what urgent measures he will take to ensure prompt payment of the said benefits.

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Frederick Amembi was dismissed after being charged in the Chief Magistrate's Court, Nakuru, Criminal Case No.310/94, for theft of company property.

(b) In view of the foregoing, I have ordered immediate investigations to establish what benefits, if any, the complainant may be entitled to.

Dr. Oburu: Mr. Deputy Speaker, Sir, I am completely dissatisfied with the answer given by the Assistant Minister! That is because the Question has been with the Ministry since October, last year, and I do not know what kind of investigations he is instituting, seven years after that man was dismissed! However, I would like to ask him whether that man was actually convicted and, if so, what was the sentence meted out to him? A man is considered innocent until convicted by a court of law. So, the Assistant Minister cannot come here and simply tell us that, that man was charged. If he was charged, was he convicted? If he was convicted, what was the sentence meted out to him?

Mr. Chanzu: Mr. Deputy Speaker, Sir, in the first place, I believe that such cases take a bit of time because of the investigations and witnesses that are required. We still have to get the final judgement on the matter. But, as I have explained in my reply, the fellow was convicted of a criminal offence which he committed while in employment, when he stole---

Mr. Deputy Speaker: No, Mr. Assistant Minister! Just answer the supplementary question! If he was convicted, he was sentenced to how many months in jail or whatever?

Mr. Chanzu: Mr. Deputy Speaker, Sir, I do not have that!

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Really, you cannot tell this House that a Kenyan was convicted, but you do not know what sentence was meted out to him! That is not good enough!

Mr. Chanzu: Mr. Deputy Speaker, Sir, the records that I have are about the criminal case number and the offence that was committed. But I do not have the judgement.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. First of all, the Assistant Minister did not talk about being convicted! He talked about being charged! So, he cannot now use that argument and say that he was convicted and he cannot find the judgement. In any case, he is saying that they are going to investigate and find out whether he is entitled to any dues. That was precisely the purpose of this Question! He was supposed to go and investigate, find out whether he is entitled to any dues and come and tell us! Is he really in order to treat this House this way?

Mr. Deputy Speaker: No, it is not!

Mr. Chanzu: Mr. Deputy Speaker, Sir, as I said, the matter was the subject of a criminal offence, which was before the Chief Magistrate's Court in Nakuru. But I think I can only say that I will get more information!

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. I wonder whether it would be in order at this point in time to request the Chair to, perhaps, accord more time to the Assistant Minister to go and do proper investigations and bring an answer that is satisfactory.

But if it is of any assistance to the Assistant Minister, the shareholders and directors of Lima Limited are very prominent Members of this House! Why do you not begin your investigations with them?

Mr. Deputy Speaker: Order! To be fair to Dr. Oburu and the Assistant Minister, I think I will defer this Question.

(Question deferred)

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

Mr. Deputy Speaker: There is no point of order to raise now! I have already deferred the Question!

Mr. Sungu: Just a clarification!

Mr. Deputy Speaker: No! Let us move on to the next Question!

Question No.247

PROVISION OF COMMUNITY
SERVICES BY KENGEN/KPLC

Mr. Kariuki asked the Minister for Energy whether he could explain why KenGen and Kenya Power and Lighting Company (KPLC) do not provide electricity and other community services around the areas where power generating installations are located.

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

Power generation installations are specifically for generation of electricity, which is then transmitted to the national grid for distribution to various parts of the country. Therefore, areas around the neighbourhood of the generation stations do not enjoy any preference in supply of electricity.

Mr. Deputy Speaker, Sir, there exist two methods under which supply of electricity to those areas can be provided. The first is on commercial basis where the community pays for the cost of supply direct to the KPLC. The second method is through the Rural Electrification Programme, which is a joint effort by the Government and the community. Selection of projects to benefit under the Rural Electrification Programme is the responsibility of the District Development Committees (DDCs).

Mr. Deputy Speaker, Sir, provision of other community services around the neighbourhood of areas where power generating installations are located, is a social responsibility of the Government. Those community services are normally planned and budgeted for under the normal Government budgetary provisions.

Mr. Kariuki: Mr. Deputy Speaker, Sir, I am not satisfied with the answer given by the Minister. I am aware that power is supplied through commercial or rural electrification. That is obvious! But, more specifically, I am asking why the KPLC and KenGen are acting so irresponsibly by denying people who are within the areas surrounding the installations, at least, a token of power to the hosts! Other companies like tea estates, British American Tobacco (BAT), Kenya Breweries Limited (KBL) and others do part with part of their earnings to benefit the local communities. Why are those two companies so mean, that they cannot do it? Could the Minister specifically tell us why they do not do so, other than giving us issues to do with policy which all of us know?

Mr. Raila: Mr. Deputy Speaker, Sir, the hon. Member really needs to be specific because there are so many different types of electricity generating facilities. There are hydro, thermal, geothermal, solar and wind electric plants, and so on. Why would the hon. Member want people who live next to a thermal power plant to benefit more than other people? Why should they be supplied with electricity and not anybody else who lives away from the source of

generation?

Mr. Kariuki: Mr. Deputy Speaker, Sir, I would like to be very specific with the Minister. There are three power installations in my constituency namely: Wajie, Tana and Mexico. None of those three installations are beneficial to the local community. If anything, they just see power lines running along which they can cut anytime. We also have the Turkwell, Kindaruma, Masinga and other projects, but I am specifically concerned about the three projects in my constituency.

Mr. Raila: Mr. Deputy Speaker, Sir, a lot of social facilities are normally constructed when the construction work of hydro-electric power plants is taking place. For example roads and schools are usually constructed. In some cases, like in Sondu-Miriu, water is being provided by the company. The provision of rural electrification is another programme altogether and I am saying that the Government is committed---

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. The Minister is completely out of order by trying to avoid---

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

Mr. Mwenje: My point of order is that the Minister is misleading the House. The Question is on supply of electricity for the whole area and not supply of water.

Mr. Deputy Speaker: Order, Mr. Mwenje! When you want to raise a point of order in relation to an answer which is given, you should have the patience to wait for the answer to be given in full [**Mr. Deputy Speaker**] first. You have now jumped the gun such that you do not know if what you are raising is what the Minister will address in the next sentence.

Proceed!

Mr. Maitha: Mr. Deputy Speaker, Sir, there are two Ministries which are notorious for not serving the local people who live around such facilities. These are the Ministry of Energy and the Ministry of Environmental and Natural Resources. For example, the Baricho Water Supply Project supplies water to Mombasa and all other areas and yet the people who live around this project do not get piped water. The same applies to electricity projects. The Minister said that when these power generating facilities are constructed people do get roads and other amenities. Could he tell us the benefits that Mombasa people have got from the KenGen facility which was put up for power supply? Have they constructed schools and other facilities similar to the ones put up by the Sondu-Miriu Project?

Mr. Raila: Mr. Deputy Speaker, Sir, that is the reason why I asked the hon. Member to be specific. He is talking about the plant in Mombasa. In Mombasa there is the KenGen Kipevu I. There is also Westmont which is on a barge at the port of Mombasa. The third one is Kipevu II which is called the Turbo Power and it will be commissioned officially the day after tomorrow. All these installations are situated within the port area such that it is only the Kenya Ports Authority which stands to benefit. It would be unfair to provide free power to KPA which has the ability to pay.

Capt. Ntwiga: Mr. Deputy Speaker, Sir, this country is endowed with a lot of water resources. The problem with this Question is that the Electric Act does not allow for distribution of the same power after generation in the vicinity without taking the same to the national grid for distribution. Could the Minister consider bringing an amendment to that Act to encourage the production of power in this hydro-electricity power generation? The same should be used in the vicinity without necessarily taking it to the national grid for distribution. This way, the Rural Electrification Programme will be sorted out because this country is endowed with water.

Mr. Deputy Speaker: Order! Ask your Question, my dear hon. Member.

Mr. Raila: Mr. Deputy Speaker, Sir, I would like to inform the hon. Member that when power is generated at different voltages, it has to be stepped up for ease of transportation. Most of the time it is stepped up to 33KVA. This is to avoid loss of power in the process of transmission. In order to supply it to the local community, the power has to be stepped down sufficiently. This depends on the number of people who live within that vicinity. The stepping down facility is so expensive that sometimes it is not economically viable to do so for the small populations that live around that area. It is possible to supply that power through the rural electrification programme. That can be obtained through a different system altogether, but we are talking about high voltage transmission line. It costs US\$1 million to construct 1 kilometre of high voltage transmission line. It would not be economical to step it down to supply power to a population of 500 people.

Mr. Kariuki: Mr. Deputy Speaker, Sir, with due respect to what the Minister has just said, it is true that the workers within the power stations enjoy electricity supply. I do not know how it is stepped down. More importantly, these companies have created a lot of bad will because of being inconsiderate to the areas from where they draw a lot of revenue. Instead, they provide rural electrification to areas which are miles away. Is it not fair and just that these local neighbouring communities are considered first before considering people elsewhere who do not deserve it?

Mr. Raila: Mr. Deputy Speaker, Sir, I agree entirely with the hon. Member. I said in my answer to his Question earlier that the supply of electricity to the rural population is done under different programmes altogether.

This is something that we can do on a case by case basis. I know for example, that in some other areas where we have power generation facilities, the local population has since been supplied with power. I am ready and willing to deal with an application from any local community on a case by case basis. It will have to be under the Rural Electrification Programme because it is not possible for the Government to provide electricity free to any community. The community will have to pay for it. The issue here is that the Government is willing and ready to make it available.

Question No.546

DESILTING OF MUONI DAM

Mr. Katuku, on behalf of **Mr. Kaindi**, asked the Minister for Water Development:-

(a) whether he is aware that Muoni Dam, the main source of water for Kathiani Town and its environs, is silting up rapidly; and,

(b) what steps he is taking to desilt the dam.

Hon. Members: He is not telling the truth!

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. Yesterday, when we were voting here---

Mr. Deputy Speaker: I will only allow a point of order in relation to the Question on the Floor!

Mr. Wanjala: Mr. Deputy Speaker, Sir, is it in order for hon. Katuku to pretend to ask a Question on behalf of Mr. Kaindi who was bribed yesterday and he sneaked away to avoid voting?

(Applause)

Mr. Deputy Speaker: Order! Hon. Wanjala, the only person who can determine whether hon. Katuku has the drive or the power to ask the Question on behalf of hon. Kaindi is the Chair. Before you ascend to this position, recognise your station in life. Could the Minister for Water Development proceed to answer this Question?

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

Mr. Deputy Speaker: Order! You have either asked the Question or you have not!

Proceed, Mr. Assistant Minister!

Hon. Members: He has withdrawn it!

Mr. Deputy Speaker: Order! You will have to take this House seriously! You cannot ask a Question and then you stand on a point of order! Let me hear you!

Mr. Katuku: Mr. Deputy Speaker, Sir, hon. Wanjala has made a serious allegation about my integrity; that I am pretending. I am not pretending but I have been instructed by hon. Kaindi to ask this Question on his behalf.

Mr. Deputy Speaker: Do you want to ask this Question or not?

Mr. Katuku: I have already asked it!

Mr. Deputy Speaker: Okay. Proceed to answer it, Mr. Assistant Minister!

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Mr. Deputy Speaker, Sir, just before I reply, you heard Mr. Maitha call the Ministries of Energy and Environment and Natural Resources "notorious". Could he, before I reply, lay on the table evidence to show areas where water passes through his constituency and people do not get piped water?

Mr. Deputy Speaker: Order! You have no business asking a question! However, more importantly, hon. Maitha did indicate that the Baricho Water Supply goes all the way from Sabaki River to Mombasa without giving people enroute any water. So, he has already done it.

The Assistant Minister for Environment and Natural Resources (Mr. Kofa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Muoni Dam is silting up.

(b) In the financial year 2001/2002, Machakos District has been allocated Kshs2 million for desilting dams. The prioritisation of individual dams to be desilted is the responsibility of the District Development Committee (DDC). Since the hon. Member is a member of Machakos DDC, he is advised to ensure that Muoni Dam is a DDC priority for desilting.

Finally, I would also like to appeal to the hon. Member to assist in ensuring that the local community play their part in protecting the water catchment of Muoni Dam.

Mr. Katuku: Mr. Deputy Speaker, Sir, I am not pretending now. I am serious and the seriousness of the matter is that people within Kathiani are going without water because of the problem of desilting this dam. The Assistant Minister says he has given Machakos District Kshs2 million for desilting. Could he tell us whether he has specifically given money for this particular project?

Mr. Kofa: Mr. Deputy Speaker, Sir, as I said, there is no way the Ministry can allocate funds specifically for Muoni Dam. I said that the DDC should make it a priority and the project will be carried on.

Mr. Kitonga: Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister how many dams within Machakos District require desilting so as to provide the Kshs2 million?

Mr. Kofa: Mr. Deputy Speaker, Sir, the bone of contention is Muoni Dam. That is a different Question altogether. So, could he put that question in another manner?

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You have said you have provided Kshs2 million. The Member is merely asking you for how many dams is that Kshs2 million?

Mr. Kofa: Mr. Deputy Speaker, Sir, I did not, at any time, say this money was for desilting of dams. It could be for other projects. So, if desilting of Muoni Dam is a priority, let it come up and we shall handle it.

Mr. Muchiri: Mr. Deputy Speaker, Sir, the issue here is that the people of Kathiani have no water. Could the Assistant Minister take a drastic action and provide the people of Kathiani with water without any further delay?

Mr. Kofa: Mr. Deputy Speaker, Sir, Kathiani people have a lot of water. The river feeding the dam is perennial and hence the dam does not dry up. So, there is a lot of water. However, one of the facts is that there is a lot of agriculture going on there.

Mr. Katuku: Mr. Deputy Speaker, Sir, the answers we are getting from the Assistant Minister are not clear and convincing at all. He says he has allocated Kshs2 million for desilting of dams in [Mr. Katuku] Machakos District and then he comes up and says the money is not for desilting dams. Even here, in his written answer, he says:- "This financial year, Machakos District has been allocated Ksh2 million for desilting of dams." Surely, where are we? He says "this" now and the other time "that". I would want to challenge the Assistant Minister, when he says that there is water in Kathiani, to accompany me. I will look for hon. Kaindi to be also present to go and see for ourselves the problem in Kathiani because the money he is talking about is not even for that project.

Could the Assistant Minister undertake to go and see for himself the situation and provide funds for this dam?

Mr. Kofa: Mr. Deputy Speaker, Sir, yes, I will undertake that.

Mr. Deputy Speaker: Next Question, Mr. Wamae!

Question No.502

REHABILITATION OF KARATINA LAW COURTS

Mr. Deputy Speaker: Order! This Question by Mr. Wamae was directed to the Attorney-General, but I am informed that because of---

Hon. Members: Because of yesterday!

Mr. Deputy Speaker: How did you guess?

Hon. Members: He is still "mourning"!

Mr. Deputy Speaker: Order! He has been referred to work urgently on something, as a result of what happened yesterday. Therefore, the Question is accordingly deferred.

(Question deferred)

Mr. Muihia's Question for the second time!

Question No.553

DISMISSAL OF MR. MUTHUNGU

Mr. Deputy Speaker: Mr. Muihia not here? The Question is dropped.

(Question dropped)

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. Hon. Wanjala made a statement here that one Member of Parliament was bribed yesterday and that is why he is absent. Is that parliamentary language? It is a very serious allegation which he should either withdraw or substantiate.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Whom did you refer to, Mr. Haji?

The Assistant Minister, Office of the President (Mr. Haji): I referred to Mr. Wanjala, Mr. Deputy Speaker, Sir.

An hon. Member: That is a gone case!

The Assistant Minister, Office of the President (Mr. Haji): You are not Mr. Deputy Speaker!

Mr. Deputy Speaker: Order! Order! Fortunately, for Mr. Wanjala, the Chair did not hear what he said.

Hon. Members: Yes!

Mr. Deputy Speaker: Order! However, hon. Members, it does not matter after how long such a matter is brought to the attention of the Chair. I will check the HANSARD. If that is what Mr. Wanjala said, I will take action against him.

The Assistant Minister, Office of the President (Mr. Haji): Certainly!

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. You have not said when my Question will be answered.

Mr. Deputy Speaker: Mr. Wamae, I have deferred your Question. I do not know whether you have looked at our Order Paper. There is a very interesting Motion at the end of it.

QUESTIONS BY PRIVATE NOTICE

AWARDING OF MOI INTERNATIONAL

AIRPORT TENDER

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

(a) Why is the management of Kenya Airports Authority (KAA) planning to award the tender for cleaning Moi International Airport, Mombasa, to the highest bidder and leaving out the lowest bidder?

(b) Could the Minister table the list of the tenderers and their quotations?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The tenders have not yet been adjudicated upon. So, no award has been made. At the time of award, we will ensure that the best technically evaluated tenderer will be considered.

(b) I beg to table the list of tenderers and their quotations.

(Maj. Madoka laid the list on the Table)

Mr. Sungu: Mr. Deputy Speaker, Sir, the question of unprocedural tender awards has featured prominently in this House. We demand that fairness and transparency prevail. Could the Minister clarify whether the tenders to be adjudicated are monthly or annual, so that we can determine whether they are reasonable or not? We have different figures. For instance, M/s Tema quoted Kshs29 million, and not Kshs11 million as indicated in the Minister's list. Could he clarify that?

Maj. Madoka: Mr. Deputy Speaker, Sir, I did not get the question. Could the hon. Member repeat it?

Mr. Deputy Speaker: Mr. Sungu, could you repeat your question?

Mr. Achola: On a point of order, Mr. Deputy Speaker, Sir. Could we ask Mr. Sungu to declare his interest in this Question?

Mr. Sungu: Mr. Deputy Speaker, Sir, I declare that I have no interest whatsoever in this Question. However, I am keenly interested in seeing that transparency and accountability prevails in this country. That is what this Government stands for. Therefore, I would like the Minister to clarify whether the figures indicated in the tabled document are annual or monthly. The figure in my knowledge by M/s Tema, is Kshs29 million, while the Minister's document indicates that it is Kshs11 million.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that what Mr. Achola requested you to do was desirable? Does he know something which this House does not know regarding this matter? He should be asked to explain further what he meant.

Mr. Deputy Speaker: Order! Order! Hon. Members, it does not do this House any good when you rise two questions later to refer to a matter that was said in your presence.

Proceed, Mr. Minister!

Maj. Madoka: Mr. Deputy Speaker, Sir, the contract term is 12 months.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, you realise that the KAA is now steeped in corruption and bribery. Recently, a Question was asked here regarding contracts worth Kshs2.5 billion which were awarded by the KAA for re-carpeting of the airport. Could the Minister investigate the matter and cancel this contract once he establishes that what the hon. Member said is correct?

Maj. Madoka: Mr. Deputy Speaker, Sir, last year, this particular contract was given to M/s Creative Services, and that the company was paid a total of Kshs9,789,412. The present tenderers have quoted between Kshs4 million and Kshs36 million. I would like to assure the hon. Questioner that we will ensure that the best technically evaluated tenderer will be awarded the tender; transparency will be ensured.

Mr. Ndicho: Mr. Deputy Speaker, Sir, a similar Question was asked here yesterday, regarding KENGEN tenders. When asked why the highest, and not the lowest, bidder was awarded the cleaning services tender for the Turkwell Gorge Project, the Minister for Energy replied that the decision was taken because of the hostility by the local people. He said that people in that area did not want anybody from another community to go and work there. In that case, the tendering rules were flouted to avoid people getting killed or beaten up.

Mr. Deputy Speaker, Sir, I can see that Maj. Madoka is seated next to Mr. Raila. Could he explain whether this tender was awarded to the highest bidder for the same reason advanced by Mr. Raila regarding the Turkwell Gorge tender? Is it because a tenderer from elsewhere is likely to be beaten up by Coast residents?

The Minister for Energy (Mr. Raila): On a point of order, Mr. Deputy Speaker, Sir. In trying to frame his question, Mr. Ndicho has deliberately misrepresented the facts I gave in answering his Question yesterday. Is he in order to insinuate that the tender was awarded to the highest bidder on considerations other than the reasons I gave yesterday?

Mr. Ndicho: Mr. Deputy Speaker, Sir, we were all here yesterday!

Mr. Deputy Speaker: Order! Order! Mr. Ndicho, I gave you an opportunity to ask a supplementary question and not to make scandalous remarks about other people! So, could you ask your question?

Mr. Ndicho: Mr. Deputy Speaker, Sir, could the Minister explain why the tender was given to the highest bidder and not to the lowest bidder? He should not mislead us.

Maj. Madoka: Mr. Deputy Speaker, Sir, obviously, the hon. Member is not with us. I said that these tenders have not been adjudicated upon and that no award has been made.

DEDUCTION OF MONEY FROM CANE FARMERS

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that Nzoia Outgrowers Company has unilaterally effected 15 per cent deductions in form of retention from farmers' dues for cane harvested and delivered to the factory?

(b) How much money has been deducted from the farmers?

(c) What urgent measures is the Minister taking to ensure that these illegal deductions are stopped?

The Assistant Minister for Agriculture and Rural Development (Mr. J.D. Lotodo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the decision to effect the 15 per cent deduction retention from sugar-cane farmers' dues was taken unilaterally by the management of Nzoia Outgrowers Company. That decision was made by the farmers, vide Minute No.7/9 during the Nzoia Outgrowers Company Limited annual general meeting held on 13th December, 1997. The farmers' decision was formalised through a resolution of Nzoia Outgrowers Company, dated 12th June, 1999, and was sent to Nzoia Sugar Company for implementation.

(b) Kshs40,773,804.25 has been deducted from the farmers, while Kshs60,179,082.90 is in arrears. Otherwise, if Nzoia Sugar Company was not in arrears in sugar-cane farmers' payments, the amount of Kshs60,179,082.90 would have been deducted and credited to the farmers' accounts to make a total of Kshs100,952,887.15.

(c) Arising from "a" above, the deductions were legal as they were agreed upon by the farmers themselves.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's answer - and we are talking about the suffering cane farmers - I would like him to table the list of farmers who attended that meeting. He should also tell the House what purposes this retention money was intended for. How has it benefitted the cane farmer?

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, this was decided by the Committee via an annual general meeting held at Bungoma County Council Hall on Saturday, 13th December, 1997. If I may read out minute No.7/1997 on retention scheme, which required farmers to contribute 15 per cent of their earnings, it states:-

"The Chairman gave some introductory explanation about the retention scheme. The General Manager narrated how Nzoia Outgrowers Company operates. Other directors were given a chance to explain to the general meeting the need to start a retention scheme, which would be run by the local board of directors".

Therefore, that minute being valid, the farmers agreed upon the formation of the retention scheme.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House? He first said that this was agreed upon during a committee meeting and he went ahead to read the relevant minute. Then he has gone ahead and talked about an annual general meeting. Could he clarify which is which? Is it a committee meeting or an annual general meeting?

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, it was an annual general meeting and I will table its minutes.

(Mr. J.D. Lotodo laid the document on the Table)

Dr. Kituyi: Mr. Deputy Speaker, Sir, the question as to the purposes for which the deductions were initiated has not been answered. But also, normally, a perpetual deduction from your earnings can only be effected if you have put your signature on a document committing yourself that such a deduction can be made. Could the Assistant Minister explain how a minute of a meeting, even if it was an annual general meeting, could give the company the authority to perpetually deduct 15 per cent of the earnings of the farmers? If the Assistant Minister did not know that this is wrong, could he assure us that this will be stopped until the farmers actually sign away that money individually and not at an annual general meeting?

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, what is in our knowledge is that this matter was assented to following the annual general meeting. Therefore, if farmers feel that these deductions are unwarranted, they could still inform the management about that.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, the Assistant Minister has not answered by question. This is a legitimate question that I have put to him. If indeed, farmers agreed upon these deductions, what is the purpose for which the money is being retained? How is the money benefiting the farmer?

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, the farmers felt that they should have a welfare scheme through which they can access some loans for their expenses.

Mr. Shitanda: Mr. Deputy Speaker, Sir, this issue of retention is not only in Nzoia Sugar Factory, but is also there at West Kenya Sugar Factory and Mumias Outgrowers Organisation. Is the Assistant Minister aware that these retention accounts are being used by outgrower organisations to fleece the farmers? The organisations are retaining the money under the pretext that they will invest it elsewhere and pay the farmers interest while they are actually using it to pay themselves hefty allowances.

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, I am not aware of that issue.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, as I speak here, the farmers are being refunded some of the money which was deducted from their dues. A farmer who was deducted thousands of shillings in 1998 was refunded last month the same amount of money without any interest. Why is the same amount of money being refunded to the farmer now in piecemeal, without any interest and without having been invested anywhere?

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, I am not aware of arrears being paid to the farmers. If the hon. Member has information about this, he can inform us and we will take the necessary action.

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. This is a very important Question involving a lot of money belonging to farmers. The Assistant Minister seems not to be in possession of all the facts. He has failed to answer certain crucial questions that have been put to him. Would I be in order to request that this Question be deferred and the Assistant Minister be asked to go and find a proper answer before he comes to answer it next time?

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, as far as I am concerned, I have given the right answers. To say the least, I could give a breakdown of the arrears. In 1999, there was a retention of Kshs5 million and retention arrears were Kshs27,239,601.50. In the year 2000, there were retention arrears of Kshs26,227,997.50 and in 2001, we had arrears of Kshs6,711,283.50. The total arrears are Kshs60,179,082.90.

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just answered his own question. He has not answered the questions put to him. I pleaded with the House that, if he is not in possession of all the answers, this Question be deferred. Would I be in order to request that he answers this Question at a later date when he might have acquired enough knowledge about it?

Mr. Deputy Speaker: Order! Hon. Lotodo, I think it is in your best interest to get factual information in answer to this hon. Member's Question. He is not really asking you for too much; bring the answer.

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, I have nothing to add to the actual figures. There is nothing

which will come as a further scrutiny.

Mr. Deputy Speaker: Order! You may very well have supplied figures, but those figures must be in answer to a Question put to you and not to a Question you imagine! This Question is deferred!

(Question deferred)

EXHUMATION OF MR. KINYUA'S BODY

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that a land tribunal sitting in Nanyuki ordered the exhumation of Macharia Kinyua's body by mid-July, 2001, at Mwireri in Daiga Location?

(b) Is he further aware that the mother of the deceased, Ms. Tabitha Wambui Kinyua, has a title deed for the said piece of land where she buried her son?

(c) What immediate action has he taken to stop the exhumation?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a land dispute tribunal sitting in Nanyuki ordered that Ms. Tabitha Wambui Kinyua vacate plot No.1688 where she buried her son, the late Mr. Macharia Kinyua, and move to her plot, plot No.3933 at Mwireri, Daiga Location. The tribunal did not give any order on exhumation of the body.

(b) I am further aware that Ms. Tabitha Wambui Kinyua has a title deed to the said piece of land where she buried the body of her son, the late Mr. Macharia Kinyua.

