

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Thursday, 1st November, 2001

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

**Mr. Deputy Speaker:** Mr. Parpai's Question!

*Question No.647*

#### MEASURES TO CURB ELEPHANT MENACE

Mr. Parpai is not here? We will come back to the Question.  
Let us proceed to the next Question!

*Question No.348*

#### IMPLEMENTATION OF GOVERNMENT/KNUT AGREEMENT

Is Mr. Murungi also not here? We will come back to the Question.  
Let us proceed to Mr. Gitonga's Question.

*Question No.648*

#### PAYMENT OF SALARIES TO ADULT EDUCATION TEACHERS

Mr. Gitonga is also not here? We will come back to the Question later.  
Next Question, Mr. Maitha!

*Question No.360*

#### PAYMENT OF DUES TO FORMER KCHS EMPLOYEES

Is he also not here? We will come back to this Question later.  
Let us go to Mr. Kihoro's Question.

*Question No.666*

#### WATER SUPPLY TO NYERI TOWN RESIDENTS

Is Mr. Kihoro also not present? We will come back to the Question later.  
Mr. Ngunjiri's Question!

*Question No.663*

## REPAIR OF NDATI BRIDGE

Mr. Nguire is also not here? We will come back to this Question.  
Let us proceed to Mr. Kalulu's Question.

*Question No.419*

## FINANCIAL ASSISTANCE TO KISAU HEALTH CENTRE

**Mr. Kalulu** alimuuliza Waziri wa Afya ni lini Wizara itatekeleza ahadi yake ya mwaka wa 1997 ya kukitunukia Kituo cha Afya cha Kisau Kshs500,000.

**The Assistant Minister for Health** (Mr. Mukangu): Bw. Naibu Spika, naomba kujibu.

Ahadi ya mwaka wa 1997 ya Wizara ya kukitunukia Kituo cha Afya cha Kisau Kshs500,000 ilitekelezwa mwaka huo wa 1997. Hata hivyo, pesa hizo hazikutimu Kshs500,000 kama kilivyoahidiwa kituo hicho kwa sababu ya matatizo ya kifedha katika hazina ya wilaya wakati huo.

**Mr. Kalulu:** Bw. Naibu Spika, jibu la Waziri Msaidizi si sahihi. Hakuna rekodi ya pesa hizo katika Kituo cha Afya cha Kisau. Ahadi aliyotoa Waziri wa Afya wakati huo ilikuwa ahadi ya Serikali. Jibu la Waziri Msaidizi si sahihi kwa sababu hakuna rekodi inayoonyesha ya kwamba kituo hicho kilipokea pesa hizo.

**Mr. Mukangu:** Bw. Naibu Spika, ahadi iliyotolewa kwa kituo hicho na Waziri wa zamani, Jemadari Jackson Mulinge, ilitekelezwa. Ijapokuwa hatukukipa kituo hicho pesa taslimu, tulikipa kituo hicho vifaa vifuatavyo: delivery pack, 2 pieces; bip stand, 1 piece; suction machine, 1 piece; one maternity bed and one baby cot.

**Mr. Kalulu:** Bw. Naibu Spika, Waziri Msaidizi hatuambii ukweli. Kituo cha Afya cha Kisau kilijengwa na wananchi kwa njia ya Harambee. Wizara ya Afya haikukipa kituo hicho usaidizi wowote. Je, Waziri Msaidizi anaweza kuliambia Bunge hili ukweli, kwamba Wizara haijakipa kituo hicho usaidizi wowote? Waziri Msaidizi ameliambia Bunge ya kwamba ingawaje Serikali ilikiahidi kituo nusu milioni ya pesa, ilikipelekea vifaa vya thamani ya Kshs80,000 peke yake. Kwa hivyo, Waziri Msaidizi hatuambii ukweli. Hivi majuzi, nilikuwa kwenye mkutano wa kamati ya kituo hicho. Hakuna rekodi yoyote inayoonyesha ya kwamba kituo hicho cha afya kimepokea msaada wowote kutoka kwa Wizara.

**Mr. Mukangu:** Bw. Naibu Spika, pesa tunazozungumzia hapa ni Kshs500,000. Shida iliyopo ni kwamba Waziri wa zamani, Jemadari Mulinge, alipoimbiwa vizuri na Wakamba katika sehemu hiyo, aliahidi kukipa kituo hicho pesa ambazo hazikuwepo. Hata hivyo, Wizara ilijitahidi na kukipa kituo hicho vifaa vyenye thamani ya Kshs180,000.

**Mr. Deputy Speaker:** Could you ask the last question, Mr. Kalulu?

**Mr. Kalulu:** Bw. Naibu Spika, Waziri Msaidizi akikitembelea Kituo cha Afya cha Kisau ataona majengo ambayo hayana vifaa vyovyote kutoka kwa Wizara ya Afya. Kwa hivyo, ningependa Waziri Msaidizi akitembelee kituo hicho ili aihutubie kamati yake.

**Mr. Mukangu:** Bw. Naibu Spika, ningependa kumhakikishia Bw. Kalulu ya kwamba Kituo cha Afya cha Kisau kina vifaa vya kutosha. Kwa sasa, kituo hicho hakiko katika hali mbaya. Lakini kama Bw. Kalulu anataka tuitembelee sehemu hiyo, niko tayari kufanya hivyo.

**Mr. Deputy Speaker:** Very well; the two of you can reach an agreement out of this House. You do not have to come here and make appointments.

**Mr. Kalulu:** Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Very well. Mr. Parpai's Question, for the second time!

**Mr. Parpai:** Mr. Deputy Speaker, Sir, I wish to apologise for coming late.

*Question No.647*

## MEASURES TO CURB ELEPHANT MENACE

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

- (a) whether he is aware that elephants are killing both people and livestock in Loitokitok Division;
- (b) whether he is further aware that the same elephants are destroying both crops and indigenous trees at an alarming rate; and,
- (c) what urgent measures the Minister is taking to ensure the security of wananchi in the area, as

well as that of their crops and livestock.

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

(a) I am aware that a herd of elephants moved into Loitokitok area in the month of September, 2001, leading to human/wildlife conflict.

(b) Yes, the Kenya Wildlife Service (KWS) received 83 cases from members of the public and took action immediately to contain the situation.

(c) KWS has deployed more rangers to the affected areas and a new rangers' camp has been opened at Maili Tatu to deal with the elephant problem. In addition, an aircraft has been assisting in monitoring the movements of the elephants. Three strategic elephant drives have been conducted using the same aircraft and elephants were driven back to the Tsavo West National Park.

**Mr. Parpai:** Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that there is a human/wildlife conflict. He has misled this House and he is confused. He has replied as if he was responding to the Narok South Constituency Member of Parliament, where helicopters were used to drive elephants out of the area. We have never seen a helicopter assisting in driving elephants out of Loitokitok. We have been seeing aircraft driving our cows from the national park.

Now that lives have been lost, what is the Assistant Minister doing to ensure that we do not lose more lives, and our crops are not destroyed? We are talking about Loitokitok area and not Narok South Constituency.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, KWS is committed to protecting people and their properties against marauding wildlife.

**Mr. Deputy Speaker:** Order! The hon. Member has asked you what you are doing to stop loss of lives and destruction of crops. We know that the KWS is committed to protecting lives because that is what the law requires it do.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, the Government has taken measures and loss of lives and crop destruction will not happen in future. The Government is protecting people against wildlife.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, elephants are not only killing people and destroying farms in Loitokitok, but also affect other areas which border Tsavo East and West. Elephants normally kill people and destroy crops during a particular time of the year, when they cross through the corridor between Tsavo East and Tsavo West. This has been happening year in, year out. What specific measures has the Government put in place to see to it that during that period, when elephants cross from Tsavo East to Tsavo West, no damage is caused on human lives and farms?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, the Government is committed to protecting people against wildlife and I am assuring the House that it will take the necessary steps. Loss of lives and farms destruction will not happen in future.

**Mr. Kamolleh:** Ahsante, Bw. Naibu Spika. Ninakushukuru kwa kunipatia nafasi hii. Hawa ndovu wanaozungumziwa kuhusiana na Tsavo Mashariki na Magharibi, wametuungilia sisi katika Kwale. Wanatumaliza sisi! Siku zote, mnasema eti watu wa Pwani ni wavivu na wanakaa chini walingojea maembe yaanguke kutoka juu, lakini huu si ukweli. Tunalima na ndovu wanaharibu mimea yetu. Serikali inaangalia sisi tukuawa na ndovu. Mbona tusipewe nafasi nasi tuwamalize hawa ndovu maana wanawaangamiza binadamu? Hii Serikali itafanya nini kuona kwamba watu hawauawi na ndovu?

**Mr. Deputy Speaker:** Uliza swali lako!

**Mr. Kamolleh:** Bw. Naibu Spika, Wizara ina mpango gani wa kuwaondoa wale ndovu kutoka kule Kwale na kuwapeleka Turkana ambako hakuna ndovu?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, I want to repeat what I have said. The Government is committed to protecting lives. We have taken measures by fencing off most of these areas. As I said, there are some aircraft which have been introduced to monitor the movements of the elephants.

**Mr. Mboko:** Mr. Deputy Speaker, Sir, I asked a similar Question in this House early this year about elephants. Since then, we have lost two lives in Kibwezi. Two people were killed by the elephants and they were not compensated. Our crops have been destroyed by these elephants and there has been no compensation. The KWS officials, who are supposed to be in charge of the elephants, are in deep sleep and are doing nothing. Yet the Assistant Minister has told us that the Government is committed to protecting lives. When will the Government remove this menace from our midst?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, I have said that the Government is seriously committed to protecting lives. So, I want to assure the House that no more lives will be lost.

**Mr. Parpai:** Mr. Deputy Speaker, Sir, it is very difficult to keep on asking supplementary questions because the Assistant Minister has stuck to commitments that he does not explain to us. Now that we have lost lives and

enormous destruction has been caused, what specific actions will he take? Specifically, what will he do so that we do not lose more lives and we not have this crop destruction going on? Secondly, could he also tell us when he will compensate for the lives so far lost? Lives have been lost and people have been going to KWS offices everyday asking for compensation. I want to go and tell my people that they will be paid on a specific date.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, there were 83 cases reported. Two lives were lost, one person was injured and there were just some reported cases that some animals had gone astray. The Government, as I said, will work out compensation for these cases and also protect the lives of its citizens. If any case is witnessed, it can be reported to the Government and it will take the necessary action.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, I apologise for coming late.

*Question No.348*

IMPLEMENTATION OF GOVERNMENT  
/KNUT AGREEMENT

**Mr. Murungi** asked the Minister for Education:-

(a) what were the terms of the agreement negotiated with and concluded between the Government and the Kenya National Union of Teachers (KNUT) regarding the increase of teachers' salaries and allowances in 1997; and,

(b) when the Government will honour its contractual obligations and pay the teachers the increased salaries strictly in accordance with the said agreement.

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

(a) The terms of the agreement negotiated with and concluded between the Government and KNUT regarding the increase of teachers' salaries and allowances as gazetted in Legal Notice No.534/1997 are attached to this reply, and the hon. Member has them.

(b) The Government has started to implement the recommendations of the Harmonisation Commission on Salaries and Allowances for the public service. The teachers' terms and conditions of employment will be considered along with those of other public servants during the harmonisation.

**Mr. Murungi:** Thank you, Mr. Deputy Speaker, Sir. The terms of the agreement, which have been attached to this answer are very clear. Rule 2 of Legal Notice No.534/1997 states:

"The remuneration of teachers in the teaching service of the grade specified in the first column shall be in accordance with the salary scales specified in columns 2, 3, 4, 5, 6 and 7 with effect from the date specified under each column".

We have the schedules, the columns and the dates when the new salary scales would have been effective all the way from 1st July, 1997.

Could the Assistant Minister tell this House why the Government, in breach of this very clear contractual obligation, has refused to honour the new salary scales for teachers in this country since this agreement came into force in 1997?

**Mr. Poghisio:** Mr. Deputy Speaker, Sir, the Government has not reneged on any agreement. It is simply implementing the same in the harmonisation programme. We are dealing with the public service, and teachers and the rest of the public servants have to come under this harmonisation programme. The question was what the terms in the earlier agreement were, and I said they are attached to the written answer.

In answer to the second part of the hon. Member's question, I said that the Government has not reneged on any agreement. It has just changed its plans.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, the Assistant Minister is trying to avoid my Question. The terms of the agreement were very clear. If I take an example of the P1 teachers, the minimum salary then was Kshs4,227, and the Government said that with effect from 1st July, 1997, it would have been Kshs5,484. We are now in the year 2001. Why did the Government not pay the P1 teachers Kshs5484 as agreed on the 1st July, 1997? Let the Assistant Minister not tell us about the Harmonization Commission which he is talking about now, but tell us why the Government did not pay that money then.