(c) The order by the tribunal to vacate the plot was in order as the piece of land in question, parcel No.1688, where the body was buried, does not belong to Ms. Kinyua. It belongs to Ms. Margaret Mumbi Karima. Ms. Kinyua's land is parcel No.3933. I have no powers to stop the order. If Ms. Kinyua is aggrieved by the order, she should appeal against it.

The order has been ratified by the Senior Resident Magistrate's Court at Nanyuki, and it is now a court order which has to be executed, unless it is set aside by the Appeals Committee.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, this is a question of the poor versus the rich! In the first place, it should be noted that the said Mrs. Margaret Mumbi Karima, is the wife of the director of the same farm. In his reply to part "b" of the Question, the Minister said that he is aware that Ms. Tabitha Wambui Kinyua has a title deed to the said parcel of land, where she buried her son. That tribunal made a recommendation to the court on what is happening on the ground, meaning, therefore, that the court was only ratifying what it had been told by that tribunal. Now that the Minister is aware that Ms. Tabitha Wambui Kinyua has the title deed, LR No.1688, where she buried her son, under what circumstances was she issued with two title deeds, LR No.1688 and LR No.3933?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the hon. Member is fully aware that he forced the body to be buried in that shamba knowing that it was illegal to do so.

Mr. Kiunjuri: On a point of order, Mr. Deputy Speaker, Sir. The Chair has heard the Minister say that I forced the body be buried there. Is he trying to tell this House that there is no Government in Kenya and that I can force the body to be buried in that shamba?

Mr. Deputy Speaker: Order! I do not see your point of order!

Proceed, Mr. Minister!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the position is that this particular piece of land was bought by a land buying company called Mwireri. The company sub-divided it using a private surveyor instead of using a Government surveyor. They messed up with the records and told us to issue title deeds, which we proceeded to give. But in the process, some confusion arose in respect of parcels LR No.1688 and LR No.3933, and then they said; "we had wrongly issued a title deed to Ms. Tabitha Wambui Kinyua." After that the company and the same people came back and said that those title deeds should be returned because the company had made a mistake. So, it was a documentation mistake brought out by the land buying company and the private surveyor. Ms. Tabitha Wambui Kinyua refused to return that title deed when we asked her to return it. That is when the case was subject to a legal process under the Land Disputes Act.

The Tribunal, under provisions of the Act, asked her to return the title deed in order for her to get her proper entitlement. It was in the middle of that process that, unfortunately, her son died and the hon. Member ordered the body of the late young man to be buried by force on that parcel of land. When our officers told him not to force an event which would lead to a situation whereby he would bring the matter to Parliament, he refused to listen.

Mr. Mwenda: Mr. Deputy Speaker, Sir, since the enactment of the Land Disputes Tribunal Act, the disputes

tribunals have become rogue tribunals and they have decided on matters where they have no jurisdiction whatsoever. For instance, they do not have jurisdiction to determine matters of title deeds because their jurisdiction is only restricted to determination of trespass issues. Is the Minister going to issue circulars spelling out the jurisdiction of these tribunals to avoid tribunals trespassing on areas where they have no jurisdiction?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, with regard to what we are doing to ease the problem of trespassing by these tribunals, during the last financial year, we held seminars around the country to try to educate elders who serve in these tribunals because we had realised that there was a problem. We will continue to hold seminars so that they understand clearly their area of jurisdiction in order to avoid confusion.

Mr. Muite: Mr. Deputy Speaker, Sir, you have heard the Minister conceding that this particular lady had a title deed to plot LR No.1688. As the Minister is aware, the whole process of registration of title deeds is the guarantee by the Government of sanctity of that title deed and, except in the case of fraud, you cannot interfere with that title deed. What steps is the Minister taking, in this particular case, to invoke the powers of the Attorney-General to intervene, as a friend of the court, to set aside this order by the land tribunal, which is clearly illegal, because it interfering with title deeds?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I have taken two steps. Firstly, we did explain to the hon. Member, when he came to our offices in Nanyuki, about the correct procedure and this was that:-

They should appeal quickly, within a period of 60 days, so that the Provincial Land Disputes Appeal Committee can finalise this matter once and for all. The idea was to try and get the two parties to sit down and swop title deeds in order to avoid the situation that we found ourselves in.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Minister has made several allegations against me and you are defending him! The first allegation was that I forced---

Mr. Deputy Speaker: Order! Would you like to repeat what you have said? Repeat what you have just said!

Mr. Kiunjuri: I withdraw that, Mr. Deputy Speaker, Sir. The Minister made two allegations. First, he said that I forced the burial of that body. The second allegation was that they asked me to visit their offices in Nanyuki, a thing they did not do. Now, because I have nobody to defend me, unless you defend me---

The Assistant Minister for Transport and Communications (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. I heard it with my own "eyes".

Hon. Members: Ears, not "eyes"!

(Laughter)

Mr. Deputy Speaker : Order! Order! Hon. Keah had a slip of the tongue, but I understood perfectly what he meant! You hear with your ears and you see with your eyes!

Proceed!

The Assistant Minister for Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I heard with my own ears when Mr. Kiunjuri said that the Chair is protecting the Minister. To me that is a serious allegation on the integrity of the Chair. Is he in order to impute that the Deputy Speaker of this august House is not impartial?

Mr. Deputy Speaker: Order! Order! Honestly, I did not hear Mr. Kiunjuri clearly. But, if [**Mr. Deputy Speaker**]

in fact, he is accusing me of protecting hon. Members, that is what I am here to do!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, just as you heard the Assistant Minister had a slip of the tongue, maybe, he had a slip of hearing also.

Mr. Deputy Speaker: Ask your question!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I have a very genuine question with regard to the said title deed. Before the title deed, LR No.1688, was issued, there were two previous title deeds issued to the said lady, Ms. Tabitha Wambui Kinyua. I can table the said title deeds to clarify the position. Now, the lady was issued with three title deeds, two were issued to her before and later she was issued with another one, LR No.1688. The owner of the land is the director's wife who is claiming the same piece of land. Could the Minister take action and facilitate the issuing of a proper title deed because the lady had constructed a house in the said farm and she had buried her son there in order to avoid disturbing the spirit of the dead, which may haunt the Minister? Could he now take action and intervene?

Mr. Deputy Speaker: Order, Mr. Kiunjuri! You have already asked your question!

Proceed, Mr. Minister!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, did the hon. Member ask a question? I did not get any question, but I am covered with the blood of Jesus, and there is no way the spirits of the dead can reach me!

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

Mr. Deputy Speaker: Order! Do not invoke the Name of the Lord in vain!
Let us move on to the next Question by Mr. Ngunjiri!

SHOOTING OF MR. OUMA O'DIE

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

(a) Is the Minister aware that on the 10th of February, 2001 at 8.30 p.m. along Desai Road, Parklands, Mr. Wycliffe Ouma O'die was shot and injured by plainclothes policemen?

(b) Who informed the regular police officers, who visited Mr. Ouma's residence, and later Guru Nanak Hospital, of the shooting incident?

(c) What is the conclusion of the police investigations into this incident?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I thought we had answered this Question, but I will go over it again.

I beg to reply.

(a) I am aware that Mr. Wycliffe Ouma O'die was shot by an unidentified gunman who accosted him along Desai Road, Parklands. The gunman arrived in unidentified car. It is alleged that the two assailants had something resembling a pocket telephone.

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. Looking at the Order Paper, are you sure that Mr. Ngunjiri is the Member of Parliament for the constituency that is shown?

Mr. Deputy Speaker: Order! The spelling of "Rarieda" is clearly wrong, but it is as near as you can get. Proceed, Mr. Minister!

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Deputy Speaker, Sir.

(b) A good Samaritan who witnessed the incident reported the matter to the police.

(c) The police station is investigating this particular case.

Mr. Ngunjiri: Mr. Deputy Speaker, Sir, memories seem to be too short. This Question was asked last week when I gave the facts of the matter. It is the Minister himself who requested that this Question be deferred to today because the answer he had, which he has given to the House now, was insufficient. What is the position on this matter?

Maj. Madoka: Mr. Deputy Speaker, Sir, indeed, I asked to be given more time, and that is why I have said that investigations are still going on. So, I cannot say anything further at this stage.

Mr. Ndicho: Mr. Deputy Speaker, Sir, I would like to seek your indulgence to declare this Minister hostile to this House because of wasting time!

Mr. Deputy Speaker: Under what Standing Order?

Mr. Ndicho: Mr. Deputy Speaker, Sir, whatever Standing Order it is!

(Laughter)

Mr. Deputy Speaker: Order! The Chair will more often than not accept good humour, but not cheekiness! You are being cheeky and I will not tolerate it!

Mr. Maitha: Mr. Deputy Speaker, Sir, the shooting of Kenyans has now become the order of the day. We are now mourning the death of an hon. Member of Parliament who was shot by unidentified people. The police are still investigating the case. Here is a mwananchi who was shot by unknown people, and yet the Minister does not come to this House with ready answers. We have heard this day in, day out.

Could we get guidance from the Chair on what we should do when we do not get sufficient answers to our Questions?

Mr. Deputy Speaker: Order! Hon. Members, what you should do, when you feel that you are not satisfied with an answer, is in your Standing Orders. Do not come and ask the Chair to start teaching you here because he will not do it.

Maj. Madoka: Mr. Deputy Speaker, Sir, when the hon. Questioner gave me additional information, I handed it over to the police and it is helping them in the investigations. So, until the investigations are concluded, I cannot report anything further.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. I beg to invoke Standing Order No.88 because the Minister is taking this House for a ride. This is the same answer he gave in this House last week. He sought the indulgence of the Chair to go and seek more information but he has come back with the same answer. Is it not a waste of this House's time?

Mr. Deputy Speaker: Order! The only person who, for the time being, is wasting this House's time is you! Look at Standing Order No.88! Which section are you invoking because there are three sections?

Mr. Kikuyu: Mr. Deputy Speaker, Sir, considering the nature of this Question and the manner in which Mr. Ngure has framed it, it would appear as though there was police involvement in the murder of this Kenyan. Any information the Minister gets from Ngure, he takes it to the same police. Could the Minister, instead of having a police inquiry, have a court inquiry into this matter? This is because if all the information will be kept by the police, they will destroy all the evidence and at the end, we will not find the person who killed this Kenyan.

Maj. Madoka: Mr. Deputy Speaker, Sir, we will let the police conclude their investigations, and if we are not satisfied, we will resort to other measures.

Mr. Murathe: Mr. Deputy Speaker, Sir, the allegation is very serious. Could the Minister confirm or deny the allegation that it was plainclothes policemen who shot and killed this man?

Maj. Madoka: Mr. Deputy Speaker, Sir, I cannot deny or confirm that because I have said that it is "alleged". Until the investigations have been concluded, I cannot deny or confirm that it was plainclothes policemen who shot and killed him.

Mr. Ngure: Mr. Deputy Speaker, Sir, in view of the fact that the Minister has not brought sufficient information on this Question, and realising that he carried a similar answer, could I refresh his memory, once again, to help him speed up the investigations? May I inform him that Mr. Ouma O'die was shot by plainclothes policemen and 20 minutes later regular policemen came looking for a robber who was shot by the police and they were told that he had been taken to Guru Nanak Hospital?

Mr. Deputy Speaker: Order, Mr. Ngure! I believe you have already supplied that information. So, it is on record. If you have any further information, I think the most viable course to take is to go and provide it to the Minister or the police. For now, the Minister has indicated very clearly that he is still carrying out investigations before he reports back to the House. I do expect him to report back to the House with the information he gets from the investigations.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to request the Chair to direct that the Minister allows a court inquiry into this matter rather than a police inquiry? How do you send the people who are suspected of having shot the person to carry out the inquiry?

Mr. Deputy Speaker: Order! Order! You are now arguing!

Mr. Sambu: I am arguing because even my son was killed and nobody was ever convicted!

Mr. Deputy Speaker: Order! Order! We all have brothers, sisters, sons and daughters. But we also have blood. Nobody in this House takes the death of a Kenyan lightly and, I think that is an insult to the Members of this House. We all take deaths of Kenyans seriously. The Minister has conceded that, after he receives the report from the police, he will then determine the next course of action. Whether that is going to be an inquest or not, is a different matter. But he has already conceded that one.

Mr. Sambu: Mr. Deputy Speaker, Sir, I would rather walk out than insult the House. I did not insult the House. I am telling Kenyans the truth; that the police cover up killings and no inquiry is carried out.

Mr. Deputy Speaker: Order, Mr. Sambu! If you want to walk out, nobody will stop you. I think the House is better off without hecklers!

Mr. Sambu: I am not an heckler!

(Mr. Sambu withdrew from the Chamber)

Mr. Deputy Speaker: Next Order!

POINTS OF ORDER

HARASSMENT OF VILLAGERS BY POLICE

Mr. Obwocha: Mr. Deputy Speaker, Sir, I rise on a point of order to seek the Ministerial Statement from a Minister of State, Office of the President, in charge of internal security in relation to an incident which took place on Sunday, 12th of this month. Administration Police in the guise of trying to look for *chang'aa* invaded Kuura and Makairo villages in West Mugirango, Bigege Sub-Location. While they were doing that, they shot a schoolboy who was playing cards with other schoolboys. In the ensuing melee, after shooting that schoolboy, one AP was injured. Right now as we are talking, the residents of those villages in West Mugirango are being terrorised by the police and the Provincial Administration. I would like the Minister to tell this House why the police and the Provincial

Administration are terrorising these residents of Kuura and Bigege Sub-Location. These APs went there without the Assistant Chief and the Chief. Second, could the Minister tell the House why the police cannot diligently investigate and apprehend those who were involved in the fracas instead of harassing the whole area?

Lastly, Mr. Deputy Speaker, Sir, could the Minister instruct the DC, Nyamira, Mr. Rugut, to stop harassing these people and let the police do their work? All the people, who are approximately 5,000, could not have attacked those APs. Before this Ministerial Statement is issued, I would like the Minister to confirm to this House that he will give instructions to the DC to tell these policemen to stop harassing my people.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, the hon. Member has just discussed this issue with me and I have said, I will certainly take it up with the DC.

CENTRALISED TERMINAL FACILITIES
CONTROL AT WILSON AIRPORT

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I rise to seek the Ministerial Statement from the Minister of State, Office of the President, for the time being in charge of airports, with regard to the proposed centralised terminal facilities at Wilson Airport, Contract No.KAA/ES/WAP/395/CONS Project by the Kenya Airports Authority in which they have proposed to spend between Kshs900 million and Kshs1.2 billion to build a terminal in an area where it is not required. That terminal is being proposed on false grounds. One, that the departures will be increasing at 2.5 per cent per year. This is not true. Two, that there is insufficient apron space. This is also not true. Three, that there is access to the air site which inconveniences the landing and taking off of aircraft. This amount of money could be used to improve the airstrips throughout the country instead of spending it at Wilson Airport where it is not required.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will be issuing the appropriate Ministerial Statement.

Mr. Deputy Speaker: Thank you.

AVIATION POLICY IN KENYA AERO-SPACE

Dr. Ochuodho: Thank you, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Transport and Communications with regard to aviation policy in the Kenyan aero-space. I would be interested to know if there is any aviation policy in particular with regard to franchising. I have in mind the allowance of British Airways to operate in our domestic routes between Mombasa-Nairobi and also other regional routes, for example, from Nairobi to Lusaka. I would like to know whether this is in order or not. I know on the other hand that if Kenya Airways wanted to move between Manchester-London-Heathrow, they would not be allowed to do that. It would be interesting for the House to know whether there is an aviation policy with regard to franchising, and whether the franchising that we understand the British Airways has done to Regional Air is in order. Sometime last year, when there were various tyre bursts on the Nairobi-Entebbe Route involving Kenya Airways, there was a claim that it was sabotaged by this same Regional Air. The Minister did undertake to bring a report with regard to those tyre bursts. Could this be still another game that we are playing with Regional Air? We would also be interested to know who are the people behind this Regional Air to which British Airways has franchised.

Mr. Deputy Speaker: Thank you.

INVASION OF SUBA ISLAND BY UGANDAN ARMY

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from a Minister of State, Office of the President, in charge of internal security. On 11th August, Ugandan Army led by a lieutenant and the Uganda Revenue Authority invaded Suba Island in Lake Victoria in Budalangi Division, Busia District. They raided people's shops on the pretext that the island is in Uganda and they took away some of the goods which were being sold there and that they were Kenyan goods which had not been paid for revenue and they were being sold in Uganda. The people staying on that Island reported the matter and no action was taken. They went further and issued an ultimatum that by 18th August, no Kenyan fisherman should go to the Lake especially in Ugandan waters and no fish shall be ferried from the Lake to Kenyan beaches. On 14th, which was yesterday, they arrested some of our fishermen and confiscated two motor boat engines in Osieko belonging to people for Osieko Beach. The lives of these fishermen are threatened in the lake and they cannot go about with their fishing activities freely.

Mr. Deputy Speaker, Sir, as you are aware, people in Bondo and Busia rely on fish--

Mr. Deputy Speaker: Order! Order! You did not stand up to tell the House what I know! You stood up to ask for a Ministerial Statement, do precisely that.

Mr. Wanjala: Mr. Deputy Speaker, Sir, I did not know if you knew the problems. Since we have the East African Community, why should the people of Budalangi and Bondo continue to be harassed by Ugandan officers who come into our waters? Why are they not allowed to bring fish to Kenyan beaches?

Mr. Deputy Speaker: Order! Order! You are now going beyond the point you are raising.

The Assistant Minister for Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, on the issues raised by Dr. Ochuodho, my Ministry will look into them and report to this House.

Mr. Deputy Speaker: Thank you. Mr. Minister, do you want to respond to the fisheries issue?

The Minister of State, Office of the President (Maj. Madoka): No, Mr. Deputy Speaker, Sir. Again, I think I will respond later.

ALLEGATIONS AGAINST MR. THIRIKWA

Mr. Thirikwa: Mr. Deputy Speaker, Sir, on 26 July, 2001 when I was in Taita Taveta, the Minister for Vocational Training, Mr. Ruto, purportedly came to this House and alleged to substantiate an allegation he had made in this House, that I was involved in massive looting. I have a copy of the HANSARD here with me. I wish to quote some relevant parts of it, so that the House can understand exactly what Mr. Ruto said. It says:-

"Here with me I have got a certified copy of a report, which I will lay on the Table. Mr. Thirikwa, and others, participated in massive looting, cheating and plunder of monumental proportions as directors and farmers representing KCC."

Mr. Deputy Speaker, Sir, I am not interested in defending myself. When dealing with matters of accounts, there is no way one can defend himself.

I have the whole of the investigation report here. There is no way I will ever allow myself to be used as a substitute to others. I will stand by myself--

Mr. Deputy Speaker: Order! Mr. Thirikwa, we agreed that after Question Time, you will stand to put records right and not to make further allegation. As I told you last week but one, and today, that matter is still pending. We are waiting for a ruling from the Speaker on whether Mr. Ruto's document and statements were, in fact--

An hon. Member: There are two Rutos in this House. Which one are you referring to?

Mr. Deputy Speaker: Order! If you are a Member of this House, you know which Ruto, we are referring to.

Mr. Kitonga: The sane or insane one!

Mr. Deputy Speaker: Order! Mr. Kitonga, what is wrong with you?

Mr. Thirikwa, restrict yourself to what we agreed.

Mr. Thirikwa: Mr. Deputy Speaker, Sir, I agree with you entirely. I really do not want to trivialise this matter. I know too much and I do not really want to tell the House what I know. I have the 147-page report here with me. My name is mentioned on page 104 where there is a table of names. My name has been listed there with other names. On page 86 of this Report, it is clearly indicated by those who compiled this report that, by the time they compiled it, the accounts and the bank statements of KCC had not been reconciled. We have accountants in this House, therefore, there is no way---

Mr. Deputy Speaker: Order! Mr. Thirikwa, just restrict yourself to what you asked me to allow you to do. I will not open debate on that issue. Further, Mr. Speaker, did not admit into our records the document that was purported to have been tabled by Mr. Ruto.

Mr. Thirikwa: Mr. Deputy Speaker, Sir, let me end by saying that I do not want to defend myself. I want the Speaker to make a ruling that Mr. Ruto brings a substantive Motion against me. I would like to be discussed in this House because I want my integrity back. I know too much. I know what I did when I was a director in KCC. Let me be discussed in this House because once I am discussed, I will have the opportunity to tell this House the truth because I know it and God knows it. But I will not allow anybody to use me, as a substitute, for people to cover up whatever they did in KCC. I will not agree.

Mr. Deputy Speaker, Sir, on matters of accounts, there is no shortcut because numbers are numbers. I wrote a letter to the CID and the receiver manager. I requested them to carry out an audit of the KCC accounts.

Mr. Deputy Speaker: Order! I think we have heard quite enough. When there is a debate on that issue, you come with your evidence and the Chair will give you an opportunity to put the record straight and to intimidate those you think were responsible.

Next Order!

BILL

First Reading

THE COFFEE BILL

*(Order for the First Reading read -
Read the First Time Ordered
to be read the Second Time tomorrow)*

The Minister for Agriculture

(Dr. Godana): Mr.

Deputy Speaker, Sir, I beg to move that the Coffee Bill be referred to the relevant Departmental Committee.

*(The Bill was referred to the
relevant Departmental Committee)*

MOTION

ADOPTION OF SESSIONAL PAPER No.2 OF 2001

THAT, this House adopts Sessional Paper No.2 of 2001 on the Liberalization and Restructuring of the Coffee industry laid on the Table of the House on 25th April, 2001.

(The Minister for Agriculture on 9.8.2001)

(Resumption of Debate interrupted on 14.8.2001)

Mr. Deputy Speaker: Mr. Keah, you still had 25 minutes to finish your contribution.

The Assistant Minister for Transport and Communication (Mr. Keah): Mr. Deputy Speaker, Sir, I will be very generous to my colleagues by restricting myself to the relevant points. Yesterday, I appealed through this House that there be other Sessional Papers for other important crops such as tea and coconut, so as to provide effective management of our crops in the agricultural sector.

Having said that, let me turn to the specific issues in this Sessional Paper. First and foremost, I do note with appreciation that the Paper reviews substantively the production, processing, marketing, research and development within the coffee industry. This is most welcome. However, I want to make a number of observations. In Chapter Two, there is a drop in the coffee sector contribution to the export earnings from 40 per cent to 10 per cent at the moment---

Mr. Deputy Speaker: Order! Ms. Karua, you know that, that beautiful piece of lady's attire next to you is not supposed to be in the Chamber! It is not my rule, but the rule of the House and I am here to enforce it. So, I would request you to place that bag behind the Bar.

Ms. Karua: Mr. Deputy Speaker, Sir, I wear it as part of dress because I need somewhere to put my pens.

Mr. Deputy Speaker: Order! No argument! The next thing that I will hear from Maj. Madoka is that he would like to bring his briefcase to the House. Next time, Dr. Godana will bring a suitcase. Our rules do not allow that and that is why I am doing what I am doing.

Ms. Karua: Mr. Deputy Speaker, Sir, I will comply, but this is an archaic rule. In other Commonwealth Parliaments, ladies enter with their bags. We need to review this archaic rule.

Mr. Deputy Speaker: Order! Ms. Karua, the rule may be archaic. But before we remove it from our books, I cannot, on my own, remove it. My business is to ensure that it is complied with. So, please, comply!

Ms. Karua: Mr. Deputy Speaker, Sir, I will comply, but not like President Moi!

(Laughter)

(Ms. Karua placed her bag behind the Bar)

The Assistant Minister for Transport and Communication (Mr. Keah): Mr. Deputy Speaker, Sir, some hon. Members' remarks are very unfortunate!

Be that as it may, let me now proceed with the second item of the Sessional Paper. I observed with concern the drop in the coffee sector contribution towards our export earnings from 40 per cent to 10 per cent. This is a most worrying situation. This has happened ostensibly because of various reasons including bad management in the coffee sector and the vagaries of the price factor in the world market.

Therefore, I would like to suggest that in order to enhance our coffee sector earnings, this Sessional Paper ought to have come up with an idea of bringing in added value to the coffee crop. This added value would come by way of processing of our coffee much finer than we do at the moment. Coffee was introduced in this country in 1893.

But today, over a century later, we are not able---

(Loud consultations)

Mr. Deputy Speaker, Sir, I cannot hear myself due to the loud consultations.

Mr. Deputy Speaker: Order, hon. Members! Proceed, Mr. Keah.

The Assistant Minister for Transport and Communications (Mr. Keah): Thank you. Since 1893 when coffee was introduced in this country, we have not been able to establish a coffee processing plant that could produce instant coffee. We have to import instant coffee into this country. This, to me, is shameful and indeed, a big failure. I would have expected a modern paper such as this one to incorporate an encouragement, to ensure that we produce our own instant coffee. The proposed reforms under Chapter 3, which incorporate the separation of the regulatory function and the marketing function are most welcome. This chapter provides for the formation of the marketing agency so that the regulatory function will remain with the Coffee board of Kenya while the marketing function is carried out by the Kenya Coffee Marketing agency. This is most welcome because it will certainly enhance the efficiency of coffee management in this country and it will indeed, give the farmers a greater say than what they have at the moment.

Under Chapter 4 - Coffee Production - there is the issue of finance for capital development which is not adequately addressed, in my view. On this score, we ought to have had a separate chapter dealing with finances alone. I know that finance has been discussed in every chapter. In my view, it would have enhanced this document if that separate chapter was provided for. I hope in the Coffee Bill which has been published but I have not seen that aspect has been provided for so that we have a separate chapter dealing with pure finance not only for production purposes, but also for processing as well as capital development within the industry.

In my view, the payment system is cumbersome. Under Chapter 8.2.1, there is no provision in the composition of the board of the Coffee board of Kenya for a professional accountant; or a man who is well-versed in matters of finance to be member of the board. One of our biggest constraints in the coffee sector is the financial constraint. I would, therefore, suggest that in the Coffee Bill, we should have a financial expert as a member of the Coffee Board of Kenya. This also goes to Item 9.4.5 - the Coffee Research Foundation - where the technical aspects have been provided for but the critical issue of finance is just brushed over. In my view, in the board of the Coffee Research Foundation, there ought to be a place for a seasoned financial expert to be a member of the board.

On the issue of finances as a whole, I want to once again reiterate the importance of having an entire chapter which will summarise all the finances in production, marketing and coffee research.

Mr. Deputy Speaker, Sir, I would like to talk about the STABEX funds. I note the concerns of hon. Members who have spoken before me, with regard to the utilisation of the STABEX funds. Until recently, the STABEX funds were only related to coffee and tea. This showed the selfishness of the negotiators of STABEX funds in those days. I am glad and I am relieved now that the STABEX funds are applicable to any export crop in Kenya and I hope that, pretty soon, those of us who are dealing in fish exports and the coconut industry will also benefit from the STABEX funds. We will soon be exporting coconut products---

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to mislead the House that the STABEX funds are applicable to other crops when he knows that the 1990 to 1993 provisions were for coffee and tea only?

Mr. Deputy Speaker: That is not a point of order. Just proceed, Mr. Keah!

The Assistant Minister for Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, in any case, he is out of tune with what is happening. Today, the STABEX funds are applicable to all export crops, irrespective of whether it is tea or coffee. He is behind news. But be that as it may, I am delighted to know that the STABEX funds now, can be applied to all crops that are exported out of Kenya. I look forward to the day the coconut industry will also benefit from the STABEX funds. Otherwise, I am happy with this and I want to urge the Minister for Agriculture to come here with a Sessional Paper so that hon. Members can make contributions effectively; towards the development of agriculture.

With those remarks, I beg to support.

Ms. Karua: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion.

Mr. Deputy Speaker, Sir, generally, I rise in support of this policy document but it needs some adjustments before it can be completely in tune with what the farmers want. I will only touch on two items because most hon. Members who have contributed before me have covered most of the areas.

I would like to comment on the issue of coffee production. We need to ask ourselves why production has declined. One of the reasons is that the farmers are not getting returns from their toil. Therefore, they have either abandoned coffee, uprooted or just neglected it. For those who are continuing to look after their coffee, they are not

getting returns and they are unable to continue investing. Those are the reasons why the production is low. This Paper does talk about mismanagement in the co-operative sector as one of the reasons. But I do not think enough emphasis has been placed on the issue of mismanagement. I am thinking about the role of the Co-operative Department of the Ministry of Agriculture and Rural Development in the decline of coffee. It is the co-operative officers who are supposed to inform and educate the farmers on the provisions of the law and on the management of the co-operatives. It is true that since the passing of the 1997 Co-operative Act, the farmers have more say in the running of their affairs than the Ministry. But the Ministry still has a duty to inform and educate the farmers.

Mr. Deputy Speaker, Sir, coming from a coffee-growing area, I know for a fact that the Co-operative Department has actually been a big let-down to farmers. The law stipulates that everybody who gets elected to the management committees of the coffee co-operatives must sign an indemnity which must be launched with the Registrar of Societies within seven days. I know for a fact that the co-operatives in my area have not complied with those requirements and yet there are co-operative officers who continue to be paid by the taxpayers and who have not done anything to see to it that the law is complied with. As a result, we continue to hear cases of mismanagement and embezzlement by the management committees and no follow-up. This means that we are encouraging those who seek leadership positions to continue mismanaging the co-operative movement. That has contributed greatly to the decline of coffee production. We also have other Government agencies interfering with the running of the co-operative societies. Whenever you hear about co-operative society battles, the administration and the police will be deep in it! As a matter of fact, in most of the meetings of co-operative societies, police are paid as though they are private security firms. It, therefore, becomes a matter of interest to them to have repeat meetings, so that they can continue being paid. Yet, there are co-operative officers who can inform the management and the farmers that they should not pay police any allowances for keeping peace in their meetings. The administrators, that is the DOs and DCs, are also paid from the farmers' money whenever there is a meeting. The two warring sides keep on paying three offices; the co-operative office, the administration and the police and yet, there are co-operative officers. What I am saying is that co-operative officers have become interested parties in the battles that are going on in co-operative societies today. That is why we have not had peace and quiet in that sector and, as a result, production is low.

What is the Ministry doing about it? The other officers who are to blame when they conduct inquiries or compile inquiry reports, are the auditors in the Department of Co-operatives, who are often compromised. They come up with reports either absolving the management or reports that are not accurate on the losses. I am saying that the Department of Co-operatives has contributed to the decline of coffee production. Unless the performance of the Department of Co-operatives is an issue of focus in this Paper, we will not go far! We can amend the law and have good policies but if they are unknown to the farmers, they cannot take advantage of it. Therefore, that is something that the policy Paper and the law should focus on.

We have not heard of many prosecutions of management committee members who embezzle money. It is only one recent case that was in the newspapers in Mukurweini recently. We are wondering why there has not been many cases of follow-up where farmers have lost money. Unless the Ministry wakes up to its responsibility to the farmers, then, even with the best policy and the law, we shall not be able to have increased production in the co-operative sector. We remember the days when the production was on an upward trend, there was less corruption and mismanagement in the sector.

Another area of focus is the cartel of suppliers who actually fuel wars in the Co-operative Movement to maintain corrupt persons in the management committees, so that they can continue being their preferred suppliers. The ordinary small-scale farmer and the ordinary poor peasant coffee farmer is not in a position to do anything about those cartels. But the Ministry is in a position to do something through education, information and enforcement of the law. That is why I am saying that, not enough focus is placed on the issue of mismanagement and especially, the role of co-operative officers.

We would also like to see the Ministry educate and inform the farmers that they must set a limit to the borrowing powers of the management committees. The average coffee co-operative society today has borrowed beyond its limit. Therefore, whatever little money that comes in goes towards paying debts, instead of going into the pockets of the farmers. It is again this Ministry which must inform the farmers that they need to set the limit of borrowing powers. Even the need to review their by-laws; that they have the powers to review their by-laws, is the role of the Ministry. I hope that the Minister will lay sufficient emphasis both in polishing his policy Paper, and also in the law that is coming. We have been promised a review of the Co-operative Act. We need to see seriousness because I think production is not only hampered by financing but, more so, by mismanagement.

Mr. Deputy Speaker, Sir, the issue of financing is also critical. We need accessible credit at reasonable rates. I am glad to note that some of the proposals deal with the transformation of the Co-operative Bank of Kenya into a farmers' bank and possibly, to operate under the Co-operative Act. It is the Government which initiated amendments in the law, to make the Co-operative Bank of Kenya a commercial bank and, therefore, denying the farmers credit at

cheaper rates. It is time that, that was reversed. I am not in agreement with those of my colleagues who seem to think that the answer is actually creating a new bank. We can create many banks in the names of farmers' banks but, unless the law provides for their operation, so that they remain truly farmers' institutions, it will not help the farmers access easy credit. The proposed coffee bank was proposed by the Coffee Board of Kenya which has, in my view, been a hinderance to coffee production in that it has not, at all times, taken the best interest of the farmers at heart! We cannot expect the same managers to supervise the formation of a farmers' bank, and expect them to place the best interest of the farmers at the top of their priority list. It is, therefore, my view that in the best interest of the farmers, they own what used to be their institution; that is the Co-operative Bank of Kenya. It should be transformed to serve them.

Mr. Deputy Speaker, Sir, there has been much talk about the STABEX funds. It may be that today, STABEX funds could be applied to any export crop. But the backlog of the funds, that is the Kshs6.6 billion referred to in this policy Paper, are the funds accumulated over the last ten years. According to the agreement between the European Union and the Government, the only two crops eligible for STABEX funds were tea and coffee. Since tea does not need any subsidies, the accumulated STABEX funds are strictly for the coffee sector. We have no objection to the Government---

Indeed, it is the Government's responsibility to create or negotiate a fund for agriculture and other related sectors. It is up to the Government to find ways of getting sufficient funds to pump into those sectors. But it appears that, at the moment, the interest of the Government is to set the various interest groups on a collision course over those funds, which, in my view, is a diversionary tactic. The Kshs6.6 billion cannot be enough, even for the coffee sector alone. Why talk about splitting it? Is it that we cannot negotiate more money for the other sectors? Is it that the Government is not really interested in helping the agricultural sector and especially the coffee sector? Those are the questions that are being asked by farmers whom we represent from the coffee growing areas. Let the Government show seriousness in getting accessible credit to the coffee farmers and other agricultural sectors. I am also calling---

Mr. Ndwiga: On a point of information, Mr. Deputy Speaker, Sir. I would like to inform my colleague that under the Cotton Wool Convention, there exists a programme under NIPS which would fund all these other commodities. In support of the current speaker, I would like to urge the Ministry to explore all those avenues.

Mr. Deputy Speaker: You are urging and not informing!

Mr. Ndwiga: I withdraw the word "urging". I wish to inform my colleague to urge the Ministry to use that avenue so that the Ministry can get funds for other commodities.

Mr. Deputy Speaker: Order, Mr. Ndwiga! You are eating into Ms. Karua's time.

Ms. Karua: I am grateful for that piece of information and I am sure the Minister has heard where else he can get funding for the other agricultural and related sectors.

Mr. Deputy Speaker, Sir, one of the problems the coffee farmers face today is the heavy debts they have accumulated over the years because they have not been getting returns for their crops. Some of the loans that are crippling the co-operative societies are those given under the SCIP II Programme where the Co-operative Bank lent out money at an interest rate of 15 per cent. Out of this, 8 per cent was to go to the Government and 7 per cent to the Co-operative Bank. We expect the Minister in his response to tell us whether the Government ever got their 8 per cent. I believe the Government never got their 8 per cent from the Co-operative Bank. If that is the case then the Minister and the Government must undertake to negotiate immediately with the Co-operative Bank that the portion of 8 per cent interest which was supposed to go to the Government should be immediately waived from the pending balances for these farmers so that the interest regime can come down.

The Co-operative Bank should also be made to accept 5 per cent interest so that the unpaid balances of the loans are paid at 5 per cent. After all, this money did not belong to the Co-operative Bank. Therefore, charging the farmers 7 per cent for merely managing the funds is extortion. They should not continue to reap where they did not sow. One of the ways of helping the coffee industry is to re-negotiate afresh the balances of the loans outstanding under this SCIP II Programme. We should also consider removing the Rural Electrification Programme from the Kenya Power and Lighting Corporation (KPLC) which has completely mismanaged it. Few of the societies which got money under this programme have been able to get electrification. There is, therefore, no justification whatsoever to keep the programme under the KPLC.

[Mr. Deputy Speaker left the Chair]

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

I would like to suggest to the Government other ways in which they can source more funds for financing the agricultural sector so that the accumulated STABEX funds are left for the coffee sector alone. All the Ministries are

currently having very expensive cars for the top officers, beginning with the Ministers. The Government must re-examine its policies on the mode of transport for high ranking Government officials. Let the biggest motor vehicle purchased by the Government be the Peugeot 504 which is a utility car. Those who want to drive luxury cars; whether Ministers or otherwise, must pay for them by their sweat. Let them be given allowances for fuel, but the Government should not buy vehicles beyond a Peugeot 504 which is a utility car. If this was practised by all the Ministries, we would get money in excess of another Kshs10 billion. I believe we could get more money than the accumulated STABEX funds which would go to other sectors.

The Minister should also suggest to the Government to cut the lavish budget of Kshs40 billion for the Office of the President. Only Kshs10 billion from that sector could do a lot for the other related sectors in agriculture instead of the Government setting the various sectors in agriculture on a collision course over the STABEX funds. There are many ways of raising enough money for the agricultural sector. I do agree with the Shadow Minister for Agriculture who proposed that we should have a one-stop shop. The reason why our farmers are not getting returns is that there are too many middlemen between the coffee farmer and the market. There are no less than about 15 stops. Consequently, the farmer gets very little returns and the bulk of his money is lost along the way.

In this regard, I support the transformation of the existing farmers' body, namely Coffee Board of Kenya, to a regulatory body. I would suggest that marketing be left to KPCU which should also be restructured to become a marketing agent. I have seen proposals for the formation of KCMA which I suppose is the marketing body proposed in the Act. Whatever the name is, do we need a proliferation of farmers' bodies or do we need to transform the existing ones? The Minister and his team must re-think once again together with the stakeholders about this issue. Do we need other bodies or can we transform the existing ones? If we continue to form more bodies, we will actually increase the number of steps a farmer must go through before accessing the market and, therefore, creating avenues for reduction of the farmers profits.

I have also seen something about the Coffee Research Foundation (CRF). What comes to mind is that the CRF has been there for a long time, it has its own farms and it sells seedlings. Has it not attained a state where it can be self-financing? We should look into ways and means of making the CRF self-financing. Between now and the time when it will become self-financing, we must reduce the levy imposed on the farmers for the CRF so that it can co-fund the budget allocated to it with whatever revenue it is earning from its own sources. I have also noticed that the Paper is proposing that farmers with less than five acres should not be allowed to have pulping facilities. It has now been proposed that only farmers with ten acres and more should be allowed these facilities. There is no convincing reason for this discrimination in terms of policy. I think that we should continue allowing farmers with five acres to have pulping facilities.

There is also the issue of who should manage coffee cess. I do not think that we should start forming committees if we do not have a clear guideline on how they will be formed and managed. The coffee cess should be managed by the District Roads Committees (DRCs), but the societies should have the right to prioritise what roads the DRCs should actually attend to with their money. This way we shall arrest the proliferation of the bodies within a district that can actually look after the roads. We shall also be able to harmonise and utilise the money allocated better.

Mr. Temporary Deputy Speaker, Sir, I beg to support, subject to those amendments.

Mr. Nyachae: Thank you, Mr. Temporary Deputy Speaker, Sir. I also stand to support the Motion. I want to declare my interest; I am a coffee farmer. I want this House to understand that today, the coffee farmer is not in business; he is out of business. The acreage that you talk about in this country is held by farmers for sentimental reasons and not for commercial reasons any longer because no farmer is getting the returns he expects. Year in, year out, we incur losses. It is a question of deciding whether you should uproot the coffee trees and plant another crop. The question of growing coffee as a form of business no longer exists.

Mr. Temporary Deputy Speaker, Sir, I do not know when the Sessional Paper was written, there was a realisation that coffee production in 1978 was 140,000 tonnes and now we are expecting to produce less than 70,000 tonnes. Now, that means that the income and production for every farmer has gone down by more than 50 per cent.

Mr. Temporary Deputy Speaker, Sir, there is something which coffee farmers seem not to understand. In the past, the STABEX funds were understood to support the coffee industry and then something happened somewhere during the last ten years. The European Union (EU) has always made available those funds. At least, they have offered it but that money has never reached the farmer. So, between Brussels and the Treasury here or within the Government, that is where the message about the money is. The money is not reaching the farmers. We need to understand where the money is.

Mr. Temporary Deputy Speaker, Sir, the other point about STABEX funds is that we know what the original agreement was with the EU. It was to support coffee and tea farmers. Since then, and in the recent years, we have heard a change of language; that this money is supposed to support beyond the original crops. When was this changed and why were the farmers not told that this change is there? I think we need to know this. There is something which we

must speak about very frankly. There must have been a deliberate effort to kill the coffee industry in this country because the soil, farmers and coffee factories are the same. Why would the industry just suffer to the same extent because there is no other crop which has been made to suffer the way coffee has suffered? What is the reason? This is because if there is a problem like drought, which has killed livestock, including in the Minister's home, that is seen to happen.

We have also, as farmers, faced the drought. If it is the drought, like the one we faced two years ago, where even my own dam of 6 million gallons of water dried up, I would not blame the Government. However, all these years-

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Mr. Omamba: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Nyachae, do you want information?

Mr. Nyachae: Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. Omamba: Cotton is also there in Western Kenya. It is not only coffee and tea!

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, the information may have some remote relevance but it only goes to endorse something very interesting; that the system has been allowed to collapse or to "kill" the entire agricultural industry. However, today we are discussing about coffee and that is why I am being very specific about coffee. However, I support my brother that even cotton needs to be looked at.

Mr. Temporary Deputy Speaker, Sir, while I appreciate that the Minister is putting some good effort to bring a Sessional Paper here, I want to know from him why the Government wants to have more say in coffee production than in any other crops. This is because we are also tea farmers. We have liberalised the tea industry to the extent that buying centres and the tea factories belong to the farmers. We do not have co-operative officers coming to tell us how to manage our tea. Why is it that in the case of coffee, we must continue having people who are appointed by the Government to control our farmers? I think we need to understand that farmers are capable of deciding how they want to run their coffee industry.

Mr. Temporary Deputy Speaker, Sir, the Minister is aware and I know where he is sitting, he will check through the files. He will discover that at one time I also sat in that office and I wanted to deal with coffee matters. We had gone pretty far in the liberalisation of the coffee industry. We wanted the farmers to have more say but we are being told here that here is a Sessional Paper for liberalisation but, between the lines, we are being told how the co-operative officers will still be playing some role. We want to know why the coffee industry is not being given a free hand. A wheat farmer is free to grow and market his crop the way he wants, although he has also been abandoned since there is no credit system now. The tea farmer is allowed to grow and market his crop the way he wants it through an organisation called Kenya Tea Development Agency (KTDA). No co-operative officer goes there. In the case of the horticultural industry, the only control we know is by those people who are called Kenya Horticultural Development Authority who do nothing except to take our money. Every evening they do nothing. They have never been to my farm but every evening, at the airport, when my lorry has delivered horticultural crops to the airport, they are there to inspect and take money from me. That is all! They are parasites because that is what they do!

Mr. Temporary Deputy Speaker, Sir, I expected that when the Minister comes with a Sessional Paper, it would include a strong message, that here is an industry that has benefitted and developed this country. It has gone down to revive this industry. In this Sessional Paper, the proposal is that we are injecting so many billions of shillings into that industry to revive it.

The Minister for Agriculture (Dr. Godana): From where?

Mr. Nyachae: The Minister is asking "from where?" The point here is: How do you expect this country to grow if the cash earning industries do not have money? I am talking very strongly about this crop because it is a major contributor to our foreign exchange. You will not be opening your letters of credits (LCs) now if we were not selling coffee, tea and horticultural crops. You will not earn even a dollar without those crops. That is why we say either we get the money and if we do not have it of our own, that is the Government, why do you not, at least, give us the money from the EU? This is because an outsider appreciates what this crop does to the whole world and to this country. Because the European Union (EU) appreciates the importance of coffee to this country and the whole world, it offered some money to boost the sector. When the money came here, because these people grow coffee and tea and earn more money, out of jealousy, they want us to also become poor. If that is the intention, I would like to ask everybody with some religious beliefs here to appreciate that the area where coffee is grown was not created by the communities that live there.

Land suitable for coffee growing was created by the Almighty God. God was good enough to decide which communities should live on that land and cultivate coffee and which communities should live elsewhere and raise livestock.

So, we want to support the Minister in his effort to revive the coffee industry. But we also want to ask him to allow the coffee industry to be run by the farmers themselves. The Minister may say that money is not available to

support the coffee industry. Could he, at least, revive the development loan scheme, from which farmers can borrow? Let us have the development loan scheme. We will go and borrow money from it.

Mr. Temporary Deputy Speaker, Sir, we are now being told that the Co-operative Bank of Kenya (CBK) could be useful, as a farmers' bank. Let me inform the Minister that monies which have been deposited by farmers with the CBK have been loaned to non-farmers. I know that one of the directors of CBK owes it more than Kshs260 million. That money belongs to farmers. A farmer cannot be given such a big loan. But an official of that bank---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Nyachae claims to know an official of the CBK who owes that bank more than Kshs260 million. Could he substantiate his claim by naming that official?

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, at one time, I named people here. I started a "war" in this House, and it has not ended. A second attempt by an hon. Member to have the debtors of the Kenya Commercial Bank (KCB) named in this House was defeated when the Minister for Finance replied that the Banking Act does not allow naming of a bank's debtors. So, with regard to this matter, I would like to adopt the Minister's position that the Act does not allow me to name the person. However, whoever is in charge of the CBK should go and find out who that person is. But I am sure of what I am saying.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Nyachae, you have made a serious allegation following which an hon. Member has sought substantiation. I rule that you substantiate or withdraw the allegation.

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, if you want me to substantiate, I will ask the Minister today---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Nyachae, the Chair has ordered you to substantiate or withdraw the allegation.

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, I am going to substantiate; that is what I am saying.

The Temporary Deputy Speaker (Mr. Imanyara): Well, proceed!

Mr. Nyachae: Mr. Temporary Deputy Speaker, Sir, I would like the Minister to go and look at the CBK's loans register and see how much money the Bank's Chairman owes it.

(Applause)

That is what you wanted me to tell you. Let the Minister go and find out from the Bank's loans register. Some people have taken such huge loans from the Bank and we are being told that it can serve well as a farmers' bank. The money can be deposited with the CBK, but it will be loaned out to non-farmers. If that happens, which money will be available for loaning to farmers? These are the issues which should be addressed.

We should, therefore, recognise the farmers' needs if this country's economy will grow. I must insist that we do not look at farmers in terms of which regions they come from and what their political positions are. We should look at farmers in terms of coffee production and what we want from that coffee. Although coffee grows on farms of individuals, the truth is that the crop belongs to Kenya. It earns a lot of money for Kenya.

Mr. Temporary Deputy Speaker, Sir, as I support this Motion, I would like to remind the Minister that we expect so much from him. We believe that the current Minister has no axe to grind with coffee farmers. Therefore, he should support our views.

Mr. Kibaki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I rise in support of the Motion.

Mr. Temporary Deputy Speaker, Sir, I call for the revival of the coffee industry. To achieve that objective, we require finances. The Sessional Paper talks of re-creating some institutions, changing others as well as their mandates. However, the farmers' main problem has not been mentioned. The farmers' biggest single problem is lack of money to finance coffee growing. It is very costly to grow coffee. Particularly, farmers need money for the purchase of fertilizers and pesticides. So, to the extent that this particular aspect has not been addressed, the Sessional Paper is defective. 95 per cent of coffee farmers' problem is lack of finance.

Therefore, although the Sessional Paper is good, it hardly goes half-way through to solving any problem; not until we tackle the problem of financing. Even if we have the proposed institutions in place, they will be useless without finance. It is proposed that these institutions be financed with deductions from farmers' earnings. That way, we will be making farmers poorer.

We want the STABEX funds that were given to Kenya nine years ago to be put in a special fund which should be used to lend farmers money. Really, that is what was needed. For nine years, the Government has withheld money which was supposed to be lent out to farmers. So, this Government cannot now pretend to want to help farmers. The Government was given Kshs8.5 billion nine years ago. Where is it? That is the issue. You should give the money

to us to assist the farmer and then you will have tackled the problem. Otherwise, we can pass this Paper or any Bill you base on it, but this will not have solved anything. Therefore, that is the first problem.

Mr. Temporary Deputy Speaker, Sir, the second problem concerns the administration of the whole industry. As you know, and as we all know it, the former Ministry of Co-operative Development has been put under the Ministry of Agriculture and Rural Development as a Department. Co-operative societies in Kenya actually control billions of shillings and they are very rich. We need a Ministry of Co-operatives to look after co-operative societies. Co-operative societies really earn such enormous resources. If you look at the savings and farmers co-operative societies, you will find that the amount of resources they earn, in relation to the total earnings in this country, are more than 35 per cent of what is earned by the whole economy. If that much money is controlled by co-operative societies, then we require a Ministry of Co-operatives. It is through that Ministry that supervision of how the farmer will be financed will be revived. Without that kind of structure, farmers will not even know where to go. That is our biggest problem right now. We lack a structure that can look after the farmer.

The second area where we require assistance to the farmer, which is barely mentioned here, is in the production sector. A new coffee variety has been discovered, Ruiru 11, which survives all the diseases which harass our farmers. If Ruiru 11 were available for farmers to replant, it would substitute the old coffee variety. But there are no seedlings. You can hardly get them. One hon. Member was fortunate to get some Ruiru 11 seedlings. What we are saying is that there are new ways of propagating any of the plants. It can be done through vegetative tissue propagation instead of waiting to plant the seeds. That is being done all over the world. Very experienced people who came to Kenya and met people in the Ministry of Agriculture and Rural Development and the Coffee Board of Kenya, wanted to introduce the method of propagating the seedlings. Through this method, it would have been possible for us, in two years, to begin to replace the old coffee with Ruiru 11. That is the way in which you would reduce the cost of producing coffee by 50 per cent because you would now get a breed of coffee which does not require a lot of spraying and does not get attacked by all those insects which attack the present coffee. So, the cost of production to the farmer would be reduced by 50 per cent. If you really want to raise the farmer's standard of living, you should allow him to reduce his cost of production by 50 per cent by giving him Ruiru 11 seedlings. You get Ruiru 11 seedlings by multiplication through vegetative propagation. That will reduce the farmer's cost of production by 50 per cent. That is what we should go for because it will genuinely change the earnings of the farmer. The farmer will retain what he earns.

As it is now, what the farmer earns goes into treating coffee diseases. We should undertake vegetative propagation as a major exercise. There are experts around the world who have been to Kenya and talked to agricultural officers and the Coffee Research Foundation officers but nobody took any interest. So, we need to do that in order to assist the farmer. Having done that, then we will have to tackle the other aspect of financing that kind of research.

Mr. Temporary Deputy Speaker, Sir, you know that all other research which is being done in this country for other crops, livestock or anything else, is not financed by the farmer, but through our general Budget. We keep voting money here for research, but in the case of coffee, for some peculiar historical reasons, its research is financed by the farmer. Why can the coffee farmer not be treated like every other farmer in this world, who benefits from research funded by the Government through the general Budget? If this was done, then there would be justice. There is no justice. Even in this Sessional Paper, there is no change. We have still presumed that the coffee farmer will continue paying to finance research. So, what the farmer gets, you want to take it away.

Equally, the coffee farmer is being taxed on his gross earnings through the Presumptive Tax, which is excessive. The farmer has no money left for himself. We need to change the way we treat the coffee farmer. He should be treated like other farmers. Coffee research should be financed through the general Budget, which we all contribute to. After all, the coffee farmer helps us to earn foreign exchange through exporting coffee.

Mr. Temporary Deputy Speaker, Sir, finally, the idea that we should have a marketing agency, which is mentioned here, is not proper. We really need to support the Nairobi Coffee Exchange where the central auction will continue. You do not need another huge organisation, which will be financed by the farmer, to be an additional middleman. We have about six middlemen here. From the coffee grower until coffee is sold, there are seven different middlemen, all of whom are to be financed by the farmer through deductions. The farmer will remain poor forever. We want to reduce the middlemen. Once you have the primary society, which the farmer deals with and which does the pulping of his coffee, that coffee then can be taken for milling and then from milling, it can go to marketing. So, you need only three middlemen. There is no need of having many middlemen who just survive on the farmer. We should reduce them so that the cost to the farmer becomes less and coffee will be earning him reasonable income. So, this marketing agency issue should be looked into again. While we are dealing with this Sessional Paper, the Ministry has already published a Coffee Bill, and it has been read the First Time. Has the Minister taken care of the points we are making now in the Bill? We all mean well and we have no doubt that the Minister also means well. He wants to help the farmer, but can we send that Bill to the House Department? The Government has still not told Kenyans what, for

nine years, it has been doing with Kshs8 billion, which was given by the European Union. Why was the Government hiding this from the farmer? It has never agreed to give the money to the farmer. The stories we hear are that Government officials were using this money to finance their own trades. In the absence of any other statement, we are bound to believe these stories. If anybody knows better, he should stand up in this Parliament and say: "Kshs8 billion, which was given by the European Union to Kenya was banked in XYZ bank at this rate of interest which has produced Kshs3 billion, which is available somewhere, and has made the total amount Kshs11 billion! Whenever the money will be available we shall use it then to help the farmer". In the absence of any statement of that nature, what else are we to believe? We will believe that there was some scheme to loot that money. It is not possible for any of us to believe that money given to help specific farmers could be held for nine years without the intention of stealing it. It is not possible!