**Mr. Poghisio:** Mr Deputy Speaker, Sir, if the hon. Member wanted that Question answered---

*(Mr. Kamolleh's cellphone rang)*

**Mr. Deputy Speaker:** Order! Order! Mr. Kamolleh, get out of the Chamber with that gadget now.

*(Mr. Kamolleh withdrew from the Chamber)*

Proceed, Mr. Poghisio!

**Mr. Poghisio:** Mr. Deputy Speaker, Sir, this is a roundabout way of asking a question. If the hon. Member had asked that question directly, I would have provided the answer.

After that commitment, economic hardships set in and, therefore, funds were not available. The Budgetary system could not have supported increases in salaries for a particular section of the public service. The Government then realised there were difficulties in implementing that legal notice. Being aware of the liquidity problems to support the budgetary provisions, the Government, through other legal notices, replaced the earlier legal notice with the Harmonization Commission on Salaries and Allowances, which is now working.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, this is a very serious matter because the Government went into contractual obligation and wrote in the Official Gazette Notice, its intention to implement the programme for paying teachers because the elections of 1997 were around the corner. Is the Assistant Minister aware that the morale of teachers has been very seriously affected by non-implementation of these salary increments as agreed by the Government?

**Mr. Poghisio:** Mr. Deputy Speaker, Sir, I have said that the Government is implementing this programme under the Harmonization Commission on Salaries and Allowances. In July, this year, some phases of the recommendations were implemented. The teachers are getting what they wanted through another method, which is getting everybody on board.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. Is the Chair satisfied that the Assistant Minister is not misleading this House? Part "b" of Mr. Murungi's Question asked the Assistant Minister to say when the Government will honour its contractual obligation and pay the teachers the increased salaries, strictly in accordance with the said agreement. Is the House not being taken round in circles by being told about harmonization *et cetera*; that they are getting there through another route? Could the Assistant Minister be required by the Chair to answer the Question put to him? Is the Government prepared to honour these salary increments as gazetted or not? If it is, when is it going to do so?

**Mr. Deputy Speaker:** Mr. Poghisio, I can compel you to answer the Question, but I cannot compel you on how to answer it.

**Mr. Poghisio:** Mr. Deputy Speaker, Sir, I would rather wish that the hon. Member addresses the Chair.

Mr. Deputy Speaker, Sir, for the benefit of those who do not know what harmonization is, maybe, I had better start by explaining that. The Questioner asked if we could do what we said we would do strictly according to that contract, and we are saying that the Government replaced one legal notice with two legal notices: Nos.3817 and 3818 of 15th July, 1998, which established the Harmonization Commission on Salaries and Allowances for public servants, including teachers---

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

*(Mr. Maitha moved towards the Dispatch Box as he raised his point of Order)*

**Mr. Deputy Speaker:** Order! Do not talk while you are walking! You can raise your point from where you are.

**Mr. Maitha:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister not misleading this House by talking about the Harmonization Commission on Salaries and Allowances and the legal notices which established it, bearing in mind that the earlier Legal Gazette Notice contained the word "shall", which is mandatory. Could the Assistant Minister differentiate between the two words; "shall" and "harmonization"?

**Mr. Deputy Speaker:** Mr. Maitha, you are asking a question now.

**Mr. Maitha:** It is not a question, but we want a guideline from him!

**Mr. Deputy Speaker:** Order! You are not raising a point of order! Proceed, Mr. Assistant Minister.

**Mr. Poghisio:** Thank you, Mr. Deputy Speaker, Sir. I knew he was not raising a point of order.

All legal notices use the same language. They would contain the word "shall" and all sorts of things. But that legal notice was untenable and the Government, in its wisdom, knew that other sectors of the Government would require the same services and, therefore, we have decided to do it at once.

Mr. Deputy Speaker, Sir, in July this year, the Government implemented phase one of the house allowances

as proposed in the recommendations of the Harmonization Commission, and teachers benefited from that implementation. Early this year, the Government started to look into ways of implementing further recommendations of the same Harmonization Commission. We are speaking the same language!

**Mr. Omingo:** Mr. Deputy Speaker, Sir, the Assistant Minister has told the House that the legal notice was not tenable. A while ago, the Minister for Finance also said that he was forced to sign on dotted lines. Are we now seeing the Government being serious on its comments, or is it taking Kenyans round in circles? When is the Government going to implement those recommendations, or is the Government going to continue signing on dotted lines?

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, I do not know which part of that question I should answer.

**Mr. Omingo:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to unilaterally ignore my question? My question was very clear. Let me ask it again. The Assistant Minister said that the legal notice they signed was not tenable, although the agreement was reached through a consensus between the Government and the Kenya National Union of Teachers (KNUT). Is he saying that they were coerced by teachers to sign the agreement and thereafter found that they could not implement it, or are they waiting for the General Elections to get nearer to start dishing out money to teachers in order to get sympathy votes?

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, in this case, there were no dotted lines. It was an agreement and since the Government takes care of its people, it is looking for ways of implementing the recommendations and make the lives of public servants better, and it will continue to do so. I do not know the intention of the hon. Member when he asks if we are going to implement the recommendations to the letter, when the earlier legal notice has already been replaced by other legal notices.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, this legal notice was unique in the sense that there was an agreement signed between the Government and the teachers. The subsequent legal notices have just been issued by the Government and they are trying to override an agreement. Teachers have not signed any agreement to supplant this particular agreement. Teachers are now threatening to go on strike because they know that the KANU Government agreed on these arrangements in order to get votes from teachers in the 1997 General Elections. Since the Government is going to face another election in the year 2002, what is it going to tell the teachers? Will the Government tell the teachers about the Harmonization Commission on Salaries and Allowances? Is this another trick being used to make teachers give votes to the KANU Government in the year 2002, under the guise that they are implementing the agreement which was violated in 1997?

The Government had promised to pay P1 Teachers by July, 2001, a salary of Kshs10,995; P2 Teachers, Kshs7,353; P3 Teachers Kshs6,786, and P4 Teachers, Kshs5,328. Could the Assistant Minister be very categorical and tell this House and this country whether the Government is going to pay these salary increments or not?

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, I cannot say that I will pay these salaries. We are paying teachers salaries in phases as recommended by the Harmonization Commission. We have already gone ahead to implement the housing allowance for these teachers, which is a good sign that good things are yet to come. I would like to assure the teachers of this country that they are employees of our Ministry, and their welfare is well taken care of.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, I would like to apologise for coming late.