Indeed, from what we have heard, part of the money has already been looted and that is why there is no one who is willing to make a statement about the money. Nobody can explain where more than the Kshs5 billion has gone. So, we are still demanding that, when the Minister comes to the Floor to reply, he should give a detailed account of what has happened to Kshs5 billion, which was lent by the European Union. When our own Committee went to Brussels, it was told the truth about the dates when the monies were released and that has not been disputed, even by the Kenya Government. We want to know what they did with the money after it was released!

Mr. Temporary Deputy Speaker, Sir, could the Government commit itself to putting whatever remained out of that money in a fund in order to help the coffee farmers? This is the only way we can salvage the position! Otherwise, this business of money being kept somewhere, just to benefit some few individual Kenyans is criminal in its entirety. Let me not dwell on that so much.

There are people who are fighting against the central system of auctioning coffee. We shall plead with the Minister to do something, in the Bill which he is going to bring before this House. I have not read the Bill because it was just published yesterday. The central auction helps small-scale coffee growers and we should retain it. Large scale coffee growers and particularly---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to disrupt the Leader of the Official Opposition, but I read a book by Thomas Murk who was convicted for being silent. The Minister is keeping silent about what the Leader of the Official Opposition is talking about! Is he confirming that the STABEX funds were looted?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Angwenyi, can you give Mr. Kibaki a chance to contribute?

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, the point I am really making is this: The marketing of coffee through the central auction in Nairobi should be retained. There is a campaign going on which is supported by some foreign strangers who are trying to take over the Kenyan coffee. The Minister should look into this because, whereas coffee was gradually being taken over by the local people, three or four years ago, now we have three large companies which are buying out coffee and they are the ones who will eventually buy all these coffee plantations and the Minister is just keeping quiet! Somehow, to them liberalisation means that coffee should be bought by foreigners. That is a tragedy! What joy is there for coffee production in Kenya, which was locally owned and it is now going to be owned by foreigners, who will earn foreign exchange and keep it in their own countries? Coffee was a foreign exchange earner for this country, but now almost half of it has been bought by foreigners. Whatever remains will be bought by foreigners because the Government is taking no action. There should be a policy decision made by the Government about this matter. What is the point of making these rules if the coffee which we owned as Kenyans is now going to be owned by foreigners, who are buying it without making any reference to anyone, and yet these are the coffee marketers?

Mr. Temporary Deputy Speaker, Sir, we will have two effects. First, the price of coffee will be permanently low because those who are buying the plantations are the ones who are marketing the coffee in Europe. So, they will make sure that you will not get good prices locally. That is a fact, and it is happening in front of the Minister's eyes, every morning. I even do not know whether his officials live in Kenya or they have migrated to Germany. But these huge coffee companies are taking over the plantations.

In another year, the earning from coffee will be half, even if you improve it, the way we are talking about it because those are the people who buy coffee at the auctions. They will now not only buy at the auction, but they will buy the plantation and grow the coffee itself. So, they will make sure that the prices are to their benefit. They will manipulate it because they are buying and selling it to themselves. That is what is happening to our economy and we have a Government which does not seem to care. Then who else should we appeal to? That is what is exactly happening right now and it is happening everyday. This has been properly synchronized and co-ordinated by very senior people who entertain Ministers and bosses when they go to Germany. They entertain them when they are in Kenya or wherever they can find them and they are allowed to go on just buying the coffee plantations. So, very soon, we shall own nothing! We are trying to improve the coffee industry, but we do not want to own it. It is tragic and it is

going on right now and a lot has already happened.

Mr. Temporary Deputy Speaker, Sir, I am only appealing to the Ministry not to think that liberalisation means our economy is being taken over by foreigners. That is not what it means. Whatever else it can mean, it should not mean that.

Finally, let me say that we are happy that these matters have been taken care of in terms of the efforts being made to reorganise the coffee issue. But who will do the implementation of these things? The other day the Minister extended the time for the Coffee Board and gave them another six months. Ostensibly, he thought that he would have finished the re-arrangement of the new law in six months time and we shall be allowed to hold elections so that we can put in place a new Board. Now, the six months which the Minister gave them are almost over and the Bill has not been brought before this House to be enacted although we are going on recess. If you calculate, you will see that six months will expire soon before we pass the new law and so he will again extend the tenure of the same Coffee Board which we have now although it was not genuinely elected, but nominated. So, we are being mistreated, if you look into history.

So, when the Minister will be replying, let him tell us how he intends to deal with this matter. This is because the term he has extended will end before any laws have been put in place. So, what does he intend to do? Let him tell us!

With those remarks, I beg to support.

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. Since the Motion has been debated adequately, I think it is now time to call upon the Minister to respond.

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Kalweo, I will give you and an hon. Member from the Opposition side a chance to contribute before the Minister responds.

The Minister for Mineral Exploration (Mr. Kalweo): Thank you, Mr. Temporary Deputy Speaker, Sir. I will be very brief.

A person who comes from an area that grows coffee can say a lot about this crop, just the same way a person who comes from a *miraa* growing area can say much about *miraa*. I would like to say that different communities in this country have their own crops which they depend on. Farmers from the area where the Chair comes from depend on potatoes, while in other areas, people depend on maize, sugar-cane, rearing cattle, goats, camels and harvesting honey.

It would be important if the Minister would address the Sessional Paper he laid on the Table and which we are discussing today. Workshops should be held after this Motion has been passed so that people from different areas can adequately give suggestions on how to carry on with whatever activity that takes place in their areas. For example, in the case of coffee, we have two categories of farmers. We have the large-scale and small-scale farmers. But we are more or less concerned with the small-scale farmers. The problem has been with primary societies.

We have the secondary societies which are district unions and the Kenya Planters and Co-operative Union (KPCU). This organisation spends a lot of money from the farmer. The idea of saying that farmers should earn up to 80 per cent should be implemented.

Mr. Temporary Deputy Speaker, Sir, the Minister should revive the Kenya Meat Commission (KMC). He should think about how the farmers who rear animals can survive. People who come from Kitale eat *ugali* and meat. So, the entire Kenyan population relies on agriculture. Therefore, we cannot be dragged to debate on one crop. I would like to state that coffee is the backbone of the economy.

We need loans to construct tea factories. I would like to appeal that after this Motion on this Sessional Paper has been passed, we should hold workshops so that people can give more input about that crop.

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

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, the story of coffee is so sad that one would like to cry. But the saddest part of it is that it has been deliberate Government effort to kill the coffee industry.

I would like to correct a few things that have been said by our colleagues in relation to the coffee industry. First, it is not true that STABEX funds can be applied to any other industry. Mr. Ndwiga clarified that the National Indicative Programme is the existing programme that can be applied now to other crops and other sectors of the economy.

The Ministry of Agriculture and Rural Development should be clear here about some of their priorities as far as the STABEX funds are concerned. Although the ACPEU gave the Government the leeway to diversify the application of the funds, it was very specific that the funds were meant for those products that were exported, earned foreign currency and which were affected by the vagaries of weather or poor prices.

On livestock, for example, the priority for this country is disease control. But when people talk about reviving the KMC, I would like to say that nobody will ever buy its beef, if the Government will not tackle the disease control aspect. Probably, it is even easy to put up small slaughterhouses.

But coming back to coffee, we have worked closely with the Ministry as Members of the Departmental Committee and we have held stakeholders sessions. I am surprised that hon. Members are saying that this Sessional Paper has not been discussed thoroughly. I expect that the Minister will respond to the aspects that have been raised in this House. We thought that it was possible to put *addenda* to the policy. This is because, the Act must be consistent with the policy objective of the Government. We must agree on the policy approaches. We must agree on where we will go with coffee. The problems facing the coffee industry, right from production to primary and secondary processing, have been identified in the policy Paper.

The biggest problem in the coffee industry is the payment system. The international price of coffee today is the lowest for the last 30 years. That is as a result of an oversupply of coffee in the world market, particularly from Vietnam, which was talked about here yesterday. But I would also like to clarify here, for the benefit of hon. Members, that Vietnam actually produces the worst quality coffee. It actually earns about US20 cents per kilo, whereas Kenya Premium can earn anything up to US\$3 per kilo of FOB.

There is a problem with this Government at the level of representation at the international forums. This Government is not represented at all. In September, there will be the International Coffee Organisation to work out the new international coffee agreements which will decide whether we will have retention. This will also decide on what we will do with the excess coffee; whether we will burn it or not. This Government has not made any arrangement today to be represented at this meeting which will be held in London. The Government ignored representation even at Lome Convention, where it was supposed to negotiate quota system for our sugar industry. This Government is not even aware of that. We are surprised at the level of Government neglect of participation at very high levels in some of those conferences. Other countries are represented at the highest level by the Head of State and Minister, but I can assure the Chair that in September, this Government will not be ready to send even a delegation from the Coffee Board of Kenya (CBK) to London.

Prices are depressed at the Nairobi Auction by a cartel of coffee dealers and traders. In the countries which we visited as a Committee, we found that the equivalent of the (CBK) sets internal prices of coffee. They set a result price of coffee. When the Japanese sell their cars here, they tell us the amount of money the Toyotas will cost, while the Germans do so in the case of the Mercedes Benz. But when it comes to our coffee, we are told the amount of money they will pay for it. In Colombia, Brazil and Costa Rica, they take their internal price. How do they manage to do this? They have developed, over time, a revolving fund, which is equivalent to the proposed Coffee Development Fund which they use to absorb the pressures of low global prices for coffee. The worst tragedy about coffee is the deductions done by the CBK; the statutory deductions.

I would like to show the Minister an invoice for a co-operative society which was paid US\$1,500 and after the deductions at the CBK, for example, marketing, milking charges and other charges, the co-operative society was left with US\$4. This was the case, and yet the money had not gone to the Co-operative Bank of Kenya, the society had not paid its overheads and debts. We must streamline the payment system and reduce the transaction cost; we must streamline the statutory deductions at the CBK because it is the worst culprit that goes off with farmers' money. The next area is, of course, the co-operative society level, which, again, we are told by the Minister that he will bring amendments to harmonise the Co-operative Societies Act with a new objective of the Coffee Bill to about 15 per cent.

Mr. Temporary Deputy Speaker, Sir, the coffee farmer need not be given any incentive to go and grow the crop if it is profitable to grow it. Today, most of the coffee farmers are told that they actually owe money after producing the coffee, pruning it, applying fertilizer, picking, delivering to the factory and the millers.

In Central Kenya, the burden of debts for co-operative societies is so huge that neither this generation nor the other one can afford to repay. This is the case because most of those management committee officials are illiterate. I am glad there is a provision for qualification in the new arrangement, that we must have literate people managing co-operative societies. Two, it is not possible to tell coffee farmers that every time there is a change in the management of a co-operative society and they run to the bank and borrow more money, that they are still responsible for that debt. That cycle has been the biggest problem and, I think the Government must bring a Sessional Paper to this House and decide what to do about some of these debts of the small-scale coffee farmers, which have accumulated over the years. We should forget the debts about the inputs, because farmers are ready to pay for inputs. But the overdrafts and the working capital debts must be addressed seriously if we are going to come out of the cycle of debts.

One other small issue that I would like to talk about, because I can see time is running out and my colleagues want to contribute, is about our institutions. If we could strengthen some of these institutions, like the Kenya Planters Co-operative Union (KPCU) it can be very good. Many Members who have spoken here have said that it is possible to restructure the KPCU so that it becomes a marketing agency. It is possible so that we have one-stop-st that the Government must apply money for research from the Budget as it happens in other countries. On the Tissue Culture Laboratory at Ruiru which Mr. Kibaki talked about, there is Kshs135 million set aside for it for vegetative propagation for Ruiru 11. Why is it not being used?

With those few remarks, I beg to support.

Mr. Muithia: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Sessional Paper. As we address the problems facing the coffee industry, there is already crop failure and this season, there will be no coffee available for sale.

Mr. Temporary Deputy Speaker, Sir, we may keep on talking about laws and policies of the Government that are meant to streamline the coffee industry, but if we do not address the issue of giving farmers incentives now and not yesterday, or yesterday and not tomorrow, we will not be doing any service to our farmers. For that reason, coffee that used to be the biggest foreign exchange earner is now No.6 after the manufacturing, public debts, tea, tourism and horticulture. Coffee is now bringing in about only Kshs12 billion of the foreign exchange.

I would like to address the issue of the STABEX funds. We have heard from the Minister and the Press that Kshs500 million has been released to the Co-operative Bank of Kenya. As I talk now, that money has not reached the Co-operative Bank of Kenya. We have also been told that the Co-operative Bank of Kenya has another Kshs890 million ready for distribution. This, again, is false. That money, Kshs890 million, which is as a result of the interest that was earned from the Kshs660 million which was released is not available. This is money that has already been given out to the farmers but because there is no production and returns, they are unable to pay back. We do not have that Kshs890 million. Let us be honest and tell farmers what we have. One of the major reasons why the STABEX funds are not being released in total by the European Union (EU) is lack of satisfactory audit of the money that has already been released. That is the issue. The Minister for Agriculture, and the Minister for Finance should speed up the audit so that the EU can bring all the money. I have been doing a lot of research on coffee and STABEX funds and I know that the biggest chunk of this money is still in foreign banks. But we also do know that the money that is available today, which has not been spent, is equivalent to Kshs7 billion. This is the money that we must try and unlock immediately so that farmers can start rejuvenating the coffee farms. Most of the coffee for the small-scale coffee farmers is already firewood. It dried up because there was no attention being paid to it. I propose to the Minister for Finance, and the Minister for Agriculture, to create mechanisms whereby each small-scale farmer receives STABEX funds in weekly payments of Kshs20 for every kilo delivered every week to encourage them to go back to production. If we do not do that, we may never have coffee again.

Mr. Temporary Deputy Speaker, Sir, the other area is access to credit. Previous speakers have talked about a farmers bank and unavailability of credit facilities. In other countries, like in Malaysia, there is a special bank for farmers whereby they borrow at the rate of 5 per cent. Where in the world do you expect farmers to make a profit of 15 or 20 per cent? If we do not create a farmers bank that will lend money to farmers at 5 per cent, then we still will not help coffee farmers neither shall we be able to help any other farmer for that matter. It is for this reason, we beseech the Government to look into the aspect of financing farmers in the agricultural subsector, including sugar-cane, cotton and others. The notion that has been brought here that there was selfishness in giving STABEX funds only to coffee and tea farmers is in bad taste. In 1989, the coffee prices collapsed. It is out of that collapse that the EU put together a facility for coffee and tea farmers. But then, somebody somewhere along the line changed the goal post before he scored his goal. We know that a lot of money has gone to KWS and to the tourism industry. Where are we? Why have we not put coffee production in place before diversification?

This Sessional Paper we are talking about today has laid its emphasis on the separation of marketing between the CBK and the proposed Board. It does not adequately address the production, processing and marketing of that coffee. We would like the Minister in his Bill, which will be coming to this House, to reduce middlemen. We would like the farmers to have direct access to the market so that primary societies or farmers receive their money immediately. This can be done through the Nairobi Coffee Exchange.

Mr. Temporary Deputy Speaker, Sir, in the current Budget, we have only Kshs1.7 billion for research. What is Kshs1.7 billion of research in an industry that is supposed to earn this country the most foreign exchange? The Government, in its own wisdom, must provide enough resources to carry out effective research in the agricultural sector.

It is a sad affair that commercial banks lend to our farmers without disclosing to them the charges. Right now many small-scale tea and coffee farmers face the risk of having their farms auctioned. I think the Minister has a duty to make sure that those farms are not auctioned. The KPCU is owned by farmers. However, it is heavily indebted to the tune of Kshs3 billion. The Minister knows very well that some "big shots" in the KPCU took loans and started other milling companies. We must get back that money to KPCU so that it can support the farmers.

I can talk more, but I would also like my colleagues to contribute to this important Motion before the House. With those few words, I support the Motion.

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, the coffee industry started experiencing problems in 1998 when the World Bank gave money to what was known as Coffee Improvement Project. Co-operative societies incurred loans. Unless those loans are taken over by this Government, this industry will never recover.

Mr. Temporary Deputy Speaker, Sir, this industry has failed because of inappropriate policies. If you look at the Act, particularly the powers of the Minister and the regulations, you will find that those regulations and the Co-operative Societies Act contribute to the instability in this industry. For example, a co-operative society can elect officials today, but tomorrow another group will elect another bunch of officials. This has contributed to the current instability in the coffee industry. If this Paper is meant to bring efficiency in the coffee industry, then the Minister must immediately address those problems.

Mr. Temporary Deputy Speaker, Sir, if you look at Regulation 25 as proposed by the Minister, the Commissioner of Co-operatives has power to ask for a special general meeting. These powers have been misused by co-operative officers because, according to the Act, a co-operative officer can act as the Commissioner of Co-operatives. Unless that regulation is reviewed immediately, there will be no stability in the coffee industry.

This Government's policies have been all very wrong. Look at the policy that has separated the banking sector from co-operative societies. This Ministry came up with a policy that co-operative societies had to incorporate SACCOS. These SACCOS turned out to be money-lenders as opposed to supporting the farmers in this country. If the Ministry wants co-operative societies to finance the coffee industry, a policy must be formulated which ensures that all the SACCOS, which have been part of the banking section, are owned by co-operative societies. If that is done, the problem of finances in this industry will be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, co-operative societies cannot be efficient as long as this Government does not come up with a policy to regulate election of officials of these societies. The Government should propose minimum qualifications for a chairman, secretary and treasurer of a co-operative society. Even if all that is done, the co-operative societies in the coffee industry will not deliver unless the Ministry makes it mandatory that sourcing for goods and services be done in a transparent way. This is an avenue through which farmers have been exploited for a long time by co-operative societies.

The coffee industry was liberalised when farmers were not ready for it. Since farmers were not ready, the management of co-operative societies took advantage of that. Even after streamlining the co-operative societies and separating the Coffee Board of Kenya from the Nairobi Coffee Exchange Marketing, as long as the Government does not have a deliberate policy on the licensing of brokers and dealers, there will be no improvement. Right now, if you want to become a broker or a dealer in the coffee industry you must pay Kshs1.5 billion. The Government has to reduce this figure if it wants to attract many people in this industry. Otherwise, the coffee prices will remain depressed because this market is closed. I urge this Government to open up this market. It is a pity that there are only seven players in this market. Imagine seven players buying all the coffee in this country. They dictate and decide what price to offer to farmers and they sell the same coffee at many times more. Even before this Sessional Paper is implemented, there is nothing that stops the Minister from issuing a directive to KPCU to licence more dealers in order to open up this market.

Mr. Temporary Deputy Speaker, Sir, since Kenya has no control over the international market, we must come up with a fund to cushion our farmers when the prices of coffee are at the lowest ebb in the international market. For example, we could use STABEX funds to set up such a fund so that the Government may guarantee minimum returns to our farmers. Without minimum returns, there is no way we can encourage our farmers to take care of the crop.

Before I conclude, I would like to be on record as having said that the economy of this country depends on coffee. There is no country in the world without one crop or commodity on which its economy depends. For example, the economy of South Africa depends on gold. The Kenya Government has refused to nourish one crop that can revamp the economy of this country. Yesterday we rejected the Bill that would have entrenched the KACA into our Constitution. This Government will not get any money from the donor community. We must generate money from within our economy. We can generate this money from coffee. It is on record that coffee is the biggest traded commodity after oil. Why does this Government not take advantage of this crop? Why allow this crop to go to the dogs?

Mr. Temporary Deputy Speaker, Sir, with those few words, I support the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, since there is no other hon. Member who wants to contribute, you can reply.

The Minister for Agriculture (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the Floor to respond to the views which have been expressed on the Sessional Paper before the House. I would like to express very sincere thanks to all hon. Members who have contributed to this Motion. I must say that I have been impressed by the depth of knowledge and, indeed, the passion with which Members, especially from coffee growing areas, have expressed their views and given their opinions. As I said when I moved the Motion before the House, the preparation of this policy document and, indeed, of the draft Bill which went through the First Reading today, were done after exhaustive consultations between the Ministry, farmers and hon. Members of the Agricultural Committee. The views of those stakeholders were fully taken into account in shaping both the policy document and in

putting forward draft proposals in the Bill which is before the House.

Most hon. Members have expressed similar views on a series of issues. I wish to pick on them one by one. I note for instance, that the Shadow Minister for Agriculture, Mr. Ndwiga, made an passionate plea that we do not rush the process of drafting the Bill until the views of all stakeholders have been considered.

As I have already said, we have considered the views of all the stakeholders and the Bill which went through the First Reading today stands referred to the Committee on Agriculture. So, the opportunities are still there for hon. Members who feel that perhaps, in the first round of consultations, some of their views were not properly reflected or that, they may have even changed some of their positions on particular issues; to think out seriously and to convey those requests or proposals, for changes through the normal procedure of the Committee.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, a lot of the contributions by hon. Members were in good faith. Positive contributions were made on the issue of the STABEX funds. I know that allegations have been made that the STABEX funds have been delayed. It is true that they have been delayed. They have not been used because, as somebody put it, in the absence of an explanation to the contrary, there must have been an intention to loot. I want to assure the House that it is not possible for people to access the STABEX funds in an easy manner because we have to have a counter-signature from Brussels, in order to access those funds. I assure this House that there was no intention to loot and there was no looting.

Mr. Deputy Speaker, Sir, the agreement for the release of Kshs500 million, which is the first tranche of the Ksh1 billion STABEX funds, has already been signed, for the funds to be released to the Co-operative Bank. If those funds have not yet landed in the Co-operative Bank, I am made to understand that they should land in the account latest by Monday. The second tranche of Kshs500 million will be released as soon the PriceWaterHouseCoopers firm of auditors completes audit of the earlier funds under the 1963 Release, of the Kshs650 million through the same Co-operative Bank. That earlier tranche has now increased, because of interest, to between Kshs800 million and Kshs900 million. I would like to emphasise that these funds will constitute a revolving fund. The interest that farmers will pay will augment the principal sum. The interest which has developed out of the Kshs650 million is the core of that revolving fund.

Mr. Deputy Speaker, Sir, hon. Members expressed appreciation for the fact that the Co-operative Bank will now be lending out the money to farmers through their primary societies at a modest interest rate of 5 per cent. This must be appreciated by all. We agree that one of the major hindrances to the recuperation of the coffee sector has been the extremely burdensome interest that farmers who had to go and borrow in the normal commercial banks have had to pay. Agriculture under those conditions is not sustainable and the need for an agricultural credit bank is there. We are working on converting the Co-operative Bank into an Agricultural Credit Bank. We are also re-examining the role of the Agricultural Finance Corporation which was initially designed to provide that service to farmers exclusively. We are looking at the documents, records and the debt structure with a view to restructuring the organisation and giving it a new lease of life under the Banking Act.

Hon. Members also made pleas to the Government to write off interests on loans already owed by farmers. One Member wondered whether the 8 per cent interest charged on the Co-operative Bank for the Kshs650 million, for instance, under the earlier SCIP programmes has ever been paid back to the Treasury. I want to assure you that arrangements have been made so that the Co-operative Bank of Kenya pays that interest bi-annually; that is every January and every September or every January and every July. So, the payment has been going on. Unfortunately, we are not in a position to reduce those interest rates because the monies which went through SCIP 1 and 2 were from the International Development Agency (IDA). The agreement with the World Bank was subject to certain specific conditions. The Bank lent the money to the Government at 2 per cent interest rate for onward lending to the Co-operative Bank of Kenya with an additional charge of 6 per cent, for onward lending by the bank to farmers at an additional rate of 7 per cent, with 2 per cent to be retained by the co-operative societies. So, all I can assure you is that the monies will be used for the purposes for which they had been intended.

As regards the complains that the STABEX funds were meant to serve coffee and tea farmers only and that it is not proper for those funds to be 1 export crops. I think it is also fair to say that it also happened at that time when perhaps, they were the most sensitive crops in the sense that the agricultural sector had not become as diversified as it is today. I think the need to extend that money to other export crops is there today. The need has been felt to be there by both the European and, Africa-Caribbean-Pacific (ACP) countries. That protection should be given to all export

commodity producers. So, it is now lawful for these funds, henceforth, to be used for any commodity or indeed, even service which has impact on export earnings.

As regards the concern expressed very eloquently by the Leader of the Official Opposition, on the survival of the coffee auctions, I want to assure the House that I am fully aware of the implications of globalisation on our own people. Unfortunately, we live in a globalised world and I think it is up to us to fight for our own products. The coffee auction system is the best option we have realised, and it is there to stay. The Government will give it all the protection necessary for it to survive in order to ensure that the small-scale producers who use the coffee auctions through the primary societies are not short-changed.

It is true that the terms of the Board of Directors of the Coffee Board of Kenya have been renewed repeatedly. I have just signed the last renewal of their term in office up to December this year. I did believe at that time, that we will need to go beyond December this year. Unfortunately, it looks like I have to swallow my words because our plan of work, as regards the proposed legislation, is dependent on the goodwill of the House.

Mr. Deputy Speaker, Sir, when I moved the Motion, I did make a plea to the House Business Committee through this House, that we should have perhaps two or three more weeks of sitting through August so that we will be able, as I hoped to get through, not just with this policy Paper but also with the Coffee Bill and the proposed changes in the Co-operative Societies Act and the Sugar Bill. Unfortunately, I understand that the House the House Business Committee in its wisdom, has decided that we should break at this point. Obviously, the remaining period is not enough for the current Coffee Board of Kenya to complete all it has but I hope it will not be necessary for me to extend their term by more than two or three months. That is assuming that we will get through the Bill that is before this House, as soon as we resume from recess. Some Members talked of the high indebtedness and mismanagement within co-operative societies. I fully agree with them and again, that is a subject which I addressed when I moved the Motion. That is why we have begun to re-look at the Co-operative Societies Act, with a view to cutting out waste and ensuring that co-operative societies are served efficiently. Again, most unfortunately, the hastily introduced changes in 1997, as a result of the Inter-Parties Parliamentary Group (IPPG) package, were the reasons why we ended up jumping from the frying pan into the fire, as regards the management of co-operative societies. We are, therefore, undoing some of those changes. For instance, we are doing away with duplicating similar roles in the Registrar of Co-operative Societies and the Commissioner of Co-operatives. We are, for instance, proposing that we will be bringing a Bill which will propose to eliminate the Office of the Registrar of Societies and combine the functions of that office with those of the Commissioner of Co-operatives. We also intend to provide for minimum educational standards, so as to cut out opportunities for people who have no qualifications getting into the management of co-operative societies and accounting for the mess that we see in many places.

In the Sessional Paper in front of us, we have emphasised that there will be no double-membership or interlocking memberships in the management bodies of the various institutions that we will be establishing anew. For instance, a member of the Coffee Board of Kenya cannot be a member of the board of any of the other institutions which are being foreseen there.

Some Members have also sought that the Kenya Planters Co-operative Union (KPCU) should act as the marketing agency, instead of us creating a new Coffee Marketing Agency.

Mr. Deputy Speaker, Sir, again, I think maybe, they have not understood the Paper very well. It is quite clear that it is open for the KPCU to act as a marketing agent, provided that it registers a new company as its own marketing agency. That is without prejudice to the freedom of other farmers, either small-scale farmers or large-scale farmers, to form their own coffee marketing agencies. But even more importantly, when I moved the Motion before the House, I emphasised that the coffee farmer, for every season, will now be at liberty to decide who will market his coffee. The farmer will be free to use the Coffee Marketing Agency or independent coffee marketing agents. He can change them from season to season, depending on the quality of service that he or she has received.