*Question No.648*

PAYMENT OF SALARIES TO ADULT  
EDUCATION TEACHERS

**Mr. Gitonga** asked the Minister for Vocational Training:-

- (a) whether he is aware that the following adult education teachers were last paid in February, 2000: Ms. Mary Njoki Kimani - Kinale; Mr. Joram Kariuki Gitau - Kinale; Ms. Mary Karogo - Kinale; Ms. Eunice Gitau - Matathia; Mr. Patrick Karuku - Uplands; Ms. Eunice Muthinga - Gitithia; Ms. Susan Njugu - Kibagare; Mr. Samuel Nduati - Kamae, and Ms. Jane Wambui - Kamae; and,  
(b) whether he could release the salaries forthwith and ensure that the teachers are paid promptly in future.

**The Minister for Vocational Training** (Mr. Ruto): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Ms. Mary Kimani, Mr. Joram Gitau, Ms. Mary Karogo, Mr. Patrick Kariuki, Ms. Eunice Gitau, Ms. Eunice Muthinga, Ms. Susan Njogu, Mr. Samuel Nduati and Ms. Jane Wambui, who are part-time teachers from Lari Division of Kiambu District, were last paid in February, 2000. The salaries for the said part-time teachers for the months of July, August and September, 2000, amounting to Kshs13,500, were paid on cash basis on 21st February, 2001, and each payee signed against his or her name.

The other batch for the same part-time adult education teachers for the months of October and November, 2000, and January and February, 2001, amounting to Kshs18,000, was paid manually on 6th March, 2001, and each payee signed against his or her name on the same date. It is only the months of March, May, and June, 2000, for the 1999/2000 Financial Year, and March, May and June 2001, for the 2000/2001 Financial Year, which have not been paid due to liquidity problem and Pay-Master-General (PMG) rejection at the District Treasury. The months of April and December in each calendar year are meant for vacation, and hence no payments are effected to part-time adult education teachers.

The delay was caused by liquidity problem and PMG rejection at the District Treasury. For the months of March, May and June, 2000, the PMG rejection occurred due to lack of reflection from the parent Ministry that the money had been authorized to be used at the district. So, this means that when the District Treasury reconciles its accounts, the department's allocation is at deficit to cater for the committed payments. In other words, Authority to Incur Expenditures (AIEs) are used but are not reflected at the Treasury.

Payments for March, May and June, 2001, were not made as the Ministry had changed from the AIE allocation to issuing of cheques as per the number of part-time teachers in the district. The payments delayed as the payrolls for the district were received after the closure of the last financial year. This has also been a bit of a problem. All having been said and done--

**Mr. Deputy Speaker:** Mr. Minister, which section of the Question are you answering?

**The Minister for Vocational Training (Mr. Ruto):** Mr. Deputy Speaker, Sir, I am answering Question No.648. I have explained the process, and I am indicating that the payment of salaries for the said months is under process. This will be effected very soon.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, you would have observed that in all cases, the salaries were paid six months after these very hardworking teachers had rendered the service for which they were hired. In one case, salaries for the months of March, May and June, 2000, as well as for the months of March, May and June, 2001, have not been paid to date. Why should the salaries be delayed for more than a year, and yet these adult education teachers are still working? Why would the Government hire people if it has no money to pay them?

**Mr. Ruto:** Mr. Deputy Speaker, Sir, there have been some organisational hitches in payments at the district because these adult education teachers are not on a regular payroll because they are part-time teachers. Therefore, they do not receive their salaries through the banks like the other teachers. But we are making arrangements to ensure that payments for these teachers will no longer delay.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, hon. Members are consulting loudly.

**Mr. Deputy Speaker:** Order!

**Mr. Ruto:** Mr. Deputy Speaker, Sir, I am saying that we will ensure that these hitches do not occur again.

**Mr. Ndwiga:** Mr. Deputy Speaker, Sir, this kind of occurrence is what has made adult education to deteriorate in this country. Could the Minister employ all these part-time teachers on a permanent basis now, and organise their salaries like other employees? Could he effect that immediately?

**Mr. Ruto:** Mr. Deputy Speaker, Sir, adult education is actually a part-time exercise because there are no formal organised classes. These are classes which are taught two hours a week, and you cannot put somebody's name on a full-time payroll for working two hours a week. If need arises, we may explore the other possibilities.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, at the beginning of Independence, like everywhere else in the world, there was need for affirmative action by way of introducing adult education, which in any case, was really a colonial thing. After Independence, the responsibility of the Government was to ensure that all Kenyan children went to school. Therefore, in a given period there should be no illiterate people in Kenya. Now, 40 years after Independence, we are still talking about people who are illiterate. Why should the Government spend money on people who should have gone to school? We would be using that money to educate their children. What policy does the Government have to ensure that all Kenyan children go to school, so that we end the problem of illiteracy once and for all?

**Mr. Ruto:** Mr. Deputy Speaker, Sir, every effort is being made to ensure that all children go to school. But those children who drop out of school before reaching standard eight, for all practical purposes revert back to functional illiteracy, and it is our responsibility to ensure that we continue to train them.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, this Government does not appear to be sensitive to the problems that the people face. It is very difficult to understand how a Government cannot pay the people that it has hired for more than one year. Could the Minister inform this House how soon these people will be paid their salaries for the months of March, May and June, 2000, as well as for 2001? When will these people be paid the money? How soon will they be

paid?

**Mr. Ruto:** Mr. Deputy Speaker, Sir, I have a lot of respect for Mr. Gitonga, especially because of his white hair. I also suggest that he consults Prof. Anyang'-Nyong'o to keep the correct--- But I want to assure him that payments will be effected.

**Mr. Gitonga:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to start trivialising the whole Question by suggesting that I should do the same thing that Prof. Anyang'-Nyong'o has done?

**Mr. Ruto:** Mr. Deputy Speaker, Sir, I thought it was fashionable because I see an hon. Member doing it. I thought I would just draw his attention to those facilities that exist, otherwise, I do not intend to trivialise anything. I assure him that payments will be effected in the next two weeks, and Prof. Anyang'-Nyong'o will co-operate with him.

**Mr. Kihoro:** On a point of order, Mr. Deputy Speaker, Sir. I rise to seek your guidance in relation to what the Minister has told the hon. Member, that he has got white hair and it should be dyed black. I wonder whether the Minister is not subscribing to what President Moi has said about white hair. Could he retract the statement?