The major problem of the excess deductions from coffee farmers is again a subject which I dwelt on at length, and on which the Paper is very clear. Our intention is to ensure that the coffee farmer takes home the maximum he can. In particular, we have said that the statutory deductions will not exceed the 10 per cent limit and that, co-operative societies, some of whom have now ended up deducting up to 76 to 80 per cent, will not be allowed. They will be encouraged to deduct not more than 15 per cent and, in any case, we will prohibit deductions in excess of 20 per cent. So, we hope we will be able to cut out a lot of waste. I hope we will, therefore, be able to avoid a situation such as the one a certain Member referred to, where a co-operative society sold the coffee for US\$1,500, but ended up getting only US\$4!

So, in brief, I want to thank Members for their contributions, and assure them that this is not the end of the road. They have all the opportunity and we should work as a team on the draft Bill through the Committee Stage and the Second Reading in the House. We will be quite open to accept ideas which we think should be incorporated anew. The end goal that we are all seeking is to revamp the coffee sector. The end goal that we are all seeking is to ensure

that the farmer gets the worth of his labour and investment. The end goal is to bring back coffee to its former glory, notwithstanding the internationally unfavourable marketing situation.

With those few remarks, I wish to appeal to Members to support the Paper, and I beg to move.

Thank you very much.

(Question put and agreed to)

MINISTERIAL STATEMENT

NEW ESTIMATES OF EXPENDITURE FOR 2001/2002

The Minister for Finance (Mr. Okemo): On a point of order, Mr. Deputy Speaker, Sir. I would like to make a brief statement in connection with the recent reorganisation of Government, as contained in the Presidential Circular No.2/2001, dated 11th June, 2001.

Mr. Speaker, Sir, this House is aware of the recent reorganisation of Government that created a new Ministry, by the name of Ministry of Tourism and Information. That was created out of two Ministries. One was the Ministry of Information, Transport and Communications and the other was the previous Ministry of Tourism, Trade and Industry.

Mr. Deputy Speaker, Sir, in order to afford accountability of the budgeted funds and for ease of expenditure, I have recast the Estimates of both Recurrent and Development Expenditure of the three Votes to conform with the new structure of Government. Since one new Vote has been created, and the two have been restructured, it would not be tenable for the Votes to continue being discussed in their original structure. The Committee of Supply will, therefore, need to discuss and approve the Estimates on the basis of the new structure of Government.

Mr. Deputy Speaker, Sir, Members will note that, apart from the three Votes, no adjustments have been made on the other Votes. Members will also note that the only adjustment done, was to transfer some Sub-Votes, Heads and Items to the new Vote and, therefore, the overall financial allocation of the Ministries taken in aggregate remains the same.

Mr. Deputy Speaker, Sir, it is against that background that I wish to lay on the Table, the new Estimates of Expenditure for the year, 2001/2002, to enable the House to continue with the debate in the Committee of Supply. I would like to lay those Estimates now.

Thank you.

(Mr. Okemo laid the Estimates on the Table)

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. I think we should seek clarification, either from the Chair or the Minister himself, as to the implications of what he has just said. For example, so far, this Parliament has not passed any monies at all to any Ministry, other than by way of the Vote on Account. Now, in the Vote on Account, there has been no permission from this House to grant monies to a Ministry called Information and Tourism. Therefore, it seems to me that, in order to follow the law and legalise whatever is going to happen, the Minister ought to have introduced some measures in order to legalise that aspect. Otherwise, the virement between Ministries is the responsibility of this House, and we have not gone that far, to make that virement. Therefore, unless the Minister is saying that he has brought some Supplementary Estimates in order to accommodate those changes, so that they are changed as soon as possible, he cannot, in all honesty, finance a Ministry of information and Tourism! That is my contention!

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Could the Minister enlighten this House by pointing out the legal and constitutional authority under which the new Ministry has been constituted? I am not a lawyer as Mr. Muite knows; I go by past precedent. What we have done now is exactly what this House did last year, and I am merely following precedent. So, if the House made a mistake last year, I would request them to make the same mistake this year.

Mr. Deputy Speaker: Order! The Minister has really taken the words from my mouth. I was merely going to point out that last year, we had a much bigger exercise of re-allocation of funds from existing Ministries to new ones that were created. The House did in fact, approve that procedure. So, we are really, as the Minister pointed out, following a precedent.

With regard to what Mr. Muite has raised, there is a Motion moved by none other than himself which is still in the process of being discussed. We will assume that the Government will have an opportunity to explain to you, not only what authority they have used to establish this Ministry, but also all the other Ministries.

Next Order!

MOTION FOR THE ADJOURNMENT
ADJOURNMENT TO A DAY OTHER THAN
THE NEXT NORMAL SITTING DAY

The Vice-President and Minister for Home Affairs (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move that this House do adjourn until Tuesday, 2nd October, 2001.

Hon. Members will recall that according to the calendar of Parliament which was approved here, the House should have actually gone on recess on 2nd August, this year. Since there were some very important Bills pending, as then we considered them, it was very necessary that we discuss them and then we could very well go on recess thereafter. The most important Bill which was carrying the other two Bills was the Constitution of Kenya (Amendment) Bill. Had it gone through yesterday, we would then have moved successively to discuss the Kenya Anti-Corruption Bill and the Code of Ethics Bill. We are all aware that the Constitution of Kenya (Amendment) Bill to create KACA did not go through yesterday. I do not want to go back into the merits and demerits of why the Bill was not passed because I believe that every Member voted according to his or her own democratic rights. Whereas I have my strong views, and I expressed them, as to why I thought the Bill should have been passed, I do not think that I need to start condemning everybody at this particular time. What matters now is how history will judge us; whether, what Parliament did yesterday by rejecting that Bill was right or wrong. How will we be judged in future? I want to leave it at that.

Nevertheless, I believe that will not be the end. The country must proceed and we must put things in place. We have to move on and try to ensure that we fight poverty because that is the major challenge that faces the people of this country. Overall, I hope that we, Members of Parliament, who are entrusted with the responsibility by the people of this country to explore ways of enhancing economic development in this country will find ways of doing so and continue with the struggle, so that at least we can do something about poverty. We live in a cruel world today. It is a world dominated by competitiveness. It is no longer the world which was divided by the Cold War, when it was much easier for a country to negotiate its own way through the tracks of the Cold War and obtain aid. Every country today is on its own. The way a country decides to improve its own environment will determine what happens to it.

I believe that what is important for a country like Kenya, which is an African developing country is that we must find eventually an exit to overdependence on aid. I believe that is very important for two reasons. First of all, aid in-flow to developing countries, particularly those in Africa, is on a major decline. There is a lot of competition for that. Much more important, I also do believe that when countries become too overdependent on aid, then their policies are sometimes decided elsewhere. We have, therefore, to find ways in which we can find resources from other places. Having said that, we still need resources to develop our own infrastructure so that we are in a position to keep the local investors in place and to continue expanding so that there is no capital flight. We also need to attract more of these resources for direct investment and to acquire more competitive markets for our goods. I believe that all of us are united on that. As we go now on recess, let us think about how we will help our people. I do not wish to offer any recriminations at all. I only want to wish hon. Members a good, fruitful recess.

I beg to move the Motion.

The Minister for Environment (Mr. Ngala): Mr. Deputy Speaker, Sir, I beg to second this Motion of Adjournment.

I totally agree with what the Leader of Government Business has said. This country has got to have a future and it will depend on this national august House. We have been here for a very long time, articulating issues about our problems in this country. Some of the problems are related to our constituencies and that is what we need to do as Members of Parliament. However, we need to be a more united House on national issues because it is not good for us as Members of Parliament to be divided on national issues. We need to stand firm and be together, to show direction and show Kenyans that we are focused as Members of Parliament. I do not think it is good for the House to be divided on national issues.

As we prepare to go on recess, I hope we will interact with our constituents and tell them honestly, the situation as we see it with regard to the status of the economy of this country. We should also be able to tell them what we did with regard to this very important Bill that we had before the House yesterday, because I am sure they will ask us what happened. We should be honest enough to tell them the truth so that they know what actually happened. I think a lot of wananchi were hoping that this Parliament would pass that Bill. We do not have to rely entirely on aid, but as a developing nation, we must get some kind of aid to fund some of our programmes. Aid is not entirely a wrong concept. As a country, we need to have some understanding that aid is also part of development in a developing country.

I hope, as we go on recess, we will reflect on all the issues we discussed here so that when we come back we

will start on a clean slate and go forward as a committed National Assembly. This way, we will deal with our issues more critically and seriously.

Mr. Deputy Speaker, Sir, I know we have very encouraging issues ahead of us and I know when we come back, we will be able to deal with them.

With that, I beg to second.

(Question proposed)

Mr. Deputy Speaker: Let me just draw your attention to the limitation of this debate so that when you stand up, you are going to be known. The Government is actually committing a criminal offence. We pass laws here about how KBC should be administered and they do not want to do it. They want to use it to justify their own continued looting. Nobody is going to believe you and I can assure you that. Kenyans are far ahead, of you and it is time you realised that. They are miles ahead. They know they are not poor just because we opposed the very faulty Bill yesterday. They are poor because money which was paid as taxes by Kenyans has been misused.

Mr. Deputy Speaker, Sir, indeed, as we talk here, there is a report that US\$65 million allocated to roads has been looted and misused on 16 roads which have not been properly done and whose tenders were not done.

A hon. Member: Which roads?

Mr. Kibaki: Mr. Deputy Speaker, Sir, a Member is asking which ones like he lives in heaven. If he does not live in Kenya, we cannot do anything about him. We just forgive and pray for him.

Mr. Deputy Speaker, Sir, I am really saying that the poverty is where this money, which should be used on roads, gets stolen and given to contractors who steal the money and the roads never get finished. The poverty is that the Government allows importation of free sugar which has destroyed our sugar industry. It is the same with rice and so many other crops. It is the same which destroyed the cashewnuts industry in Mombasa. Who destroyed it? Who destroyed all those things? Kenyans know where the poverty has come from. So, even the pretence that we have a programme of upgrading, removing or reducing poverty, is a total pretence. How can you have that kind of thing done by a commission? That is the job of the whole Government!

What we are calling upon is not just some pious statement. It will be a genuine and serious statement, namely, that we want to stop corruption. If we want to stop corruption, we can draft a proper law. Let me assure you that the mistakes we are pointing out in this Bill, which is the third draft, is not by any stretch of imagination. It was not just that the Attorney-General did not want to draft a good Bill. No! There is a deliberate effort to have a weak culture which will never be effective, and that is what we were fighting against. So, if, in fact, the Government wants a people culture, we can assist in drafting that law during this recess and we offer that way. Let us draft a proper law during the recess and we can bring it here in the new year. Now, if that is what we really want to do, then we shall show we are serious.

However, attempting to go and wash or clean yourself by pretending you are up to something good, and that you are very serious will not work. Kenyans know that you could not make those little petty mistakes except deliberately. It was deliberate and that is known. So, do not hide there! Look for another bush where to hide and not here.

(Laughter)

Mr. Deputy Speaker, Sir, I hope that during the recess, we shall have the freedom of association and assembly.

I beg to support.

The Minister for Trade and Industry (Mr. Biwott): Mr. Deputy Speaker, Sir, I also rise to support the Adjournment Motion. Indeed, I think it is an Adjournment Motion which was agreed upon by all the parties, and that it is an adjournment which was delayed simply because we wanted to pass the KACA Bill. We wanted the Anti-corruption Bill to go through so that, for the first time, we can have a second Attorney-General dealing specifically and focusing entirely on corruption.

A lot has been said about the flawedness of the Bill. What did that Bill seek? It is two things. One, was to create an Authority which will be administered by a Director and a Board which will run that Authority. Simple! The other laws which were to follow now, that is the actual "teeth", were to come later. So, why on earth does anybody oppose the creation of an Authority? This is because the Authority itself alone does not do the actual prosecution. It would have been a constitutional office to start the whole thing. So, actually today, I think Kenyans are much more clearer about who is corrupt and who is condoning corruption.

(Applause)

Is it those who are for KACA or those who are opposing it, because they want to postpone the corruption which goes on in this country? It is a fact that the law which exists today can still get at any corrupt person, and it is upon every person of goodwill and integrity in this country to report a criminal who is looting and stealing. This is because what have you done in this one? You have postponed the reprimand of that individual.

Mr. Deputy Speaker, Sir, it is also a fact that by denying this money, which would have come immediately after this Bill, you are actually increasing the poverty for the period that it will take to actually move. I think Kenyans, as has been said, are very clever people. They know who has denied them that money and who has assisted in the elongation of that poverty suffering that exists in this country.

Mr. Deputy Speaker, Sir, I hope that when we resume, our Members opposite, who no doubt know exactly that this Bill was not flawed but they wanted to play pure politics because they want to come and sit on this side; and knowing, of course, that they can never get on this side unless they go through a shortcut and win by the least of the numbers--- This is because what sort of a win can anybody be proud of? To have the minimum to just hold the break or to have the majority, which we had but we just could not muster because of a few people whom I am quite sure you had to coerce on the other side? However, I hope that you will all know that this side of the House is composed of people of goodwill, who have the interests of Kenyans at heart, and who will stop at nothing to ensure that the mwananchi is catered for.

Mr. Deputy Speaker, Sir, I would like now to revisit something which is common to all of us, and that is the East African Community. As the House will recall, I did table a few weeks ago, the rules which would have governed the elections of the nine Members of the East African Community Legislative Assembly and subsequently I think there was another consideration.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that people sitting on that side are people of goodwill, knowing very well that most thieves in this House are sitting on that end?

Mr. Deputy Speaker: Order! Order, hon. Mwenje! This is Parliament. We want to discuss things and argue, not to make noise.

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. Mr. Mwenje has used the word "thieves", which is unparliamentary. Could he be asked to withdraw that word and apologise?

Mr. Deputy Speaker: Order! Of course, we know that some hon. Members are in the habit of committing those little crimes. We must learn to live with them and with their crimes.

Proceed, Mr. Biwott.

The Minister for Trade and Tourism (Mr. Biwott): Mr. Deputy Speaker, Sir, I did not mention anybody. But if anybody feels that he falls in that category, I am very sorry that I have exposed him.

Mr. Deputy Speaker, Sir, therefore, when the House resumes, I will table a new list of rules which will govern the election of hon. Members by parties.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. On what basis is Mr. Biwott preparing the rules? Why can he not, first of all, table those rules for debate?

Mr. Deputy Speaker: But he has just said that he will table a list of new rules when the House resumes.

Mr. Muite: Mr. Deputy Speaker, Sir, I rise to oppose this Motion of adjournment. I think it is absolutely wrong for us to proceed on recess before we constitute a Select Committee to investigate the circumstances relating to the assassination of the late hon. Tony Ndilinge. That should be a priority for this House.

Mr. Deputy Speaker, Sir, we have a very long list of unresolved political assassinations in this country. We have a long list of people who have been taken to court when they are not the ones who were involved in assassinations. I think time has come for Parliament to take a very decisive position in order to bring to an end political assassinations in this country. Nobody has faith in the Kenya police. We do not accept that the police will genuinely and sincerely investigate and let the world know the person(s) who assassinated the late hon. Ndilinge.

The only option we have is to set up a Select Committee to interview the police officers who are handling the investigations and everybody else who has been mentioned. We should receive evidence from all those people and prepare a report that will have credibility in the eyes of Kenyans. Ordinary Kenyans are facing a lot of insecurity in this country, and the Government has been totally unable to contain it. We live in a state of insecurity.

I am not suggesting that Members of Parliament are a special category of Kenyans but, certainly, political assassinations are a particular crime in a special category. We do not want a situation where we proceed for recess and by the time we re-assemble, a number of other Members of Parliament have been assassinated and gotten rid off. We do not want that to happen. So, I would like to argue very strongly that we adjourn next week after we have constituted a proper Select Committee and given it the necessary mandate. As soon as we set up that Select Committee, we can adjourn the House, so that the Committee can receive evidence on the murder during recess.

Up to now, the police are telling us contradictory stories; they are just like the stories we go to the effect that the late J.M. Kariuki had gone to Zambia when, in actual fact, he had been murdered. These are the kind of stories we are now hearing from the police. It is very disheartening and discouraging. We do not want to give the Government any more time to cover up the assassination; that is what it is involved in. The Government wants to use the recess to cover the tracks. Let us take another couple of days and constitute a Select Committee and then we can adjourn.

For those reasons, I beg to strongly oppose this Motion of adjournment.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, as we prepare to go on recess, there are important issues the Government should address.

If the Government is serious about reducing poverty among Kenyans, it should bring here with dispatch the three Bills that will unblock money disbursements from donors. When we resume, we must discuss the Anti-Corruption and Economic Crimes Bill and approve it before we discuss the Kenya Anti-Corruption Authority (KACA) Bill.

Mr. Deputy Speaker, Sir, the Government must look into the issue of the HIV/AIDS. Although HIV/AIDS was declared a national disaster two years ago, to date, no funds have been released to counter it. Maybe, this House should declare HIV/AIDS a non-disaster since the Government is not willing to raise the funds to counter it. Another issue of importance is the constitutional review exercise. The Government should keep away from the review process. The Constitution of Kenya Review Commission (CKRC) should be left alone to handle the exercise so that this country can have a proper Constitution.

Let us have freedom of expression, speech and association. Let us leave alone Messrs. Kirwa and Kimeto to deal with their electorate in their respective constituencies. Members of Parliament are not being allowed to do their job properly. The Minister in charge of internal security should use the security officers used to harass Messrs. Kirwa and Kimeto, and other hon. Members, to quash the clashes on the Gucha/Trans Mara border, without killing the Kisiis and the Maasais. Kenyans are now fearful of their own Government. You may run to Government security officers for security only for them to shoot you dead.

Mr. Deputy Speaker, Sir, in order for us to improve this country's economy, we must invest in tourism by allocating adequate funds to the sector. The tourism industry can turn round this country's economy in 16 months, and improve its growth by up to 8 per cent. I would like Members of the Front Bench, whom I sometimes refer to as "voting machines", to go and advise the President properly. We do not want our President to be embarrassed in this House. They told him that this House would approve a flawed Bill, knowing very well that this House could not do so.

Mr. Shidiye: On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Angwenyi in order to mislead this House when he, himself, embarrassed the President by refusing to vote for the Bill with him? So, he should not blame other people.

Mr. Deputy Speaker: Order! Order! Mr. Shidiye, if one chooses to call himself a robot, what business do you have to oppose him?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, what I am saying is that if our President gets proper advice from the people he has put in advisory positions, he will not suffer that kind of humiliation. I would vote for the Bill that he supports; a flawless Bill. It is humiliating for the President to vote for a Bill that is defective because he has been misadvised. That is what I am saying. The Government must always seek this House's consensus on important matters.

The Government should call upon "clean" people like myself to tell it what to do. But what I am saying is that our agricultural sector has been destroyed. The only two crops that are remaining are tea and sugar-cane. I want to urge the Ministry of Agriculture to remove those people who are destroying the agriculture sector from the Government, so that they do not continue destroying the sugar sub-sector. If sugar and tea sub-sectors are destroyed, then we will be in a very bad situation.

Mr. Murathe: Mr. Deputy Speaker, Sir, I want to continue from where Mr. Angwenyi has left. It is a shame that the International Monetary Fund (IMF) and the World Bank can draft Bills for this country and tell the Cabinet not to alter even a dot or a comma. They drafted a faulty Bill in order that they can turn around and say that they would not release aid to this country. They are solely responsible, together with the Attorney-General, for the drafting of the Constitution of Kenya (Amendment) Bill that was defeated yesterday. I am reliably informed that the World Bank has announced that the country is not in its aid programme; there will be no aid coming into this country, yet it was part and parcel of drafting that Bill because of the incompetence of our own draftsmen at the Attorney-General's office.

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House by saying that the IMF has announced that Kenya will not be in its aid programme?

Mr. Murathe: Mr. Deputy Speaker, Sir, the Attorney-General is not aware of this and I want to inform him. It is on record!

Mr. Deputy Speaker: Order! Hon. Members, when you raise a point of order, you expect an answer, but you do not get an answer by heckling the person who is trying to give you the answer.

Proceed!

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, the full import of the statement which I have read is that the IMF appreciates the Government's effort and it will continue dialoguing with the Government on issues of macro policies and governance.

Mr. Murathe: Mr. Deputy Speaker, Sir, the Attorney-General has just confirmed my statement.

Mr. Deputy Speaker: Order!

Mr. Murathe: Mr. Deputy Speaker, Sir, it is my turn to speak. Can you stop disturbing me? When Mr. Biwott is speaking, the Clerk-at-the-Table stops the clock from running, but when I am talking, he lets it run.

Mr. Deputy Speaker: You are now not talking, but bubbling!

Mr. Murathe: Mr. Deputy Speaker, Sir, the Attorney-General has not denied anything. He has just gone on to confirm my statement. We also know that it was probably only the President who was interested in the passage of that Bill; most of KANU Members did not want it.

There is another issue here about the freedom of the Press. The Kenya Broadcasting Corporation has become a tool for misinformation, causing hatred and propaganda, and is being misused by some elements in the KANU Government to cause tribal hatred and animosity. This is a public-funded station. You know that the genocide in Rwanda was caused by irresponsible media. The KBC has become very irresponsible and I am surprised the public has continued to fund it. The Minister for Information and Tourism has never given a justification as to why KBC should continue collecting levies from the public through licensing of radio and television sets. During this Session, KBC implicated an hon. Member of Parliament twice in treasonable charges, knowing very well that, those were pure lies. The statement was doctored and fabricated, and KBC wanted somebody to hang for political reasons.

Mr. Deputy Speaker, Sir, the other day, KBC also broadcast material which quite clearly stated that the Opposition is responsible for this country not getting aid, yet we know that the reason why this country is not on the aid programme, in the first instance, is because of bad governance. It is because of corruption and mismanagement of this economy that the Bretton Woods institutions have withheld aid to Kenya. The KBC churned out propaganda that the Opposition is responsible for this country not getting aid. Nobody will give you money to loot. That is what the world is saying. Something needs to be done about the KBC. The Government should either open the airwaves for everybody to reach the whole country, or we will mobilise people to do something about the KBC.

Touching very briefly on the Constituency Aids Control Committees (CACCs), we should involve Members of Parliament in social mobilisation strategies. I went to Gatanga Constituency last October, this is another October, and my own unit has never even been trained. The Minister told us yesterday that some people got the Kshs350,000 and units were trained and one year down the road, my people have never even been trained. How do you expect me and my people to go out on the social mobilisation strategies? The World Bank and everybody else is talking about Kshs900 million having been spent. The Minister talked of Kshs700 million having been spent. Where is this money? What is happening? The Government is busy telling Kenyans that it is the Members of Parliament who ate this money.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order to seek the Chair's guidance on the conduct of the Clerks-at-the-Table. When Mr. Biwott is speaking and there is a point of order from this side, they stop the timing. When everybody else on this side is speaking and there is a point of order, they do not stop the timing. We cannot have double standards. This is our House!

Mr. Deputy Speaker: Order, Mr. Ndwiga! I think you need a lesson on how that clock works. When hon. Members have five minutes, it is just impossible to hold it back.

(Several hon. Members stood up in their places)

If the clock is being held back, it will lie sideways.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Bw. Naibu Spika, ninasimama hapa kuunga mkono Hoja hii ili twende likizo.

Tungetaka kutumia wakati huu kujichunguza sana ili tuone mwelekeo wetu ni wapi. Wakati huu, tunakumbwa na umaskini na tunaweza kutumia mbinu nyingi sana kuuondoa. Tunajua kwamba uchumi wetu umezorota sana. Uchumi wetu unategemea kilimo. Sisi tunaotoka sehemu za Busia tulikuwa tukikuza pamba kwa wingi, na tunataka sasa Wizara ya Kilimo iangalie jinsi ambavyo tunaweza kukuza pamba ili tuondoe umaskini. Kutoa mbegu peke yake hakutoshi, lakini ningetaka Waziri wa Kilimo aangalie uuzaji wa pamba kutoka wakati wa kutoa mbegu mpaka wakati wa kuuza, na zaidi, malipo kwa wakulima wa pamba.

Jambo la pili, tungetaka wakati wa likizo, benki zitekeleze Mswada wa Donde ili riba zianze kurudi chini ili uchumi wetu uimarike. Jambo la tatu, tunajua adui mkubwa ambaye tuko naye sasa ni ugonjwa wa Ukimwi. Kamati za wilaya zote ziko tayari kukabiliana na Ukimwi. Tungetaka pesa ambazo zilitengwa kwa kazi hii zitolewe ili tuweze

kutekeleza mipango ya kukabiliana na Ukimwi.

Jambo la nne ni kuwa barabara zetu zimeharibika sana. Tumepitisha Bajeti na tungetaka Wizara ya Barabara na Ujenzi ipeleke pesa katika wilaya ili barabara zetu zianze kukarabatiwa. Hasa kule Busia na Funyula, kwa sababu ya mvua nyingi, barabara zetu zimeharibika sana. Zile Kshs 5 million ambazo tulisema zitatolewa, ningetaka kuona kwamba zimefika katika Wilaya.

Bw Naibu Spika, mwisho, ningetaka kugusia misukosuko iliyoko katika shule zetu. Watoto na walimu wetu wanafanya kazi, lakini tunaona kwamba elimu yetu imezorota kwa sababu shule nyingi zimekuwa zikifungwa kila mara. Sisi kama Wabunge tunaweza kusaidia kupunguza misukosuko ambayo iko katika shule zetu, ambayo inasumbua watoto wetu. Tunajua kwamba ukosefu wa nidhamu sio tu katika shule, bali katika nchi nzima, umesababisha hii misukosuko. Watoto wetu wameona kwamba sisi watu wazima hatuna nidhamu. Wakiona tukigombana; hasa hapa katika Bunge kama hatuwezi kuelewana, wanafuata vivyo hivyo. Wanafikiria kuwa hiyo ndiyo njia ambayo wanafaa kufuata. Ningewauliza wenzangu Wabunge tusaidie watoto wetu wawe na nidhamu ili waweze kuwa viongozi wa kesho.

Kwa hayo machache, ninaunga mkono.

Ms. Karua: Mr. Deputy Speaker, Sir, I rise to support this Motion. I think we are all tired and it is good that we take time to go for recess. I agree that we ought to have dealt with the issue of the Select Committee before going for recess. But I do understand that the issue why the Motion did not come up was explained in the morning. I do not know whether the reasons were satisfactory.

Mr. Deputy Speaker, Sir, I think we are going for recess with a terrible air hanging over us. We could be very well sitting here with murderers in the House. It is important that there be a Select Committee to clear the air. We have too many unresolved murder cases. After the Kenya Police, with the help Scotland Yard, were unable to unravel the murder of the late Dr. Ouko, I do not think that they have a very good track record in investigating political assassinations.