**Mr. Deputy Speaker:** Well, having white hair is not a crime. The Chair has it.  
Next Question, Mr. Maitha!

*Question No.360*

PAYMENT OF DUES TO FORMER KCHS EMPLOYEES

**Mr. Maitha** asked the Minister for Labour:-

- (a) whether he is aware that the former employees of Kenya Cargo Handling Services which has hitherto merged with Kenya Ports Authority, have not been paid their pension dues; and,
- (b) what action he is taking to ensure that the said employees are paid their dues.

**Mr. Deputy Speaker:** Is anyone here from the Ministry of Labour and Human Resource Development?

**Mr. Maitha:** On a point of order, Mr. Deputy Speaker, Sir. This is the fourth time this Question has come up in Parliament and I want your guidance. This Question was deferred to give the Minister time to seek clarification or documents from the Managing Director of KPA. This afternoon, I saw the Managing Director and the Chairman who had been called by Parliament---

**Mr. Deputy Speaker:** What point do you want to raise?

**Mr. Maitha:** I am seeking your guidance on what can be done about this Question.

**Mr. Deputy Speaker:** Order! Order! Mr. Vice-President and Leader of Government Business, this Question was, in fact, deferred by me because the Minister was not in possession of all the facts and he knew that it was going to come this afternoon. So, really, Mr. Speaker himself had to say very harsh words the other day about non-attendance by Ministers to answer Questions. I do not want to repeat what he said because I think it was sufficient. But we do want Questions to be taken seriously and, indeed, all business of the House. I am going to defer this Question once again to Tuesday next week. If the Minister does not show up to answer it, then I am afraid, I have to take some sanctions.

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I do know for sure that the Minister in charge of this Ministry is already out of the country. But having said that, I also do take cognizance of the fact that, indeed, an Assistant Minister there would have answered it. I will look into what has happened on the matter.

**An hon. Member:** Kilome!

**Mr. Deputy Speaker:** I defer that Question to next week!

*(Question deferred)*

Next Question, Mr. Kihoro!

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, I do apologise for coming late.

*Question No.666*

WATER SUPPLY TO NYERI TOWN RESIDENTS

**Mr. Kihoro** asked the Minister for Water Development:-



- (a) whether he could explain how many residents of Nyeri Town and Tetu Constituencies are currently supplied with water by the National Water Conservation and Pipeline Corporation (NWCPC) under the Aguthi Water Project, and what the domestic water tariff is;
- (b) what the total charges paid by the residents during the last five years were; and,
- (c) what amount of capital investment of the Corporation is in the project and what refunds were made to the residents for their initial capital development before the takeover by the Corporation.

**The Assistant Minister for Environment and Natural Resources** (Mr. Noor): Mr. Deputy Speaker, Sir, I am not satisfied with the answer given and because of the seriousness of this Question, I request for the indulgence of the House to have it deferred to next week, possibly, Wednesday, so that we can give a satisfactory answer.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Whereas the Assistant Minister may well be right in asking for more time, I think last time you ruled that a Minister, at least, should attempt to explain what kind of answer he has, how he got it, and why he thinks it is not adequate. You told me when I was pleading the same way that we should hear the answer first. Should he just get away with it without explaining? That is really taking Parliament for granted.

**The Assistant Minister for Environment and Natural Resources** (Mr. Noor): Mr. Deputy Speaker, Sir, I have a written answer here which I think is not satisfactory. But if I can answer it and the hon. Member gets satisfied, it can be good.

**Mr. Deputy Speaker:** Mr. Assistant Minister, you are personally responsible for the answers you bring to the House. So, to come and tell us you have prepared an answer which you, yourself, find unsatisfactory is not good enough. But I will defer that Question to Tuesday next week.

*(Question deferred)*

Next Question, Mr. Ngure!

**Mr. Ngure:** Thank you, Mr. Deputy Speaker, Sir. I do apologise for coming late.

*Question No.663*

#### REPAIR OF NDATI BRIDGE

**Mr. Ngure** asked the Minister for Roads and Public Works when the Ndati Bridge damaged by the *El Nino* on Masala-Manyuanda Road in Madiany Division will be repaired.

**The Assistant Minister for Roads and Public Works** (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry will repair the damaged embankment at Ndati on Masala-Manyuanda in Madiany Division this financial year.

**Mr. Ngure:** Mr. Deputy Speaker, Sir, my Question was specifically about the bridge and not the embankment. At the moment, the bridge is impassable. The function of the bridge is to enable people move from Point "A" to "B". It is not there. We do not need the embankment. We need the bridge to be repaired because it is, at the moment, impassable. Mr. Assistant Minister, are you telling the House that the bridge exists or not?

**Mr. Deputy Speaker:** Order! Address the Chair!

**Mr. Ngure:** Mr. Deputy Speaker, Sir, would the Assistant Minister tell the House whether the bridge is existing and what is missing is only the embankment?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, we intend to build a causeway about 200 metres long at a cost of Kshs2 million during this financial year.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, the Question clearly talks of the bridge and my understanding of a bridge is that, if it is not there, then, for all practical purposes, that part of the road cannot be used. For the Assistant Minister to tell us that it will be repaired within this financial year, which is 12 calendar months, it means it can be repaired in April, May or June, next year. Is that what the Assistant Minister is trying to tell the House? We need a timeframe within which the bridge will be operational. Could we have a timeframe and not a financial year? That is one whole year.

**Eng. Rotich:** Mr. Deputy Speaker, Sir, this financial year ends on 30th June, 2002. The programme was approved on Tuesday this week, and the construction will start within the next three months. There will be no bridge, but a causeway. If we build a bridge, which is not necessary, it will cost a lot of money. But we need a causeway because that is the most suitable solution in this area and it will cost Kshs2 million. The length is 200 metres by seven

metres wide.

**Mr. Achola:** Mr. Deputy Speaker, Sir, the Assistant Minister has informed the House that they will build this causeway within this financial year. But looking at the Printed Estimates for this year, we do not see any indication as to any funds which have been set aside for it. Where is he going to get this money from?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, the money will come from the Fuel Levy Fund.

**Mr. Ngure:** Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House who is the contractor and when the contract was tendered?

**Eng. Rotich:** Mr. Deputy Speaker, Sir, as I said, the programme was approved on Tuesday this week. We are now processing the quotation. I can assure the House that this project will be completed before 30th June, 2002.

### QUESTIONS BY PRIVATE NOTICE

#### WHEREABOUTS OF MASTER KIBAKI GICHOHI

**Mr. Mutahi:** 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 Master Charles Kibaki Gichohi, a student at Nyeri High School, disappeared on his way to school on 11th July, 2001 and the matter reported to the Nyeri Police Station on 14th July, 2001?

(b) What action has been taken to trace the whereabouts of the student?

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

(a) Yes, I am aware.

(b) The particulars of the missing student have been circulated to all police stations in the country. The police are also investigating the circumstances under which the student went missing with a view to tracing him.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, first of all, I would like to know, how far is the effort the Assistant Minister is talking about? He said they have put an effort of circulating the particulars of the boy to all police stations. What report to date have they received that the Assistant Minister can tell the House? What progress have they made so far?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, the file was opened when the father of the boy, Mr. Julius Gichohi Kariuki reported the matter to Nyeri Police Station. The investigation is under way; it is going on.

**Mr. Gitonga:** Mr. Deputy Speaker, Sir, I do not know if the Assistant Minister is avoiding to answer the question. The hon. Member wants to know what the progress so far made by the police since they started investigation is. The Assistant Minister says the investigation is under progress. What is the progress so far? What has been done so far by the police?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, I have just told the House that the police are working around the clock to establish the whereabouts of the boy.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I do not know what is the problem with the Assistant Minister. He has been a teacher and an official of KNUST. The question by the hon. Member is very clear. Could he give us some information of the progress they have made since July? Give us some information about the disappearance of the boy. We would like to know the results of the preliminary investigation.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, I just want to assure the House that the police are doing their work. We will not leave any stone unturned. So, I cannot disclose what the police are doing at the moment.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, the answers we get from that side of the House are very interesting. The Assistant Minister says "no stone will be left unturned." I have got information that "although the stones are being turned", the boy is at home. So, I do not know where you are turning these stones. Could the Ministry investigate about the loss of young boys and girls in Nyeri, through unknown beings? The little information is that this boy was locked somewhere in a house and his blood was tested and it was found not complying with the "devil-worshipping blood" that is required. Could the Assistant Minister investigate this very critical and serious loss of young children in Central Province known to be taking place through devil worshipping?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, that is a good question. The Government is committed and I am assuring the House---

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

**Mr. Deputy Speaker:** Order! I know it is a serious matter but Mr. Mutahi himself has said the boy is at home. If he had made that information known to me, I would not have allowed this Question. If the question from Mutahi was: "What is the police looking for if, in fact, the boy is at home?", I would have allowed it. But that was not

the question. If Mr. Mutahi himself says the boy is no longer lost, that is the end of the story.

**An hon. Member:** On a point of order, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** Order! You are wrong because you are standing to ask a question. I will not allow it. I will only give one chance to Mr. Mutahi.

**Mr. Mutahi:** Mr. Deputy Speaker, Sir, what is important in this Question is not somebody having been found; the issue is about the loss of young boys and girls. This boy got lost for three months. Maybe, he might not have been found. Now, I am asking the Assistant Minister to investigate what is happening. The question is not about somebody getting lost and having been found. That is of no consequence. We are asking about that process. It has been a process; young people getting lost. What is the Ministry doing about it?

**Mr. Moroto:** Mr. Deputy Speaker, Sir, if there is a specific case, let the hon. Member report it to the police and I will take the necessary action. I cannot investigate a matter that has not been reported to us. The hon. Member says the boy is at home.

**Mr. Deputy Speaker:** Order! If there is rampant disappearance of children, then it is a very serious matter. We cannot exhaust discussion on that issue under Question Time. If, in fact, the child has been found, then the police are looking for nothing. Both sides are actually wrong. So, on a Question like this one which involves the lives of Kenyans, please, Mr. Assistant Minister, take it fairly seriously.

Next Question.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, before I ask my Question, I would like to seek guidance from the Chair. This is a matter where trust land which is the property of the residents---

**Mr. Deputy Speaker:** Mr. Anyona, ask your Question. If you do not ask your Question, there is no point of seeking the guidance from the Chair.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I said I want to seek your guidance before I ask the Question.

**Mr. Deputy Speaker:** Just ask your Question. Let him respond and then I will give you a chance to seek the guidance from the Chair.

#### CONVERSION OF NURSERY SCHOOL INTO CHIEF'S CAMP

**Mr. Anyona:** 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 the Ex-Chief for North Kitutu Location converted land Parcel Bonyamondo 1-501 in Kitutu Masaba, Nyamira District, into a chief's camp without the authority, consent or knowledge of the community who had donated that land for construction of Eronge Nursery School?

(b) Could the Minister confirm that the land is the rightful property of the community and school?

(c) Could he also urgently restore the ownership of the land and issue title deed to Eronge Nursery School?

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

(a) I am not aware.

(b) The land is not the rightful property of the community and school, as it was rightfully allocated by the Gusii County Council for the construction of the chief's camp.

(c) The land is in the hands of its rightful owner and, therefore, ownership cannot be restored to Eronge Nursery School.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, at least, what the Assistant Minister has said confirms that aspect. It is clear under the law that all trust land belongs to the people and the county council is merely a trustee. It is the people who decide what use they want to put to that land. If Government wants to use any trust land for any Government purpose, they have to acquire it and pay compensation.

Here is a case where land was set aside by the Gusii County Council during the demarcation of land for community projects such as nursery schools and dispensary. The Government then, using this chief, grabbed that land by force. There was a nursery school in place, but they grabbed the land. They started collecting money from the public to erect a chief's camp. In fact, one of the chiefs lost his teeth because of that, and that is one of the reasons why I was detained in 1977.

This Question came here in 1994 and the Office of the President was unable to answer it. They admitted that we were talking about a different plot. So, they were required to go and bring back the evidence of that plot. They never came back. This time, in order to bring this matter to an end, I decided that I will direct the Question to the Ministry of Lands and Settlement, so that they would tell us from the record of the Ministry who properly owns this land. I directed the Question to the Ministry of Lands and Settlement. On 17th October, 2001, the Question appeared in

the Order Paper under the Ministry of Lands and Settlement, but the Minister was not here. I believe his arms were being twisted by the Office of the President that they would take it back and answer it as shoddily as they have done.

With the Chair's indulgence, I insist that this Question be directed to the Ministry of Lands and Settlement. They should tell us who owns this land. If it is the Government, they will tell us when the land was acquired. That is my request.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, we are not aware of the land being grabbed, so the chief's camp is in its rightful area.

**Mr. Deputy Speaker:** Mr. Moroto, this Question has come up in the House before, and it was directed to the Ministry of Lands and Settlement. So, really that is where it ought to go. You should liaise with the Ministry of Lands and Settlement to come up with a comprehensive answer to avoid all these arguments here.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. We would expect whoever answers it to produce the Minutes of the County Council that said that it was allocated for a chief's camp. I do not think I can help them, because they do not deserve it.