Lately, we are still puzzled by the late Father Kaiser's suicide theory. I think it is in the interest of Kenyans that there be a Select Committee to investigate the late Ndilinge's murder, and also all the other unresolved political murders. A Select Committee would be able to revisit the evidence gathered by Troon and find out who actually killed Dr. Ouko. They would be able to revisit the evidence on the Father Kaiser murder and find out what actually happened.

Mr. Deputy Speaker, Sir, coming back to the issue of the Constitution of Kenya (Amendment) Bill that failed to pass yesterday, I do not know why the Government is mourning. I understand that they may have a deficit of Kshs25 billion in the Budget, but there is money which the Government can reallocate to cover this deficit. The Office of the President is raking billion of shillings. An amount of Kshs25 billion can be re-allocated to cover this deficit, and let us reduce spending in the Office of the President. After all, we are financing the campaigns of a political party. The items on Provincial Administration contain nothing apart from funds meant for KANU campaigns!

Mr. Deputy Speaker, Sir, if Kenyans are going to suffer because of lack of foreign aid, they must know in no uncertain terms that the Government prefers to further its political ambitions rather than to allocate money to serve them. We want to see the Government apply the law evenly. We do not want KANU operatives placed above the law; that they can break the law with impunity without facing any consequences. We want to see everybody given an equal chance to see his or her constituents. We do not want anybody to interfere with legitimate political activities of the Opposition and Members of the ruling party who dissent.

I think it is time we forced the Government to honour the provisions of the Kenya Broadcasting Corporation (KBC) Act and, in particular, Section 122. The KBC must give the alternative view. We had the Taveta by-election, and we did not hear a thing about the Opposition campaigns, even when it was clear that the Opposition was winning. We were being told that KANU was winning, and that thousands of people were attending the President's rallies, even when it was clear that he was losing.

Mr. Deputy Speaker, Sir, when we were debating on the Constitution of Kenya (Amendment) Bill recently, we were hearing propaganda that everything was due to the fault of the Opposition, without explaining to Kenyans that the looting of resources is what has placed us in the donors' bad books. It is time this Parliament made the Ministry of Tourism and Information account for what it does, and we can do that by refusing to pass their Vote, which we are yet to discuss. During the recess, we should also consider taking the KBC to court over their failure to adhere to the law.

Mr. Deputy Speaker, Sir, we are also looking forward to see the Office of the President enforcing the law with regard to civil servants keeping away from politics. We are yet to see DCs abandoning their chosen roles as KANU youth-wingers. I think the DC, Kirinyaga District, needs to return to KIA to be taught what administration is all about. He seems to think that he is there to serve the Kirinyaga District KANU Chairman. He has been seen by the public with the Kirinyaga District KANU Chairman seated in his office as though he was part of the furniture. The people of Kirinyaga are not going to take this; if need be, we shall remove him from office by force, together with the DC, and we can have somebody else who is ready to serve the public.

With those remarks, I beg to support.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, in support of this Motion, I wish to say that going on recess, of course, for hon. Members of this House, is not a holiday at all. This is because hon. Members in Kenya and many countries do have a dual role to serve their constituents, collect their views and also represent them in this House. I think it is time that we gave ourselves time off from these duties to go and do other duties. Many hon. Members have very vast constituencies and many others have large numbers of constituents who need to be attended to. I think that this August recess will not just be a holiday for hon. Members; it will, in fact, be a very busy session until October.

Mr. Deputy Speaker, Sir, President John Kennedy once said that, "sincerity is subject to proof." I think you cannot always say that you are sincere without subjecting your sincerity to proof. We are all puzzled by the amount of corruption that continues to exist in this country. As the Government, we have tried a prescription which we brought before this House. We have heard several times hon. Members from both sides of the House saying that they do not want corruption. Yesterday was a very good chance for them to hit and give a blow to corruption. When they were called upon to do that, they shied away. In fact, they stood on the other side of the issue. It is very puzzling to see hon. Members standing on two sides of the same issue. One day, you want corruption, and another day you do not want corruption. I think this will go down in the annals of Kenya as the day when people who are elected to serve their country decided to do this country a disservice. I want to be very thankful to the Kenya Broadcasting Corporation for having portrayed these facts clearly to Kenyans, to show the people of this country who are actually the enemies of this country.

Mr. Deputy Speaker, Sir, when I was driving from my house this morning, I heard the kind of propaganda the Nation Radio Station was giving to Kenyans. It was horrible! It does not matter that it is a private radio station. It was telling Kenyans things that, in fact, ought never to have been said on any radio station. These kinds of radio stations that have been licensed by the Government ought to censure themselves, because the truth cannot be hidden. Yesterday, a number of hon. Members stood before this House and said that the Bill was flawed. Even those who have never read the Bill said that the Bill was flawed, yet they know clearly it had nothing to do with the flaws in the Bill. They were playing politics.

There was nothing fundamentally wrong with the Bill. In fact, if there were anybody who were complaining rightfully, it is those hon. Members like Messrs. Anyona and Ndicho who did not want a second Attorney-General. But we, as the Government, who actually have an Attorney-General, could see no vacuum at all, in the eradication of corruption in this country. We have the machinery in place, but we undertook to bring that Bill because we know that we hold the future of this country in our hands. Kenyans have been subjected to poverty. There is no point of trying to trivialise this matter. The next day, some of the hon. Members will just come here and say that there are looters.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for this Minister to mislead this House that it is the Opposition which is governing and not the KANU Government which has led this country into this kind of chaos we are in today?

Mr. Deputy Speaker: Order! That is an argument!

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I would like to forgive Mr. Gatabaki because he is guilty of many things, but he is not guilty of grabbing yet.

I am saying that the Opposition used their power yesterday to destroy the economy of this country. The next day, they will come and ask: "Why have we not repaired such and such a road, or why have we not done ABCD? We are a poor country. In fact, there is corruption in this country, but we are a poor country. Yesterday, the Opposition ought to have exercised their discretion and voted to defeat poverty in this country. But what did they do? They turned the other way, and not the way of the good Samaritan. They decided with their vote that Kenyans will continue to be subjected to poverty. I do not even know what they will do in their constituencies.

Dr. Wekesa: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to oppose this Motion. You are aware, through the sentiments of most of us, that we want to stay here for another week so that a Select Committee can be formed to probe into the murder of our late brother. It is for that reason that I oppose this Motion.

But I would like to take this opportunity to thank hon. Members of this House, and particularly the hon. Members on my side, who united yesterday and listened to what Kenyans said. I listened to the residents of Kwanza Constituency who told me during the week to oppose yesterday's Motion, which was stage-managed. We were going to pass a Bill which would have centralised a toothless KACA at the end. This Government has had an opportunity to use the law to stop corruption. There has been enough in our Constitution to institute prosecution of looters, but this has not been done for many years. Mr. Deputy Speaker, Sir, I would like to commend the unity of the Opposition that is now apparent; the unity that we saw in Taveta Constituency; the unity that we will see in Kilome Constituency when the by-election is called. The poor and unemployed Kenyans urge Mr. Kibaki, Mrs. Ngilu, Mr. Wamalwa and Mr. Nyachae to continue consulting, so that we form a Government next that will give agriculture the first priority.

(Applause)

We want to form a Government that will get rid of grabbers and looters.

Mr. Wanjala: And murderers!

Dr. Wekesa: Mr. Deputy Speaker, Sir, we want to form a Government that will take care of the maize thief who steals two cobs of maize and the following day, he is in court and fined Kshs600 or sent to jail for six months. But this Government will not take anybody who has looted Kshs13 billion to court. They have been dilly-dallying over the Goldenberg issue for many years. Now, they are mourning over Kshs25 billion. One Kenyan said: "We are prepared to go hungry because there are Asians who have gone away with Kshs65 billion."

An hon. Member: They are here!

Dr. Wekesa: Mr. Deputy Speaker, Sir, this is the case, and yet this Government does not do anything. We are together and we will form a Government that will ensure that the unemployed get jobs; a Government that will look at the ordinary Kenyan to improve his life. Mr. Deputy Speaker, Sir, I oppose this Motion and I would like to urge hon. Members not to go away because we will vote.

Mr. Wanjala: Mmesikia, kwa hayo machache?

Mr. Sungu: Mr. Deputy Speaker, Sir, I would like to support the Motion of Adjournment because we have been here for so long and it is time we went back to our constituencies to consult with wananchi.

Hon. Members: That is right!

Mr. Sungu: Mr. Deputy Speaker, Sir, a lot has been said and done. I would like to say that this country is "planted" with laws from the Coast to Mount Kenya, to Turkana; this country is "planted" with laws from Lake Victoria to Mandera; this country is "planted" with laws from Mount Elgon to Moyale. What is needed is for us to respect the laws that we already have; what is needed is for us to apply the laws that we have and there will be no doubt at all that we will be on the right track.

As I am talking now, I understand that the World Bank has already put us in the list of countries which will not receive aid. It is a shame that we have to dance to foreign tunes in order to run this country. It is a shame that Kenya, as a sovereign state has to bend to other nations' wishes. I would like to urge this House sometimes to come to reason; that when it comes to a situation when it is necessary for us to come together, we should do so. We should reason and talk to each other and come to a conclusion which is for the betterment of this country.

We should not raise a situation where a brother will hurl insults against brother; where a sister will grumble with a sister; where children will muddle in the blood of this nation. We want unity of purpose when it is necessary. We should not oppose for the sake of opposing.

(Applause)

This is because I have no doubt in my mind that because we are in the position that we are in, it was necessary for us to proceed with the KACA Bill.

Let me just make a reservation, that I would not have agreed with the amnesty clause that was attached to this Bill. In my mind, the time for discussion on that aspect would have come when the actual Bill came before us. If this House had come together, like we did when we were discussing the Constitution of Kenya Review Commission Bill, and agreed on the clauses to amend and the ones not to amend, we would have come up with an answer. We must blame the leaders of this House for that.

Mr. Deputy Speaker, Sir, having talked about that issue, let me come to a situation which is close to my heart, because now I am going back to face wananchi. The water situation in Kisumu is in a bad state. Government officers have failed to approve appraisal reports for the approval of loans that have been offered by the Japanese Government so that the Water and Sewerage Department in Kisumu can build water reservoirs that would supply water to wananchi in Kisumu.

I would like to appeal to this Government to come out strongly on this issue, that the people of Kisumu need water, because we are suffering from diseases like typhoid and cholera, which can be avoided. We are suffering because we have water in Lake Victoria which is not being properly utilised. It is necessary that we do things according to our conscience. I want to appeal to the conscience of the Minister for Finance and the Minister for Local Government to approve the loans that are necessary, so that Kisumu can have water.

Mr. Deputy Speaker, Sir, on the issue of floods, my constituency has perennial floods. I would like to appeal, again, to the Ministries involved to look at the situation more carefully and find permanent solutions to the problem. In Nyamthoi, just next to Kisumu, one river, Nyamasaria, has always been by-passing its course. It would cost only Kshs100,000 to open up the channels so that this water does not flow into people's homes. What is the Government

doing about that? I would like to appeal to the Ministers seated here to do something about that situation so that they can save this country from the problems that can be avoided.

With those few remarks, I beg to support.

Mr. Waithaka: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion and oppose it. I would also want to add my voice to those who are saying we should not adjourn before a Select Committee is appointed by this House to probe into the death of the late Ndilinge. I do not want to add more to that because it was very well articulated by my colleagues.

If the Government of the Republic of Kenya was, and has ever been, serious about the Kenya Anti-Corruption Authority, they should not adjourn the House. I would like to urge my learned friend, hon. Sunkuli, to advise the Government. The Government should try to bring a Motion, seeking leave of this House to bring back a proper Bill even if it would be rejected. But, first of all, they should attempt to do it. You do not fail to do something which is so crucial for the country and then adjourn the House, as if there is nothing else you can do. If they could attempt to bring a Motion to re-introduce a properly drafted Bill tomorrow, we would debate it and we may support it. Why has the Government not done this but rather, they want to run home to tell the people that there is no money from the World Bank? In any case, I want to submit that a Government is not a profit-making organisation and, therefore, it has no business to rely on loans. A properly constituted Government, would tax its own citizens and then give them the services. It should not go on borrowing because it does not make profit. If this is a Government that is giving services to its own people, Kenyans would not complain of being taxed. But this is a bad Government, which is collecting over Kshs200 billion in a year, and Kshs40 billion out of that amount goes to the Office of the President to serve, as Ms. Karua has said, in KANU campaigns. Kenyans are not willing to support it. You should not think that we are a disgrace to Kenyans. In fact, we are going home as heroes, even if it is next week because we are not willing to go tomorrow before that Select Committee is formed. It is only, maybe, a few who are fearing going home to tell Kenyans they are not going to get money. The World Bank and the IMF have no other business, other than lending money at a profit. They are not giving us free money. If your business is to lend money, how do you give conditions to your customer? Some of these conditions are made for the purposes of introducing neo-colonialism through the back door, and not purposely because of money. Their business is to lend money and we are sure this is the business they will continue to do.

On the issue of indiscipline in schools, I would want to say the following. We have a problem between the Parents-Teachers Associations (PTAs) and the Boards of Governors (BOGs), and each group does not seem to understand their specific roles. I would urge the Ministry for Education to hold seminars to acquaint BOGs and PTAs with their specific roles in schools. The conflict in their roles is causing some of this unrest in schools. You will find a member of the PTA who is not a parent in a school. Similarly, you will find a member of the BOG supplying goods to the school. So, you become the supplier and then determine the price because you are administering the school on behalf of the Minister. The Ministry of Education should hold seminars for the PTAs and BOGs. Alternatively, I would advise that we do away with BOGs and have the schools run by parents.

(Mr. Kimeto consulted with Mr. Omamba)

Mr. Deputy Speaker: Order, Mr. Kimeto!

Mr. Waithaka: The BOGs were appointed to run schools on behalf of the Minister when the Government was giving grants to schools. These days, the Government is not giving grants to schools; parents contribute their own money to run schools. Why can they not also administer the money they contribute instead of having an amorphous BOG administering the schools on behalf of the Minister, who is not giving any grant to the schools? So, let us have PTAs manning the schools directly. The same way they contribute money to build classrooms or pay teachers in Government schools, they should also be involved on how that money is spent. The Government has given a lot of powers to the BOGs and the principals, to the exclusion of the PTAs.

With those few remarks, I beg to oppose.

The Assistant Minister for Finance and Planning (Mr. Lomada): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion of Adjournment. We need this adjournment because we have to go to our people and find out what they need from us. We have been coming to find out exactly how we can represent them in this House. It is high time we went to them. Some of us have vast constituencies and you can reach your constituents up the hills, across the hills and the valleys by walking on foot. We have no good roads, so they need us. We need this time to be able to move all over our constituencies.

Mr. Deputy Speaker, Sir, I would like to comment on the state of our roads. Our roads are in a pathetic situation. Something needs to be done about our roads. We have lost a lot of lives because of the bad state of our roads. Everyday, we hear of some people who have been killed on the road. We have potholes and some of the sections have

been completely washed away. We need to introduce a Bill on the issue of roads, so that we do not continue losing lives on our roads.

Mr. Deputy Speaker, Sir, my other point is about the Kenya Amateur Athletics Association (KAAA). The way they treated Tecla Lorupe, who is a world champion leaves a lot to be desired. I do not understand why that lady was robbed of the chance to represent this country in the world championship. We could have had more gold medals if this lady was allowed to participate in the 8th IAAF World Championship in Edmonton. I am concerned as a Member for Sigor where this lady hails from. This is unfair to our people. We would like to know what really went wrong because we do not want this kind of thing repeated in this country. I hope the Minister concerned will issue a comprehensive Ministerial Statement as to why that lady was denied a chance to participate in the recently concluded championships in Edmonton, Canada.

Mr. Deputy Speaker, Sir, I would like to talk about the rural electrification programme in this country. Our people do not have electricity in their homes despite the fact that the Turkwell Gorge Project is in West Pokot District. This project contributes substantially to our national grid. I would like to appeal to this Government to provide electricity to Pokot, Turkana and Maasai people who live around this project. I also urge this Government to carry out irrigation projects around Turkwell Gorge, so that our people can engage themselves in farming activities. Given the fact that our district is semi-arid, water from this project can be used for farming activities. We would like the Government to support our people by starting irrigation projects in our district. If we are serious about fighting poverty in this country, especially in my district, then our people must be allowed to carry out irrigation activities.

Mr. Deputy Speaker, Sir, I was saddened by the way the Members on the Opposition side voted against the Constitution of Kenya (Amendment) Bill. I would like to urge them not to be opposing Bills for the sake of it.

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

Mr. Deputy Speaker: Mr. Lomada, as an Assistant Minister in this Government, you have other avenues to ask for statements from Ministers and not in the House.

An hon. Member: Tell him!

Mr. Kathangu: Bw. Naibu Spika, nitaanza hotuba yangu kwa kusema kuwa duniani kuna watu wawili ambao wako safarini na hawachoki kutembea. Hawa ni malaika na shetani. Katika safari yao ya kila siku, wao huvuna hapa na pale. Kuna watu wanaotaka malaika akivuna, mavuno yake ampelekee Mola. Hata hivyo, kuna watu wengine ambao wangetaka akivuna, ampelekee shetani mkuu. Tunapozungumza katika Bunge hili ni lazima tukumbuke kuwa hata sisi tuko katika safari hiyo. Wachache mara nyingi huwa ni watu wa malaika, na wengi ni watu wa shetani.

Tunapozungumza katika Bunge hili ni lazima tujue kwamba katika nchi hii kuna makosa fulani ambayo ni lazima yatatuliwe. Tunapozungumza juu ya ufukara au umaskini ni lazima tukumbuke mwaka 1991, Serikali ya nchi hii ilichukua mkopo. Kila mwaka Serikali hii hutia sahihi kuwa mkopo huo uendelee. Ofisi ya Rais husingizia kuwa inatumia zaidi ya Kshs11 bilioni kununua vifaa vya wanajeshi wetu, ambavyo havinunuliwi. Pesa hizo huenda mifukoni mwa watu binafsi. Je, haya ni makosa au la?

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. I rise to request the hon. Member to substantiate the fact that money allocated to the Department of Defence ends up in individuals' pockets. That is an utter untruth.

Mr. Kathangu: Bw. Naibu Spika, ninaweza kujitetea juu ya jambo hilo. Hii ni kwa sababu nina nakala juu ya mambo haya katika kabati langu. Ninaweza kuandamana na Bw. Sunkuli hadi katika kabati langu ili tulifungue pamoja.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. It has been a ruling of the Chair that if the hon. Member knows that he will come to make such allegation, he must be ready to substantiate. Is it not proper for him to withdraw it and then come back when he will be ready to substantiate?

Mr. Deputy Speaker: Order! When the Chair is responding to a point of order, the time of the hon. Member is saved. But when Members wrangle among themselves, no time is saved.

Mr. Kathangu, you really have to substantiate that statement. Once you substantiate, that ends the story. But if you do not, then withdraw and apologise. Nobody will require you to come back to substantiate. So, choose!

Mr. Kathangu: Bw. Naibu Spika, mimi ni mmoja wa askari wastaafu hatari sana katika nchi hii. Ninajua vifaa vya jeshi. Vifaa hivyo---

(Laughter)

Mr. Deputy Speaker: Order! You have been asked a very specific question. Whether you are a hero or a

retired general, is neither here nor there.

Mr. Kathangu: Bw. Naibu Spika, nipe dakika mbili niwasilishe marakatasi juu ya swala hilo mbele ya Bunge hili.

Mr. Deputy Speaker: Yes, go ahead!

Mr. Kathangu: Bw. Naibu Spika, asante sana!

(Mr. Kathangu withdrew from the Chamber)

The Assistant Minister, Office of the President (Mr. Haji): Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to support the Motion before the House. It is a very unfortunate and sad moment for this country that our brothers on the other side of the House, yesterday decided to shoot down a very important Bill. It is very unfortunate that they did so under the cover of transparency and accountability.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to mislead the House that it was his brothers, on this side of the House who voted against the Bill when there were also brothers of his from that side of the House who voted against the Bill?

Mr. Deputy Speaker: We are all brothers and sisters!

The Assistant Minister, Office of the President (Mr. Haji): Mr. Deputy Speaker, Sir, I was saying that our brothers on the other side of the House voted against the Bill under the cover of transparency. To them, they thought that would give amnesty to those people who have committed economic crimes. However, if you read through the Bill, there is no clause that gives anybody amnesty.

Mr. Deputy Speaker: Order! Hon. Members, let us sort out ourselves on this matter. The KACA Bill was determined yesterday, negatively. You cannot now proceed to discuss the KACA and the Economic Crimes Bills because those Bills are not before the House. Our rules do forbid us to anticipate debate. So, let us proceed.

The Assistant Minister, Office of the President (Mr. Haji): Mr. Deputy Speaker, Sir, I entirely agree with your ruling. However, precedent has already been set because other hon. Members spoke about that Bill. All the same, I respect the Chair's ruling.

Mr. Temporary Deputy Speaker, Sir, it is always good for hon. Members to go and consult the people who elected them. There is no point for some people to pretend to be angels and paint other people as devils, while we know that most of these people have been in the Government since Independence up to the time we went multiparty. If they were honest with themselves, they should have either resigned when they were in the system or keep quiet. They have been party to all the ills they accuse the Government of.

Mr. Deputy Speaker, Sir, it is proper for people to go on recess. We have been elected to serve the people of this country. The only way we can serve the people is to---

Mr. Wanjala: Who elected you?

The Assistant Minister, Office of the President (Mr. Haji): I am a national Member of Parliament. You were elected by a handful of people but I am representing the whole country. So, you keep quiet. So, those who have been elected---

Mr. Wanjala: But you are a nominated Member of Parliament!

The Assistant Minister Office of the President (Mr. Haji): Please, hold your horses. You should not heckle me.

Mr. Deputy Speaker, Sir, hon. Members should not be afraid to go and meet their people. They should not hide under the cover of being in this House all the time. The people need to see them, so that their problems can be addressed. They need to bring their problems to the attention of their representatives. Therefore, it is right for us to go back to them and listen to their problems.

Secondly, it is very unfortunate that we are going through a very difficult time in this country. I think we have a responsibility as a nation, in spite of our political differences, to try and talk to our people to remain Kenyans at all times, and also to unite our people wherever they are. If what we say and do in this House will be carried out to the common man, it will be very unfortunate.

When an hon. Member refers to the Kenya Broadcasting Corporation as a tool similar to the one which was used in Rwanda to perpetrate genocide, that is very irresponsible to the extreme. We know that there are vernacular radio stations in this country which say all sorts of things, but because they are licensed to broadcast, they are allowed to continue but the issue of comparing our situation to that of Rwanda and Burundi should not be allowed to continue. When we go out, we should preach peace and unity among our people.

Mr. Deputy Speaker, Sir, some areas of this country are now experiencing drought. For those of us who are pastoralists, we would like to go back home so that we can look for good pasture for our livestock. Unlike those who

grow coffee, which does not move, they can always irrigate when there is no rain.

With those remarks, I beg to support.

The Member for Taveta (Mr. Jackson Mwalulu): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion which I feel I must oppose.

Mr. Deputy Speaker, Sir, we have very important business which we must deal with - the death of one of our own, the late hon. Tony Ndilinge. It is not fair for us to break and go on recess when one of our own has died under circumstances which remain as controversial as they are shady.

Nevertheless, I am not very surprised because in this country, we have established a very firm tradition of being unfair to ourselves. This morning, and in the afternoon, we went through a very important Motion and a Sessional Paper. That was the Sessional Paper on the Liberalisation and Restructuring of the Coffee Industry, and the Motion for the introduction of a Sessional Paper to write off loans owed by sugar companies. The lesson that I learnt from that was that through those Papers and Motions, we had an opportunity to remind ourselves of the extent to which our economy has collapsed. We are in trouble and what I think is that, this country needs both an economic and political Marshal Plan. That is very serious because if you look at any other industry and brought the matter here for debate, you will hear the same lamentations and woes all through. No wonder, our economic centre cannot hold any more and it means that it is just a matter of time before our political centre will stop holding.

(Applause)

Mr. Deputy Speaker, Sir, talking about unfairness, I happen to represent one of the most unfortunate constituencies in this country, and that is Taveta! In Taveta, we are 80 per cent squatters and are being harassed by rogue elephants which cannot allow us to grow crops. They kill us day and night. It is those people who have sent me here to remind this country, and this Government in particular, that Taveta people exist, are Kenyans and they are taxpayers.

(Applause)

Mr. Deputy Speaker, Sir, what we need in Taveta is not Harambee or any form of handout! We can be self-reliant because we have the human and natural resources. Taveta is one of the naturally richest constituencies in this country. We have several water sources, a number of rivers flowing through the constituency, and two all-season lakes called Lake Challa and Lake Jipe. What we need at the moment are just two things. First, the people should be given land by the Government, so that we could finish the problem of squatters. Secondly, the water which is in the area should be released for irrigation purposes. Thirdly, we need roads. I was born and grew up there, and until when I travelled out of that constituency, I had not seen a tarmac road!

(Applause)

Mr. Deputy Speaker, Sir, Taveta is cut off from the rest of Kenya and, sometimes, we wonder whether we are Kenyans, Tanzanians or Ugandans. I have come here to represent those people. Those people have persevered through time and we have survived not because we have a Government in place, but despite the Government!

Mr. Deputy Speaker, Sir, I still believe in the rule of law and civility. That is why we used that opportunity to send a representative to this House, so that, like the rest of Kenya, we could be represented. Those people are very honourable and have integrity because they are hard-working and they have never revolted against the Government. So, I just want to remind this country and this House that there is a place called Taveta and there, live Kenyans.

With those few remarks, I beg to oppose the Motion. Thank you.

(Applause)

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Thank you, Mr. Deputy Speaker, Sir. I think it is high time we went home because we need to visit our constituencies. Some of us come from very elaborate and extensive constituencies. I would like to raise one particular issue that concerns where I come from, which is security. The security situation has deteriorated, particularly in the pastoral communities in this country. We, as leaders from these communities, are doing our best to convince our people that there is need for peaceful co-existence. We have promised this country that we will embark on a peace mission. We need the support of the security forces to ensure that adequate security is provided in these volatile areas so that insecurity can be contained. As you heard yesterday, there are some tenders being awarded to the Turkwell Gorge Project. We do not

want to lose any more people as a country.

The other issue that I want to touch on is famine. While most of the country is recovering from drought, northern Kenya is still suffering from the effects of famine. The drought has continued to affect the people there, and there have been heavy losses of livestock. It will take a while for the livestock to be recovered. The pastoral economy, unlike the agrarian economy, does not respond immediately to the onset of rains. It takes a while for livestock to get back to their levels so that people can engage in economic activities that will support them. I would like to appeal to the Government to look into ways of reviving the Kenya Meat Commission (KMC), which is one of those outstanding issues in this House. The KMC is the only outlet for livestock farmers especially those from northern and southern Kenya. Should it be revived, it will provide a ready market for the surviving livestock so that farmers can trade and earn some money to support the fragile pastoral economy.