**Mr. Deputy Speaker:** The Question is deferred to next week!

*(Question deferred)*

UGANDA'S BAN ON KENYAN FISHERMEN  
IN LAKE VICTORIA

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

(a) Is the Minister aware that the Government of the Republic of Uganda is prohibiting Kenyan fishermen from fishing on some parts of Lake Victoria?

(b) What measures is the Minister taking to ensure that the Republic of Uganda complies with international laws with regard to fishing which allows the nationalities of the people around Lake Victoria to fish on its waters without hindrance?

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

(a) I am aware that the Government of the Republic of Uganda is prohibiting fishermen from fishing in some parts of Lake Victoria.

(b) My Ministry requested the Lake Victoria Fisheries Organization to convene a meeting with Ugandan authorities when it realised the situation was getting out of hand. A meeting was subsequently held in Jinja Uganda on 4th May and 5th May, 2001 where an agreement was signed. Meanwhile, a request has been sent to the Lake Victoria Fisheries Organization to call for another meeting to rescind the above agreement. A Regional Policy Steering Committee meeting of the Lake Victoria Fisheries Organization to discuss the issue was held on 29th October, 2001 in Arusha, Tanzania.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, in answer to part "a" of the Question, the Assistant Minister concedes that he is aware that the Government of the Republic of Uganda is prohibiting fishermen from fishing in some parts of Lake Victoria since Remba and Sigulu Islands in question are Kenyan islands. What business does the Uganda Government have to prohibit Kenyan fishermen from fishing on Kenyan islands?

**Mr. Deputy Speaker:** How can you fish on an islands?

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, the islands are the landing perches.

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I said that the Lake Victoria Fisheries Organization has been requested by the Fisheries Department by my Ministry to bring the matter to the attention of the East African Community Policy Steering Committee, whose meeting is being held today, 1st November, 2001. The previous agreement did not favour Kenyan authorities, and that is why we are putting in an application for the issue to be discussed again. To add on that, the islands in question are on the Ugandan side of the border. That is why the earlier Question asked by Mr. Wanjala was deferred.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the issue at hand is very serious. In 1999, this Government got Kshs6 billion from the fishing industry, but today, fishermen have been denied access to the lake to do fishing. The lake is a natural resource to all the East African countries. The water that forms Lake Victoria comes from rivers whose origin is in Kenya, and all fish breed in Kenya. Since what is at stake is the sovereignty of the Government of Kenya, what can they not negotiate with their counterparts in Uganda instead of the Director of Fisheries Department who does not understand anything about fishing? That is why the report he came with was rejected.

**Mr. Deputy Speaker:** Order, Mr. Wanjala, if you asked your question directly, maybe we could make some progress. Now, ask the question.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, what is at stake is the sovereignty of this country.

**Mr. Deputy Speaker:** Order! I do not want a lecture!

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I am asking a question.

**Mr. Deputy Speaker:** Order! You are not! Dr. Ochuodho!

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, it is true as my colleague is saying that all the fish in Lake Victoria is bred in Kenyan waters; most of it in South Nyanza, specifically the Suba region. When the Uganda fishermen are apprehended by the Ugandan authorities they even confiscate their gear. Could the Minister consider contacting and resolving with their Ugandan counterparts to allow our fishermen to freely move until a permanent solution is found? If they fail to accept that, could he also consider stopping the Ugandan fishermen from coming to the Kenyan waters at the interim?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that we are looking into this issue. We have the Lake Victoria Fisheries Organization which is going to consider all the three East African countries. With regard to boundary issues, that has to be respected. That is why I said that there is a meeting going on today in Arusha with regard to that issue. We hope it to resolve the issue so that the fishermen are allowed to fish freely as they wish.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, it is unfortunate that this matter is not being handled with the seriousness it deserves. To begin with, this is a matter regarding boundaries. It is not just a fishing issue *per se*. For instance, fishermen are prohibited from fishing or landing on Kenyan islands like Remba and Sigulu. This is not the first time we are bringing this issue to this House, this is a matter affecting international boundaries. We should not remain as complacent as we are. To begin with, my question was directed to the Ministry of Foreign Affairs and International Co-operation and yet it is being answered by the Assistant Minister for Agriculture. Why can this Government not take the issue of boundaries of our islands seriously and hold an inter-ministerial meetings with their counterparts in Uganda?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, you will recall that a similar Question concerning boundaries was raised in this House last Wednesday by Mr. Wanjala and was deferred to Tuesday. As a Ministry we are concerned with the Fisheries Department and that is the question I am answering. The islands he is talking about are on the Ugandan side.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, I have said it here many times that the islands in question like Remba and Sigulu are not in Uganda. They are Kenyan islands. Where is this Assistant Minister coming from? Why is he talking about islands belonging to Uganda when we know that they belong to Kenya? Is he a Kenyan or Ugandan? Is he a Ugandan Assistant Minister?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I am talking about a Question that was put across by Mr. Wanjala last week concerning the boundaries, and also the kind of maps that he promised to bring to the House in order to show that the islands were not on the Ugandan side. Therefore, my concern is not the boundary issue. My concern is about the fish. That is all I am trying to answer, and that is what the hon. Member is asking.

**Mr. Deputy Speaker:** Order, hon. Members! This business of standing on a point of order when, in fact, all you want to ask is a question must stop. Anybody who now stands up to ask a question under the guise that he or she is raising a point of order will face the consequences.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, the issues of boundaries and fishing are very related because what is on the Kenyan side determines whether the Kenyan fishermen are doing legitimate business or not. The issue is, and I was there last week with Mr. Wanjala, that the people of that region identify those islands as being in Kenya. How can an Assistant Minister stand in this House and cede Kenyan islands to another sovereign state when Kenyans have not?

(Applause)

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I did not cede the islands to Uganda. But regarding the Question which was raised by Mr. Wanjala, that is what I am trying to revisit. I am not addressing myself to the boundary issue. We are talking of harvesting of fish and members of Lake Victoria Fisheries Organisation, which looks into the three East African states, are meeting today to resolve this issue, and we are waiting for the outcome.

**Mr. Deputy Speaker:** Mr. Wanjala, I will give you one chance and go straight to the question.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the---

**Mr. Deputy Speaker:** Ask your question!

**Mr. Wanjala:** Yes!

*(Laughter)*

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the issue at hand is a very serious one.