We have been promised in this House before that the KMC will be opened. The KMC was supposed to have been opened in August last year, as promised by the Minister for Agriculture. It is now August, 2001, and the promise is yet to be fulfilled. These promises should be translated into reality as soon as possible because our livestock farmers need to get a market outlet. The agrarian society in this country has been taken care of in terms of markets for coffee, tea and sugar, which we discussed this morning. There are very few market outlets for the Zebu cow. It is high time that we took seriously the issue of the KMC. If that is done, I am sure we will have addressed the fundamental problem of poverty in northern Kenya because they will have an outlet to sell their animals.

I would also like to talk about the road network. You will find that *El Nino* funds were allocated to construct roads for some areas, while those areas with no basic infrastructure were not given these funds. You will appreciate the importance of the road network in this country. We need to be able to move from point "a" to "b". The area between Isiolo and Moyale needs to be connected to the international highway. Most of that road is almost impassable. We need to get our priorities right. In North Eastern Province we have only 17 kilometres of tarmacked road within Garissa District, and yet there is a whole road from Mandera to an international border. If we are serious in terms of developing this nation, we need to ensure that all parts of this country are developed properly. I would like to remind the House of what Martin Luther King Jr. said about injustice. Injustice in one corner is injustice everywhere in the Republic.

I beg to support the Motion.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. I stand to oppose this Motion. One of the businesses of the House that we should have dealt with, like other Members of Parliament have said, is the issue of setting up a Parliamentary Select Committee to look into the reasons of the killing of hon. Ndilinge. Last week, over 100 Members of Parliament did sign up, asking that we bring a Motion here, debate it and set up a Parliamentary Select Committee of Members of Parliament, who would collect views from members of the public and others who know anything about what may have happened to the late Ndilinge. However, this Motion, obviously, has not come into the House and we only learnt from the Speaker yesterday that this Motion was never brought to his office. We, obviously, know that the Speaker misled the House Business Committee to that extent, because we now know and we have established that---

Mr. Deputy Speaker: Order! That matter was fully discussed this morning with Mr. Speaker, who explained his position very clearly. There is no way I will allow you to continue saying that he misled the House.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. However, I am a member of the House Business Committee and you may not be aware, and I heard him say that he never received it. Hon. Dr. Mukhisa Kituyi is not a member of the House Business Committee and I am aware that, that was taken to him. Therefore, I have the right to say to this House exactly what had happened.

Mr. Deputy Speaker: Order! When the Chair makes a ruling, he does not do it lightly. That matter was discussed fully this morning between the Speaker himself and hon. Dr. Kituyi. So, you have no *locus standi* to open it now.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. However, 100 Members of Parliament did sign that Motion and, therefore, we also do not take it lightly.

Mr. Deputy Speaker: That was not the issue. The issue was where it lay before him last evening.

Mrs. Ngilu: Thank you very much, Mr. Deputy Speaker, Sir. Before we went on recess in December last year, hon. Ndilinge said in this House that his life was in danger. He had wished that the Minister of State, Office of the President, Maj. Madoka, was in the House to hear what he had to say. He did carefully say what was happening and the people who were trailing him. He said that in the HANSARD records that we have here. He said that there were people who were trailing him and who wanted to kill him. They had not as yet found where he used to go because they wanted to poison him. He also said that he had stopped drinking and now there were people who had been set up to kill him. He made that kind of a statement.

The Minister seems not to have done anything until, actually, hon. Ndilinge was killed. On the day that hon. Ndilinge was killed, he had tried to see the Minister who was here, and who, at that point in time, was in State House with the Provincial Administration from Makeni. Therefore, there are all these leads that we have not as yet heard

from the Minister himself, and from all these people who the late hon. Ndilinge had mentioned. What we have been made to understand was that the late hon. Ndilinge was seen in and about several hotels, going around with several women. I would like to say to these people that all those people who have tried to indicate or show that hon. Ndilinge was moving from one bar to another with women was false. I would like to see which man here would like to cast the first stone, that hon. Ndilinge, a person who we now know as a very organised person with four wives, and we know we are going to bury on Saturday, and there have been no problems between his wives and family---

I think we should honour the late hon. Ndilinge and not only give the right burial but also try to find out who killed him.

Mr. Deputy Speaker, Sir, this is not the first political assassination that we have had in this House. As we now go into this recess, we just wonder who then will be next among those who sometimes oppose what this Government is saying and doing. Yesterday, during the KACA Bill voting, we did see the Government coming together with even those who misled the President to come to this Floor of the House only to be humiliated because they knew very well that, that Bill was not going to be voted for. They have used the propaganda machine called KBC.

I beg to oppose.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. I think during this Session, a lot has been discussed. We have gone through a lot of trials and managed to come out of them successfully. We have obviously learnt a lot from what transpired during this Session.

[Mr. Deputy Speaker left the Chair]

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

I feel very proud to sit on this side of the House. People on this side are dignified; we listen keenly to debate and false accusations. However, whenever we try to speak, hon. Members from that side of the House heckle. That shows hon. Members on this side of the House are more mature than their colleagues on the Opposition side.

Mr. Temporary Deputy Speaker, Sir, I must say that I feel disappointed when people stand here and make very false accusations. Mrs. Charity Ngilu is one of the hon. Members who make false accusations. She has, for example, just said that the day before the late hon. Ndilinge was killed, I was at State House with Provincial Administration officers from Makueni District. That is a total fabrication by the gracious lady. I was not there at all; unless I misheard her, there was nothing like that.

Mrs. Ngilu: On a point of clarification, Mr. Temporary Deputy Speaker, Sir. The Minister is, indeed, right; he was not with the Provincial Administration from Makueni District. He was with the District Commissioner (DC), Taveta, at State House, Nairobi. We know all those who were with the Minister. So, he has some information to give us.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, Mrs. Ngilu has told this House lies. I was not at State House; there was no DC from Taveta anywhere.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Minister. You know that the word "lies" is unparliamentary.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, Mrs. Ngilu has told the House untruths. I was not at State House at that particular time. In any case, Taveta does not have a DC; it has a District Officer (DO).

Mr. Temporary Deputy Speaker, Sir, we should not trivialise this particular issue. I am not against the idea of setting up the proposed Select Committee. I will be quite happy to see the Select Committee set up. I would only like to advise that, if we should have a Select Committee, we should constitute it after the police have given their findings. It is unfortunate that an hon. Member can stand here and say all of us have no faith in the police. I do have faith in the police; they do a commendable job. We have had a few unfortunate incidents involving police officers. However, we should not generalise and say that all of us do not have faith in the police.

I think it is also wrong for people to talk of political assassinations when they have no evidence to establish such facts.

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that Kenyans have confidence in the police?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!
Continue, Mr. Minister!

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, the murder of the late Mr. Ndilinge is of concern to all of us. I want to tell the Opposition not to think that it is more hurt

than we are. We are equally hurt by the loss of our hon. Member. He was a KANU hon. Member and not an Opposition hon. Member. This statement about Mr. Ndilinge's murder being a political assassination has been made by irresponsible people. You should let the police report their findings. At this stage, I can say that the policemen are moving extremely well and, maybe, within the next few days, we will state something more definite. Let us not deal with speculations, Mrs. Ngilu. You should not look for cheap publicity by addressing yourself to issues such as this one. Mrs. Ngilu is fond of trivialising issues such as this one. After the death of the late Mr. Kapten, she was the first person to stand up and make false accusations.

Mrs. Ngilu: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are talking about a body that is lying at the Lee Funeral Home today. It is the responsibility of the Government to provide security to every Kenyan. You do not provide security when one is dead. This is what we are seeing from the Minister. The late Mr. Ndilinge had told the Minister that his life was in danger. What did the Minister do?

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, when the late Mr. Ndilinge reported that particular threat, we carried out investigations. We recorded statements from all those people who had been accused and found out that there was no evidence for us to bring up any charge.

With those few remarks, I support the Motion.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Before you took the Chair, Mr. Deputy Speaker had ordered Mr. Kathangu to go out for two minutes and bring substantiation on allegations which he had made. I have just been counting minutes and it is now half an hour since Mr. Kathangu went out. Could you order the Serjeant-at-Arms to go and bring him from the pigeon holes area?

The Temporary Deputy Speaker (Mr. Imanyara): Order!

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I hope that the Government, which refused to amend the Constitution of Kenya (Amendment) Bill, which was rejected yesterday, will take heed and change the flaws which were brought out into this House during the recess.

Many Kenyans are not aware that once you bring a Bill for constitutional amendment, it cannot be amended in this House. It is for this reason that it was a "take it or leave it" matter. We decided to leave it. Sincerely, Kenyans want a Kenya Anti-Corruption Authority (KACA) Bill that will be effective, and one that cannot be thrown out by the court the way the last one was thrown out, and we hope the Government will take heed of that.

The other point that is being made is that we do not want two Attorney-Generals. It is true we do not want two Attorney-Generals. We have had one since Independence. But where has he been? He did not do anything to stamp out corruption. This is what has brought about the need for KACA. If the Attorney-General continues that way, maybe, his post will be abolished and we will have more than two Attorney-Generals.

Mr. Temporary Deputy Speaker, Sir, on a serious matter now, as we go on recess, I cannot help but think about my constituents. I want to appeal to the Government to do a few things for the people of North Imenti Constituency. First, we live next to Isiolo, Samburu and Laikipia Districts, where people are armed. These people have guns. My people have no guns. They are getting killed by the day. I want to appeal to the Government to give us police reservists so that we have people who are armed who can look after the people. Unless this happens, then the people of North Imenti Constituency will be forced to buy illegal arms and the situation will be even worse than it is today.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the HIV/AIDS pandemic. We have very many HIV/AIDS incidents in North Imenti Constituency. We established our Constituency AIDS Control Committee (CACC) more than a year ago. I heard the Minister say that the Ministry had released Kshs500,000 to every constituency. My constituency has not received a shilling. I hope the Minister will have time during recess to get the Kshs500,000, which has been given to other constituencies, sent to my constituency.

The Minister of State, Office of the President (Maj. Madoka): On a point of information, Mr. Temporary Deputy Speaker, Sir. I do not think I said that every Constituency HIV/AIDS Committee has been given Kshs500,000. That is not what I said.

The Temporary Deputy Speaker (Mr. Imanyara): Maybe, you can tell him what you said!

Mr. Mwiraria: Mr. Temporary Deputy Speaker, Sir, I thank the Minister for his information, but I do not want him to take my time. I want him to make sure that whatever he has given to other constituencies, goes to North Imenti Constituency as well.

Mr. Temporary Deputy Speaker, Sir, with regard to roads, we have many national roads which are in shambles. But in North Imenti, where we had very heavy rainfall induced by the *El Nino* phenomenon, there are roads there which have not been repaired. I want to single out two of them. The road from Ruiru to Isiolo is still not passable even up to today. We have already appealed to the Government. We expected it to be repaired under the *El Nino* Emergency Funds Programme, but it has not been repaired and we would like to appeal to the Ministry to have it done. We have other areas and, in particular, Timau, where people cannot move wheat out of the shambas because of poor

road conditions. My request to the Government is that these roads should be done during the dry season when the tractors can work.

Mr. Temporary Deputy Speaker, Sir, let me make my final point and request the Government not to liberalise to please donors at the expense of Kenyans. We need to take Kenyans' interests first and look after this country because it is only in this way that we will stop being dependent on donor aid.

With those remarks, I beg to oppose.

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion of Adjournment. I think it is an opportune time hon. Members went on recess because, clearly, we look very tired. If you ask me, I could have wished that after yesterday's event, this House should have been dissolved so that we go back to the people and ask for a new mandate, to see if really the public is with us. I think the President should have called for a bluff yesterday. Everybody from that side thinks that he or she will come to this side. In fact, the President should have called for a bluff yesterday and then we could have seen if really hon. Members on that side could come to this side of the House. Hon. Members should actually come here re-charged.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ekirapa! Mr. Obwocha, please, note that every hon. Member has five minutes. Please, do not take Mr. Ekirapa's time, if you do not have a genuine point of order.

Mr. Obwocha: Is the hon. Member in order to say that he has no confidence in the Parliament? Is he also in order to stand before this House and tell us that the President should have called a bluff yesterday?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ekirapa, did you say that you have no confidence in Parliament?

Mr. Obwocha: Yes, he said it!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Ekirapa! If you made that remark, you should withdraw it.

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, I did not say, that and he can check it in the HANSARD!

The Temporary Deputy Speaker (Mr. Imanyara): All right. You can now proceed!

The Assistant Minister for Trade and Industry (Mr. Ekirapa): Mr. Temporary Deputy Speaker, Sir, let me just hope that during our recess, hon. Members are going to have time to re-think about our responsibilities in this House. On serious national issues, we should come together as leaders of this country and arrive at a consensus because such issues are useful to our people. We did not come to this House to divide ourselves and argue just for the sake of argument, even on matters that actually involve the lives of our people, like it happened yesterday. I hope that when we come back we will be more focused and deal with issues that affect our people. We should get together and revive the economy of this country. All of us should tell the Government how our economy can be revived. We should think about agriculture; how we can encourage our farmers to grow more food for this nation, so that we do not import food from other countries. We should talk about health, especially HIV/AIDS that has killed many of our people. These are issues that touch on each and every hon. Member of this House more than personal and party interests that we seem to spend most of our time on. It is for this reason that I said that, maybe, we are tired, and we should go back to our constituencies.

Mr. Temporary Deputy Speaker, Sir, the other aspect that I hope hon. Members of Parliament will educate their people on when they get to their constituencies is the Constitutional Review Process. I would like to say that the Commission is about to go round the country to gather views. We should educate our people so that they can be informed. Let us liaise with the agencies that will help our people to understand the Constitution and the issues that are involved, so that when the Commission goes round, they will be informed and contribute effectively and sensibly to the Commission. This will enable this Commission to come up with a Constitution that will serve this country for a long time.

There is another aspect that I would like to touch on. This relates to donors. We are now in a situation where donors seem to dictate to us what we should do. I would like to say that if hon. Members of Parliament came together and discussed issues that are of paramount importance to this country, we should tell the donors what we feel about this country. We should not argue about what one party gains, and what the other loses. We should get together as a National Assembly and make decisions for our country. If we say that enough is enough from the donors---

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

Mr. Oremo: Bw. Naibu Spika wa Muda, ninakushukuru kwa kunipatia nafasi hii ili niongee juu ya Hoja hii.

Jambo la kwanza ambalo ningependa kuongea juu yake ni kuhusu Bunge kukataa kupitisha Mswada ambao tulikuwa nao hapa. Ni lazima tujulize ni kwa nini Kenya iko katika hali hii.

Wakati tulipata Uhuru mwaka wa 1963, Kenya ilikuwa kiwango kimoja na Hong Kong, Taiwan, Singapore na Malaysia, lakini kwa sababu ya ulanguzi, unyonyaji na hujuma za uchumi katika nchi hii, tumefika kiwango ambapo Kenya imekuwa nchi ambayo inategemea nchi zingine.

Jana nilikuwa ninajuliza, kama Serikali hii haiwezi kulinda maisha ya watu wa Kenya-- Wakati mwingine nilisema kwamba Serikali inafanya kazi mchana na ikifika saa mbili usiku, polisi wanalala au wanakuwa wahalifu. Kama nyinyi hamwezi kulinda maisha ya watu wa Kenya, mtalinda pesa za Kenya? Kama mmeshindwa kulinda maisha ya binadamu, mtachunga pesa ambazo tunalipa kama kodi? Tumefika kiwango ambacho Banki Kuu ya Dunia inatashurutisha kutunga sheria ambazo zitaangamiza ufisadi. Kama Serikali ingetumia sheria ambazo ziko katika Katiba, Penal Code na vipengele vingine ambavyo viko katika vitabu vya sheria za Kenya, hatungekuwa katika hali hii ya kuambiwa na New York na London jinsi ya kuumudu uchumi wetu. Ni aibu kubwa kwamba Kenya inalilia Marekani na Uingereza. Kenya haikuwa katika hali hiyo. Kama ingekuwa nchi nyingine ambayo ilishindwa kupitisha Mswada kama ule wetu wa jana, na hata Rais akashuhudia Serikali yake ikishindwa, Serikali hiyo ingejuzulu. Imeshindwa kulinda rasilimali yetu na pia imeshindwa kuleta pesa kutoka nje. Ukisoma ripoti kutoka nchi ya Angola ambayo ina vita vikali, utapata kwamba rasilimali ambayo inaingia huko ni mara kumi zaidi ya Kenya. Hii ni kwa sababu wanajua kwamba wakipeleka rasilimali zao huko zinalindwa. Lakini hapa Kenya, mtu analeta rasilimali na hakuna ulinzi wa kutosha.

Kwa maoni yangu, kutokana na funzo tulilolipata jana, hatuwezi kulaumu Bunge. Wakati tulipitisha Mswada wa Donde, Rais alikataa kutia sahihi na akapendekeza marekebisho. Bunge hili lilikubali kufanya marekebisho hayo. Wakati Bunge lilipotaka Mswada wa KACA ufanyiwe marekebisho, Serikali ilikataa. Baina ya Donde, aliyekubali Mswada wake ufanyiwe marekebisho, na Serikali, ambayo tunaomba ifanyie Mswada huu marekebisho, ni nani ana akili? Serikali ilijua kwamba itashindwa kupitisha Mswada ule. Inaonekana mhe. Donde alikuwa na akili kuliko Serikali hii kwa sababu alikubali marekebisho hayo. Rais amekataa Bunge kuwasilisha Mswada wa Ufisadi kutoka mwaka jana. Ni mhe. Kombo aliyefikiria juu ya Mswada huu. Serikali haijafikiria jambo hili; ni mhe. Kombo aliyelea Hoja hapa. Lazima Serikali ikubali kwamba ikitaka kuongoza Kenya vizuri, ni lazima tuongee kama nchi. Lakini mkifikiria kwamba Moi atakuwa hapa milele na milele, mtaendelea kushindwa kwa sababu mnafikiria mtu mmoja tu. Mmekosa kufikiria nchi yetu ya Kenya ambayo ni kubwa na iko juu kuliko mtu yeyote. Ningeuliza Serikali hii ijaribu kulinda maisha ya watu wake. Pia tungetaka kujua marehemu Ndilinge alikufa kwa njia gani.

The Minister for Public Health (Prof. Onger): Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion of Adjournment. From the position in which I am, it is only fair to say that everyone of us has gone into a state of mental fatigue and we can hardly churn out very intellectual debates at this rate. It does not matter whether young or old, we all go into mental fatigue.

(Laughter)

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

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

Mr. Temporary Deputy Speaker, Sir, I would like to advise that in all fairness, we need a break. We also need to take stock of things that we need to do during this vacation. We just passed one of the most important Bills in this House; The Industrial Property Bill, which touches on issues that are directly related to life. I hope that in not too distant future, we should be in a position to put the machinery in place to be able to acquire or access the anti-retroviral drugs for use by some of the HIV/AIDS victims.

Mr. Temporary Deputy Speaker, Sir, I think hon. Members have got a responsibility, as leaders and as effective representatives of their constituents in this House, to propagate this one simple message: Basic preventive health care can reduce the disease burden and the suffering and pain that the ordinary mwananchi goes through. For instance, tomorrow we will be launching the National Immunization Day. This is basically to be able to reduce and cut back the cost of taking children to hospitals every other day, if only they can get a second or third vaccination. This is the message hon. Members can simply propagate to their constituents. Our people have only to turn up in health units to help us carry out this exercise.

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

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

Let us not over-simplify some of these issues that we are going through. It is a fact that Kenyans are suffering because they cannot afford some of the drugs and the basic needs that they require. We all are too familiar with the poverty burden that is in this country. About 53 per cent of our population lives below the poverty line. They earn hardly a dollar a day. In that backdrop; and given the circumstances in which we are, it is a pity that we were not able to pass the Bill yesterday. I am using very polite language because it is not a question of flexing muscle here; it is a question of what is the right thing to do, at the right moment and at the correct time. I feel this was one occasion where we should have all come together, regardless of what our positions might have been, in order to alleviate suffering. Unfortunately, that was not the case yesterday. We have a burden that we need to go back to our constituents and explain to them what we will do because the flow of funds will not be forthcoming. For example, we were expecting to get US\$50 million for the fight against HIV/AIDS. This is likely to have a problem. It is only fair that since we made that decision yesterday, we go back to our constituents and tell them what happened. These are the kind of questions that are likely to come up and embarrass us all as hon. Members. I think it is only fair that we should be aware of this position. There is no need to blame the Government because we are all part of the story. The story is, we refused yesterday to accept a compromise. The compromise was to pass the Bill itself.

I would like to appeal to hon. Members to pass on simple tips about oral health. It is one area which has been neglected and we want oral health to be part of our story.

Mr. Temporary Deputy Speaker, Sir, with those few words, I support the Motion.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I have got three points and I will be categorical. I beg that you defend me, since there is a lot of noise in this area. A lot has been said about the death of Mr. Ndilinge, and I wish the whole House turns up at Kasikeu, Sultan Hamud, which is the late Mr. Ndilinge's home, so that we can escort him gracefully. That does not wipe out the idea and the request made earlier that we still would like to know who killed Mr. Ndilinge and how he died. The death of Mr. Ndilinge is very worrisome. Enough has been said on that issue, but what I would only like to reiterate is that, I was very shocked that immediately after his death, there was a meeting to state how much he was going to get from the insurance. Why should we announce somebody's income? There is no need. This is unprocedural. I was also surprised that the announcement had to come up very quickly. What is somebody trying to uncover that was not covered? This one is a pointer to the fact that there might have been some cover-up. Whatever it was, we object that when any hon. Member dies, we will sit here, address the Press and tell them how much money the family is going to earn. The security in this country is not the best. Why should we announce publicly what somebody has been awarded from the insurance company?

Mr. Temporary Deputy Speaker, Sir, Prof. Ongeru, who is the Minister for Public Health, is here, and there is an appeal which I would like to make through the Chair. On 28th, a lady by the name Regina Kamanthe Musyoki died in Kenyatta National Hospital. She was in Ward 10 C, bed 11. This lady comes from the end of Makueni District where poverty resides. The 80 per cent of family relief given to Ukambani people goes to that area called Kitise. This lady comes from Katangini Division, right at the end of Makueni District. She has no family to start with, but her community members have been going to Kenyatta National Hospital to plead, so that the body can be handed over to them for burial. Kenyatta National Hospital management has refused to do so three times. Normally, we dig burial holes. As a result of this delay, we may have to bury a goat or something like that in that hole. Could the Government hand over the body of this lady to the family tomorrow, so that the burial can be conducted on Saturday? The Minister for Labour is aware of this issue.

Mr. Temporary Deputy Speaker, Sir, there is a word "retrenchment", which has been coined and is being used by many people. Retrenchment has become a cancer in this country. Now, every Tom, Dick and Harry, or every industry, particularly those owned by Asians are sacking our people anyhow. Could there be a system where, before retrenchment, authority should be given by the Ministry of Labour? To retrench anybody, there must an approval. That should be the requirement. We would like the Government to issue instructions that nobody should use the excuse of bad economy to get our people out of jobs. There must be a written authority from the Ministry of Labour and Human Resource Development in order to retrench anybody. That is the request I am putting to the Ministry.

Mr. Temporary Deputy Speaker, Sir, Kenya, and particularly this Parliament, is a member of the Commonwealth Parliamentary Association. It is procedural and a requirement of the Commonwealth Parliamentary Association that when a Bill from a Government is defeated, that Government resigns. What is this Government doing since yesterday? It is now 12 hours since the Government Bill was defeated, and I have waited to see a courageous Government resigning. You cannot keep being in power after being defeated. We are not saying that we do not want money, but how can we trust you with Kshs26 billion when the Kshs200 billion from taxes has been misappropriated?

I reject and oppose this Motion.

Mr. Kiminza: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the chance to contribute on this important Motion of Adjournment. A lot has been said, but I stand to support the Motion because we need to go home and consult with our constituents about the various development projects the Government has been undertaking over the months we have been in Parliament.

Mr. Temporary Deputy Speaker, Sir, there are HIV/AIDS Committees which have been formed in various constituencies, and it is only wise that this House goes on the short recess to assess the issue of HIV/AIDS in the constituencies.

Without opening debate on the issue, yesterday's voting has been raised in this House. Every hon. Member from the Opposition side has castigated the Government side of the House for not having brought a properly drafted Bill. It is evident to the Kenyan population that it is the other side of the House which stood its ground to support corruption in this country. If the other side of the House does not support corruption, however flawed the Bill was, every Kenyan expected them to come up and support the Bill.

Mr. Temporary Deputy Speaker, Sir, my young brother, Mr. Mwalulu, has just spoken here. I think he was making his maiden speech. He has lamented, complained and cried before this House that in Taveta Constituency there are no roads or wards. He forgot that his party chairman was a Minister for Finance for about 20 years and refused to allocate any funds to that constituency. He is only realising a little bit too late. Probably, he should go back to history books to know who is the longest serving Finance Minister in this country.

Mr. Maitha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Kiminza who is a defector to KANU, right to mislead this House that Mr. Kibaki could not allocate money to Taveta Constituency when his own constituency does not have even one tarmac road? What has his chairman done to that area?

The Assistant Minister, Office of the President (Mr. Samoei): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Maitha to refer to an hon. Member of this House as a defector when he, himself, is a perennial defector to various parties?

Mr. Kiminza: Mr. Temporary Deputy Speaker, Sir, one of the reasons advanced in this House for opposing this Motion of Adjournment has been the issue of our late brother, Mr. Ndilinge. I saw hon. Members from the other side of the House pretending that Ndilinge was their friend, while everybody in this country knows that in 1997, Mr. Ndilinge was opposed by none other than Mrs. Ngilu. If anybody tries to prevent you from coming to Parliament, is that a friend or enemy? In all her life, I would like to inform the House, Mrs. Ngilu had never visited Mr. Ndilinge's home for whatever reason, except at that time when he passed away. That is the time we saw her reading the Bible. I have consulted various pastors in this country and I have not heard any of them confess to me that Mrs. Ngilu, for the last few days, was a born-again Christian.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you satisfied that the hon. Member on the Floor is in order to discuss the conduct of another hon. Member here without bringing a substantive Motion? As you have heard, he is discussing the conduct of Mrs. Ngilu.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Mr. Kiminza, I am not satisfied that you can actually do so. So, please, be cautioned.

Mr. Kiminza: Mr. Temporary Deputy Speaker, Sir, I want to tell the House that---

An hon. Member: Let him withdraw!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Time up!

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. First, let me register disappointment that an hon. Member can start accusing another hon. Member of not visiting anybody's home. That is childish and flimsy. We do not visit homes of our colleagues. So, that should stay out of here.

Mr. Temporary Deputy Speaker, Sir, I rise to oppose this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order!

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. You are responsible for the decorum of this House, and the hon. Member has just called another Member childish. Is that parliamentary?

Mrs. Mugo: I did not say so!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! Mr. ole Sunkuli, I did not hear her say that the hon. Member is childish.

Proceed!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, he is wasting my time. From the onset, I oppose this Motion mainly because we must differentiate when there is business to be done. This time, there is very important business when one of us has been killed, and it should be the interest of everybody in this House to set up a Select Committee and find out how the hon. Member died. It can happen to everybody, including on that side. In fact, the

hon. Member who was killed is from that side.

Mr. Temporary Deputy Speaker, Sir, it is saddening that the KANU machinery has been set in motion, to discredit the Opposition for voting against the Bill yesterday. This Government is aware and we are aware, that no credible Parliament anywhere in the world would pass a flawed piece of legislation, if it has any dignity. I think the Attorney-General owes Kenyans an explanation, including our constituents, as to why he brought a flawed piece of legislation and even refused to amend it when the flaws were pointed out. It is not for us to explain to our constituents-- - In fact, the only thing we can say is that it was the usual gimmick or propaganda by KANU to try to hoodwink the donors and Kenyans. But we said no and it is credible for this House.

Mr. Temporary Deputy Speaker, Sir, I want to comment on security. Security has deteriorated so much. In this City, people are being killed everyday as we have witnessed on television and everywhere else. In my own constituency, Dagoretti, two young men were killed at Waitihaka Shopping Centre by police. The police claimed that they were practising shooting in a forest in Waitihaka. There is no forest in Waitihaka. Whether these young men are called *Mungiki* or whatever the police want to call them, all Kenyans should be protected by the State. Every life is important. I would ask the Minister of State, Office of the President, in charge of internal security, to look into that matter as to why those young men were killed. There is no forest where to practise shooting in Waitihaka. The previous night, a policeman stabbed six people in Kawangware. One of those people has been operated on and he is in Kenyatta National Hospital. We have reported the matter to Kilimani Police Station and those were Muthangari policemen. The Minister has just told us how good the police are. I know that some of the policemen are good and they are doing a good job. But most of them are just killing Kenyans left and right. We would like to have a proper investigation into the killing of the young men or the so-called *Mungiki* and also those six people who were stabbed by police. Could he also tell the police to stop harassing the people of Dagoretti, especially in Kawangware? We are law abiding citizens and we want them to be paid enough money and not to harass the people there to the point of killing them.

Mr. Temporary Deputy Speaker, Sir, I would also like to inform the Minister or City Hall, that Suna Estate in Dagoretti has not had water for the last four years. It is very degrading, shameful and dangerous for the health of the people of Dagoretti.

With those few remarks, I beg to oppose.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Order!

Mr. Koskei: On a point of order, Mr. Temporary Deputy Speaker, Sir. It seems unless one lobbies the Chair to catch one's eye--

I have stood here---

Hon. Members: Why? Throw him out!

The Temporary Deputy Speaker (Mr. Imanyara): I am seeing everybody who seeks to catch my eye. I think you are being extremely rude by suggesting that I am being lobbied.

Continue, Mr. Sumbeiywo!

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I want to highlight some few important issues here. The most important thing in this country today is security of Kenyans. Security of Kenyans is paramount. Our departed colleague, the late Ndilinge, would not have died if there was proper security.

Mr. Temporary Deputy Speaker, Sir, I am concerned with the hon. Members on the other side, because when the Government brought a Bill to the House to enable us get money from the donors, they threw it out. I do not know what my colleagues are going to tell their constituents. If this Bill would have been passed yesterday, I am sure, by today, we would be having funds.

Mr. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my friend, but is he in order to mislead the House that there was a Bill brought here to bring money? There was no such Bill. The Bill that was brought here was the Kenya Anti-Corruption Authority Bill.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Imanyara): Order! You may refer to your notes but you may not read a speech.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I am not reading a speech. I am just reading points and I can speak without reading them.

Mr. Temporary Deputy Speaker, Sir, I want to comment on the importation of grains. There is a cartel somewhere in this country involved in the importation of grains, such that when our farmers have a bumper harvest,

they import rice, maize, wheat and so on. These people are based somewhere in Coast Province - Mombasa - and in Nairobi. They should refuse--

Mr. Maitha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Sumbeiywo is a good friend of mine. He has said that some of the people in the cartel are based in the Coast Province. Could he substantiate and name that cartel in the Coast Province involved in the importation of grains?

An hon. Member: Sajjad!

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, I think Mr. Maitha knows them and there is no point of mentioning their names.

Mr. Temporary Deputy Speaker, Sir, I would also like to talk about the Agricultural Finance Corporation (AFC).

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to--

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Angwenyi! Proceed, Mr. Kamanda!

Mr. Kamanda: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Sumbeiywo has been asked to substantiate. Could he do that right now? He should not run away.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, Sir, the importers of grain are known and we do not need to name them here.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order, to say there is a cartel of importers of grain when, in fact, Mr. Jaffer has been guaranteed a loan of US\$200 million to import grain? In fact, he has taken three berths at the port in order to import grain!

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Temporary Deputy Speaker, I plead with the Chair to protect me because I have got only two minutes to contribute.

Mr. Temporary Deputy Speaker, Sir, I wish to comment on the Agricultural Finance Corporation (AFC) loans. The loans advanced to farmers cannot be repaid because of the importation of cheap grain. So, we would like to request that the AFC loans be written off so that farmers can continue to produce enough food to feed our people, and also export to neighbouring countries under the COMESA trade agreement.

With those few remarks, I beg to support.

Mr. Mwenda: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a very brief contribution.

Mr. Temporary Deputy Speaker, Sir, what happened in this House yesterday is a demonstration of the fact that the Opposition in this House, and a few Members from the Government side, are determined to stamp out corruption. I am baffled by the dishonesty which was displayed by some hon. Members on the Government side. In the past, we have received money from the donor community. What has this money done to alleviate the suffering of Kenyans. It is not true, and it cannot be true, that the Opposition in this House is responsible for the poverty experienced in this country.

Mr. Temporary Deputy Speaker, Sir, two things were proved yesterday, here. Firstly, those who shot down the constitutional amendment Bill demonstrated loud and clear that this is a Kenya National Assembly. We are not prepared to be dictated to by international bodies into enacting laws that are flawed.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is sad that the Attorney-General who is the Chief Legal Advisor to the Government, admitted that this Bill was prepared by the International Monetary Fund (IMF). Is that not admitting that he is incompetent and incapable of drafting proper laws for this nation? Why should he continue to serve as the Attorney-General of this country? It is high time the Attorney-General realised that he has failed this nation. It is time that he resigned from his office.

Mr. Temporary Deputy Speaker, Sir, ours is the only Government in the world which has a Minister serving in the Cabinet while facing criminal charges in court. In a reputable Government, once a Minister is implicated - let alone being taken to court - in criminal offences, he is relieved of his duties immediately. But what do we see in this nation? We have a Cabinet Minister appearing in court, facing charges of criminal nature, but he is not interdicted. He continues to fly the flag!

My understanding is that a Cabinet Minister is a trustee and custodian of public rights and property. How on earth is such a Minister expected to protect the public interest when he is already in court, being charged with looting and stealing from the same public? That is impossible! It is high time that the Government realises that it is doing a lot of disservice to Kenyans and it should stop pretending that the Opposition is responsible for the poverty which has

been brought to this country by the inefficiency of this Government.

Mr. Temporary Deputy Speaker, Sir, the second thing which was proved by those who shot down the Bill was that they are prepared and want to see a strong Kenya Anti-Corruption Authority (KACA); a KACA that can bite; a KACA that can investigate and prosecute! It is no point, simply because we are a poor nation and want money, to go ahead and enact a law that would not serve the interests of this nation. We may be poor, but we have our pride and dignity, and we are not prepared to submit to the whims of the International Monetary Fund (IMF), simply because somebody wants money! On the Kshs25 billion which is being sung all over about how much money has been used, stolen and looted? How much money do we collect from the taxpayers of this nation? How much has it done? How much pride do we have, the way we have used that money? It is not true, and the public ought to know that it is the Government that has actually brought this nation to its knees and not the Opposition!

Mr. Temporary Deputy Speaker, Sir, secondly, I want to mention something about education. We have an institution called the Kenya Secondary Schools Heads Association (KSSHA). What is the legal status of that association? Has the Ministry of Education, Science and Technology ever thought about what that association has to offer to this nation? How much money does it collect annually from parents? How is that money being used? We do know that at the district level, we have various levies in form of activity and evaluation fees which are collected annually and amount to millions of shillings. How much of it is ever used for the intended purposes? I would urge the Ministry of Education, Science and Technology to ensure that those levies are inspected and audited, so that we could know how that money is used. I have a very strong feeling that the Kenyan parents are fleeced by district education officers who have very strong control over those funds.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Samoei): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion of Adjournment, so that we can consult our constituents on matters pertaining to the way forward for our country. I would like to join my colleagues in demanding that we conduct the business of this House in the best interest of our country. I think the mandate that we have from our constituents is that we debate in this House and conduct the business of our country for the betterment of the people of this country.

Mr. Temporary Deputy Speaker, Sir, yesterday was a day that will go down in the history of this country, as a day that the leadership of this country decided to be the very enemies of its own citizens. At stake yesterday was the destiny of many Kenyans. The position of many Kenyans and their status was with respect to whether they can put food on their tables or not. The business community urged this House, knowing very well the situation in this country, that we agree as a leadership and as a country, to move along with our partners, so that the poverty in our country and the state of implementation of various projects in our country could move forward.

Mr. Temporary Deputy Speaker, Sir, unfortunately, this House did not live up to the expectations of Kenyans. However, I think it is now clear and on record who the enemies of the people of this country are. Indeed, no amount of fault in the Bill that came before this House yesterday could have justified those who voted against it. What was at stake was greater than any fault that there was in that Bill.

Mr. Kihoro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to continue castigating the Opposition for rejecting a Bill that cannot be accepted, especially when the motive of the Government was to test whether they can make a constitutional amendment to extend their term in office?

The Assistant Minister, Office of the President (Mr. Samoei): That is part of the skewed reasoning given, which cannot stand in the face of the poverty situation in this country. Our departed colleague, Mr. Ndilinge, was my personal friend. It is unfortunate that he is not with us today because of acts of criminals and crooks. I would like to join my colleagues in saying that we are looking forward to the day these criminals will be brought to book. It is satisfying to note the steps the Government has taken so far in pursuing all leads to make sure that those who carried out this heinous act are brought to book.

It is very painful to see that leaders in this country have forgotten all about what Mr. Ndilinge stood for. We are now hearing political statements. We have heard insinuations to the effect that this was a political murder---

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Maitha!

The Assistant Minister, Office of the President (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, it is unfortunate that some leaders have, all of a sudden, forgotten what Mr. Ndilinge stood for. Indeed, political statements have been made which is very unfortunate.

With those few remarks, I beg to support.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute on this Motion. I stand to oppose this Motion. I am opposing this Motion because there are very important issues to be discussed in this House. First, I want to challenge the Leader of Government Business. Parliament is a supreme body in

this country and it can make any changes to the Constitution and the Standing Orders of this House. We have demonstrated to this Government that there is no way a constitutional amendment will go through this House without consensus, and that must be understood. If the Government is serious about what they are saying, then let them not pass this Motion today.

Mr. Temporary Deputy Chairman, let us come back next week and amend the Constitution and the Standing Orders which bar us from going back to the failed Bill, so that it can be revisited next week. They should listen to our point of view so that we can reach a consensus and pass that Bill, if it is the only thing that can make us get donor funding.

*[The Temporary Deputy Chairman
(Mr. Imanyara) left the Chair]*

[Mr. Deputy Speaker took the Chair]

We would like to see some seriousness on the part of this Government. Let us come back here next week and amend the Standing Orders which state that we can only revisit this Bill after six months. We can revisit it and ensure that we pass a Bill after reaching consensus from both sides of the House. Stop being pig-headed because you will never pass a constitutional amendment in this House unless you get consensus from both sides of the House.

Mr. Deputy Speaker, Sir, having said that, I want us also to look at various things. For example, I am happy about what the Minister for Roads and Public Works is doing but, unfortunately, that Ministry is infested with very bad boys who are used to bad habits. We would like to see the Fuel Levy money go to the Kenya Roads Board so that it can go to District Roads Committees and be used on the roads in our constituencies. As I am speaking, roads in my Shinyalu Constituency are in very bad shape and we have got very bad boys at the District Works Office. I would like to ask the Minister concerned, through the Chair, to make sure that we weed out the bad elements from that particular Ministry.

Mr. Deputy Speaker, Sir, I would like also to mention something about the Provincial Administration and the police force. If we are defeated in opposing this Motion, I do not think we are going to give a license to the police force and the Provincial Administration to begin harassing Members of Parliament. The Minister concerned should take note and make sure that, that stops immediately. Let the police officers and Administration Police stop harassing *busaa* brewers. Let them stop chasing *chang'aa* drinkers instead of chasing the criminals who are committing very serious crimes in this country. They have got a duty to make sure that they protect honest members of this particular country.

Mr. Deputy Speaker, Sir, on the question of AIDS, the National AIDS Control Council (NACC) did away with officers who knew what they were doing; officers who had been used to do exactly what they were supposed to do. They did away with those officers and replaced them with new lots of people who, I must say, do not know or understand what they are supposed to do. We do not know what this money that is being received is doing. It is high time the Minister concerned went back to the NACC to find out exactly how the money or Constituency AIDS Committees (CACs) are supposed to be operated. There is no point in having CACs that are inoperational. It is necessary to make sure that the monies that this country is receiving for purposes of aiding AIDS patients is used properly.

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Deputy Speaker, Sir, I stand here to support this Motion.

I think the House should be serious. We have talked of corruption, looting and many other evils. To be honest to this nation, history repeats itself. In 1976, a Motion was brought here for people to account for how they got their wealth. Most people who witnessed that Motion are here. Some of them were Government civil servants then. They were opposing from outside, and that Motion was defeated.

Mr. Deputy Speaker, Sir, those Kenyans who have come to be Members of Parliament should stop revisiting that history. After 1963, when we attained Independence, most of us were just peasants. Some of the richest people in this country are former Provincial Administration officers. Even today, some Permanent Secretaries (PSs), Provincial Commissioners (PCs), District Commissioners (DCs) and District Officers (DOs) are extremely rich. Sometime back, I presided over a function somewhere, during which school children presented a song in Kiswahili---

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Deputy Speaker, some of the words of the song were "nani amelamba sukari?" So, I would request this House to go back to history and find out who owns what, and

through what means. In the early days of this country's Independence, some people who are now talking about coffee acquired hundreds of thousands of acres of land. They have mismanaged the funds; they have now abandoned farming. They now own most of the buildings in Nairobi. How come that they are more wealthy than I am? What have they done to acquire all that wealth? To be honest, we should know who owns what, and by what means he got it. We should not limit such a probe to 1992; we should go back to 1963. That is the way forward. We could be blaming individuals who have acquired their wealth only recently. What about those people who own buildings such as International House? How did they acquire that wealth? So, we should be honest with ourselves, so that we can revive this country's economy. Some people are bent on blaming others when they are themselves the culprits. So, let us establish who owns what, so that we can revive the agricultural sector. Some people got their bank loans written off. Sometime back, so many people had owed banks a lot of money in loans, especially the National Bank of Kenya. One might "die" but he would present himself under a different name and acquire other loans. We would like to know the persons behind such hide-and-peek games, so that we can come back on track.

Dr. Kituyi: Bw. Naibu Spika, nimeshukuru kwa kunipa nafasi hii ili nichangie Hoja hii.

Bw. Naibu Spika, muda mfupi uliopita, nilikuwa kwenye mkahawa. Wakenya niliokutana nao kwenye mkahawa huo walisema: "Nyinyi Wabunge hutumia lugha ngumu sana. Mambo mengi tunayafahamu, lakini sasa ya mgambo imelia. Katika toleo la leo la *East African Standard*, tumeona orodha mbili zinazoonyesha jinsi Wabunge walivyopiga kura juu ya pendekezo la kuingiza katika Katiba halmashauri ya kukabiliana na ufasidi nchini, yaani "KACA". Je, katika orodha hizo, ni Wabunge wapi walioupinga Mswada huo? Tukiona jina la Bi. Ngilu kwenye orodha moja, tunaona jina la Prof. Saitoti kwenye orodha nyingine; tukiona jina la Prof. Anyan'g-Nyongo kwenye orodha moja, tunaona jina la Prof. Ongeru kwenye orodha nyingine; tukiona jina la Bw. Omingo kwenye orodha ya kwanza, tunaona jina la Bw. Biwott kwenye orodha ya pili."

The Minister for Public Health (Prof. Ongeru): On a point of order, Mr. Deputy Speaker, Sir. I have just walked into the House and heard my name being mentioned irrelevantly. Is it in order for the hon. Member to do so?

Mr. Deputy Speaker: Order, Prof. Ongeru!

Dr. Kituyi: Bw. Naibu Spika, ninasema kwamba kati ya hizi orodha mbili, tutaamua ni gani imechukua msimamo halisi wa kizalendo. Ya mgambo imelia na Wakenya wametangaza vita dhidi ya wanaokula rushwa, wanaofanya magendo, wasiowajibika na wale wote ambao, kwa mbinu mbalimbali, wanadhuru uchumi wa taifa hili. Maneno ambayo tunasema hapa ya kujigamba na kujifanya malaika yatawezesha Wakenya kujua ni nani malaika na ni nani anawadhuru.

Wengine wetu tumeelezwa eti turudi nyumbani ili wananchi waone kwamba tumewanyima pesa. Ni pesa gani tumewanyima? Pesa zimeporwa. Ni nani amepora hizo pesa? Ni nani anayeweza kujigamba kwamba anapigana na ufasidi na Wabunge wa Upinzani ndio wanaotaka ufasidi uendelee? Heshima yetu kama viongozi ni kuonyesha wananchi kwamba tunaweza kukubali yale mambo mabaya ambayo tumefanya; kule kudhuru maslahi ya umma kunajulikana sana. Siku hizi kuna ubinafsishaji wa mambo. Uwazi umesababisha Mkenya yeyote kuwa na fursa ya kujua ni nani anayefanya mazuri na ni nani anayemdhuru. Vile tunavyojitolea na kujitahidi kama viongozi, na vile tamaa zetu zinavyoonekana, kama ni sawa na za malaika au za fisi, ndivyo tunavyoonekana mbele ya umma. Wakenya wataamua ni nani anayewafaa na ni nani anawadhuru. Mtu ambaye anataka kujua vile Wakenya wameamua, amwambie Rais wa Kenya alivunje Bunge hili na kuitisha uchaguzi ili Wakenya waamue upande wanaopendelea katika vurugu ambayo imekuwa katika Bunge letu.

Nimesikia wenzangu wakisema kuwa walimpenda sana marehemu mhe. Ndilinge. Ni kweli walimpenda, lakini kama walimpenda mwenzao, basi ni lazima waache kufikiria kichama na kutuambia kuwa polisi wanafanya uchunguzi. Tunataka polisi iendelee na kazi yake na kila mbinu itumiwe. Lakini sisi kama Wabunge tumefanya nini? Katika historia ya taifa hili, ni mara moja tu ambapo kifo cha Mbunge kilichambuliwa mpaka Wakenya wakajua ni nini kiini cha kifo hicho. Jukumu hilo lilitwaliwa wakati Wabunge walipochukua fursa iliyokuwa mbele yao. Watu wakisoma, wanafikia kiwango ambapo hawaongei kama watoto. Sisi kama Wabunge tuna fursa na jukumu la kusema vile tulivyompenda mwenzetu. Ni lazima tuonyeshe kwa vitendo na matamshi yetu kwamba tunajihusisha na huu msiba ambao umeikumba jamii ya mwenzetu. Hii si kusema eti polisi wasifanye kazi yao; tunasema waendelee na uchunguzi wao na sisi tutumie mbinu zote ambazo pengine zinaweza kuwasaidia polisi kumaliza huo uchunguzi. Kama ulimpenda marehemu mhe. Ndilinge, unajiheshimu kama Mbunge, na unajua kwamba yale ambayo yamempata mwenzako yanaweza kukupata hata wewe, haina maana yo yote kujinyima fursa ya kufanya uchunguzi ili kujua ni kwa nini mwenzetu aliuwawa. Tunaweza kutumia hizo mbinu baada ya kuikataa hii Hoja ya kwenda likizo.

Mr. Deputy Speaker: Hon. Members, we have had three hours of debate on this Motion. It is only fair that I should now put the Question.

(Question put and agreed to)

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

Hon. Members: Division! Diision!

Mr. Deputy Speaker: Order! Those who are demanding a division have the numbers. We shall now proceed to a division. Ring the Division Bell!

(The Division Bell was rung)

Mr. Deputy Speaker: Order! Order, hon. Members! Before we do anything further, I would like to address Mr. Kathangu. You left this Chamber to go and produce some documents for substantiation, and you have now returned without [**Mr. Deputy Speaker**] doing so. I will now require you to leave the Chamber!

(Applause)

Hon. Members: No! No! That is being unfair!

Mr. Deputy Speaker: Order! Order! Mr. Kathangu, proceed outside!

(Mr. Kathangu withdrew from the Chamber)

Order, hon. Members! As hon. Members of this House, we are all required to behave honourably. If an hon. Member makes a commitment to the Chair, it must be met or the consequences---

(Mr. Odoyo's mobile phone rang)

*(Mr. Mwenje crossed the Floor without bowing
to the Bar and pointed a finger at Mr. Odoyo)*

(Mr. Gatabaki pointed a finger at Mr. Odoyo)

Mr. Deputy Speaker: Order, hon. Members, particularly Mr. Mwenje; you are not a warden in this Chamber. You are an hon. Member.

Hon. Members: Throw him out!

Mr. Deputy Speaker: Order! Could the hon. Member who had the mobile phone leave the Chamber?

(Applause)

Hon. Members: Get out!

Mr. Deputy Speaker: Order! If we went on like this, we would not transact any business.

Mr. Odoyo, leave the Chamber! Mr. Odoyo, I require you to leave the Chamber now!

(Mr. Odoyo withdrew from the Chamber)

Mr. Mwenje: Let him get out!

Mr. Deputy Speaker: Order! Mr. Mwenje, you cannot bring that toutish behaviour into this Chamber! I will not allow it!

Mr. Mwenje, I want you to leave the Chamber now! Order, Mr. Mwenje! You are now a stranger! Get out of the Chamber!

(Mr. Mwenje withdrew from the Chamber)

(Mr. Gatabaki pointed a finger at Mr. Odoyo)

Mr. Deputy Speaker: Mr. Gatabaki, would you now leave the Chamber?

Hon. Members: No! No!

(Mr. Gatabaki withdrew from the Chamber)

*(Several Members withdrew
from the Chamber in protest)*

Mr. Deputy Speaker: Order! Order! Hon. Members, you know very well that only the other day, the Chair explained that if a Member should show dissatisfaction to the Chair's ruling, particularly in support of a Member who is being disciplined, that Member is equally guilty of that indiscipline, and must face the consequences.

(Applause)

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

Mr. Deputy Speaker: There is no point of order at this point. Order! Order! This is now division time and I will do what the regulations require. We have already---

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

Mr. Deputy Speaker: There is no point of order!

Mr. Kitonga: It is totally unfair! The Chair has behaved totally unfairly. You are calling us hecklers, and yet you are throwing us out! That is also disrespect from the Chair.

Mr. Deputy Speaker: Order, Mr. Kitonga! The Chair is only using your rules. None of these rules that I am applying have been made by me and, certainly, they have not been made today.

Hon. Members: Throw him out now!

Mr. Deputy Speaker: Mr. Kitonga, do not attempt---

Mr. Kitonga: The Chair is lenient there!

Hon. Members: No! No!

Mr. Deputy Speaker: Order! Order! Mr. Kitonga, it is never the Chair's intention to reduce any voting strength of any side in a debate. The Chair has tolerated---

(Applause)

Order, hon. Members! This is not the time for engaging in any debate because you asked for a division and I have given it to you. Now, we must proceed with the procedure. What is the procedure? Names of the tellers have been supplied to the Chair. For the Ayes we have Messrs. Too and Maitha. For the Noes we have Messrs. Waithaka and Kiminza.

The Assistant Minister for Finance and Planning (Mr. Lomada): Put the question again!

Mr. Deputy Speaker: Order! Order, hon. Lomada! Let me do my work and you will do yours, which is really, for the time being, just restricted to voting. The door must now be locked and the Bar drawn. As I have said, the names of the tellers are for the Ayes: Messrs. Too and Maitha. For the Noes: Messrs. Waithaka and Kiminza.

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. I do respect your decision. The decision to have this division was made in accordance with the Standing Orders of this House. But I also know that since that decision was made, there has been a fundamental change on both sides.

Hon. Members: No!

Mr. Deputy Speaker: Order! Order! We do not know which side these Members are going to vote until they have voted. There will be no argument and no more points of order. We shall now proceed as follows: Members voting for the Ayes will proceed to the lobby on my right. Those voting for the Noes will proceed to the lobby on my left.

DIVISION

(Question put and the House divided)

(Question carried by 49 votes to 8)

AYES: Messrs. Achola, Achuka, Dr. Anangwe, Messrs. Biwott, Choge, Ekirapa, Ethuro, Dr. Galgalo G.B., Dr. Godana, Messrs. Kalweo, Keah, Khaniri, Kiminza, Col. Kiluta, Mrs. Kitony, Messrs. Kofa, Koske, Lengees, Leting, Lomada, Maj. Madoka, Messrs.

Maundu, Mkalla, Morogo. E.T., Morogo W.C., Muchilwa, Mudavadi, Mukangu, Mwakalu, Mrs. Mwewa, Messrs. Ndambuki, Ngala, Ngure, ole Ntimama, Obure, Ojode, Okemo, Prof. Onger, Eng.

Rotich, Mr. Ruto, Prof. Saitoti, Messrs. Sambu, Samoei, Shambaro, Sirma, Sungeni, Sunkuli, Too and Dr. Wamukoya.

Tellers of the Ayes: Messrs. Kihoro and Too.

NOES: Messrs. Kihoro, Kitonga, Dr. Kituyi, Mrs. Mugo, Messrs. Munyao, Mwangi P.K., Orenge and Waithaka

Tellers of the Noes: Messrs. Kiminza and Waithaka

ABSTENTIONS: Messrs. Imanyara, Mwakiringo and Mwenda.

Mr. Deputy Speaker: Order, hon. Members! We have come to the end of the Fifth Session of the Eighth Parliament. We have had a very exciting time. But I want to say this; that, if a Member asks for a certain matter to be done by the House and the House agrees, that Member must be honourable enough to stay until the end of that process.

(Applause)

Members to my left demanded a Division and I gave it to them. I think it is not in the tradition of this House that they should then proceed to walk out of the Chamber. But that is their choice. They could have stayed behind and declined from voting. But I want to say that if we do not take ourselves seriously, we run the risk of degenerating this House into a classroom chamber!

I want to speak for myself; that, when that eventuality comes to pass, I shall not and I will not be part of it!

Let me wish you a happy recess and hope to see you all on the 2nd of October.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 2nd October, 2001, at 2.30 p.m.

The House rose at 9.57 p.m.