**Mr. Deputy Speaker:** You have said that! Ask your question!

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, my question is: When will this Government convene an Inter-Ministerial Meeting that will incorporate the Ugandan Government, Kenyan Government and all elected leaders from Lake Victoria region, so that we are involved in the running of the operations at the lake?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, there is the Ministry concerned with that issue, and we are going to sit down and resolve it. But as far as the resources are concerned, I have said that today, there is a meeting going on between the three countries and I am sure that the issue of fishing on either side of the Lake will be resolved today. We are saying, as a Ministry, we are going to assist our fishermen as much as we can.

#### USE OF CHLORAMPHENICOL IN TREATMENT OF TYPHOID

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Medical Services the following Question by Private Notice.

(a) Is the Minister aware that Government hospitals and other health institutions still dispense chloramphenicol for the treatment of typhoid?

(b) What is the rationale?

**The Assistant Minister for Health (Dr. Wako):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Government hospitals and other health institutions are still dispensing chloramphenicol for the treatment of typhoid.

(b) Chloramphenicol is administered on the basis of culture and sensitivity tests, carried out on the suspected cases of typhoid.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, that is a very embarrassing answer from the Assistant Minister for Health. As a matter of fact, I tend to think that this Ministry is not serious about the health of Kenyans. The impression that the Assistant Minister is giving is false, in that we, as a Committee on Health, Housing, Labour and Social Welfare went to Embu where culture and sensitivity results were availed to us, showing that the organism was not sensitive to chloramphenicol, and yet only chloramphenicol was being administered to patients. But that notwithstanding, is the Assistant Minister aware that the Chairman of the Typhoid Advisory Committee of the Kenyan Medical Association and also the WHO in a circular to member countries dated 12th March, 2001, both of them discouraged the use of chloramphenicol because, for example, in his circular to all PMOs and MOHs, Dr. Chungue states as follows:-

"--- on treatment, avoid chloramphenicol because of high resistance."

In the WHO memo, which I will table, he states as follows:-

"So long, the antibiotic chloramphenicol was the preferred treatment of typhoid fever, however---"

This is the shocker.

"---due to development of bacterial resistance, new antibiotics during the 1970s have gradually replaced this drug."

Mr. Deputy Speaker, Sir, we are talking about a drug which became obsolete in 1970s and which is still being used in Kenyan hospitals. What rationale does the Ministry have in using this obsolete drug?

*(Dr. Wako smiled)*

Dr. Wako, you are laughing?

**Dr. Wako:** Mr. Deputy Speaker, Sir, it is not true that all the types of typhoid and salmonella (typhoid?) in the country, which are about 107, are resistant to chloramphenicol. It is true that we have found, and it is already known all over the world, that in certain countries in Asia, Middle East and Latin America, there are countries which have found that Chloramphenicol is resistant in the treatment of typhoid, but that does not mean that in Kenya, it is all throughout the country that it is resistant. This is because we have cases in the countries where chloramphenicol is very positive and that is why we are recommending culture and sensitivity tests.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, 600,000 people die each year as a result of typhoid. Salmonella (typhoid?) bacteria has certain resistances that we have been told about by the various MOHs during our several visits within the country. For instance, in Embu, chloramphenicol had to be changed for another drug because it was found to

be resistant and the patients were healed. Could he explain that result? Why did that happen and why they changed and said that chloramphenicol has certain resistance?

**Dr. Wako:** Mr. Deputy Speaker, Sir, it is true that in Embu, we had cases which were resistant to chloramphenicol and that was why the Ministry went into length to make sure that other types of siphalosprin(?) were provided for the treatment in Embu. It is also true that in the country today, as we are talking, we have other types of drugs which are resistant and which are sensitive and are being used in order to take care of typhoid cases.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, as rightly pointed out, there are some areas in this country where typhoid is resistant to this type of medication. Could he tell this House which areas are resistant to this type of drug and which areas are not resistant to the drug and why can he not outlaw these drugs, so that we have got a drug that can apply in all areas in the country?

**Dr. Wako:** Mr. Deputy Speaker, Sir, that is why we are using culture and sensitivity tests as the guideline for the treatment of chloramphenicol in typhoid cases.

**Dr. Ali:** Mr. Deputy Speaker, Sir, knowing that patients cannot use chloramphenicol properly because it creates problems for some of the patients and compliance is a problem and also knowing that it causes bone marrow diseases, why do you intend that people continue with this drug when you know that it is not all that effective and it has problems?

**Dr. Wako:** Mr. Deputy Speaker, Sir, the bone marrow effect is after long usage of chloramphenicol, and in the case of typhoid, it is only recommended for a week, and it does not cause such effects.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, the Chair had the privilege to attend the closing ceremony of the Kenya Medical Association Conference in Kisumu and you and I heard the views of eminent doctors in this country about chloramphenicol drug. First of all, you cannot use it for one week. I am very disappointed with that answer. It must be administered for at least three weeks and it has got---

**The Minister for Public Health (Prof. Ongeri):** Mr. Deputy Speaker, Sir, it---

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, can I be protected from Prof. Ongeri who is misleading this House? In fact, I hope this information trickles to the Press where Prof. Ongeri is supporting Dr. Wako; that, you administer chloramphenicol for one week in the treatment of typhoid. That is errant nonsense!

*(Laughter)*

**The Minister for Public Health (Prof. Ongeri):** On a point of order, Mr. Deputy Speaker, Sir. Is my student in order to direct that question to me in this House instead of doing so privately?

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, chloramphenicol, as Dr. Ali has said, depresses the bone marrow.

**Dr. Deputy Speaker:** Just ask your question; we are not in a lecture theatre.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, I am just developing my question.

**Mr. Deputy Speaker:** Order, Dr. Kulundu! This is not a lecture theatre! This is Parliament and we are in Question Time, which is about to end. Just ask your question!

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, will the Government take note of the advice given to it by very eminent organisations, including our own Kenya Medical Association and the World Health Organisation, and withdraw this very lethal drug from the Kenyan market in the management of typhoid?

**Mr. Deputy Speaker:** Could you lay the documents you have on the Table?

**An hon. Member:** No! Do not lay the document until the Minister gives in!

**Dr. Wako:** Mr. Deputy Speaker, Sir, the Government is undertaking to carry out sensitivity tests in every part of the country with regard to this drug. It is only then that we can make a decision. When we found that chloroquine was developing resistance to malaria, we discontinued it. So, if our data shows that chloramphenicol is resistant throughout the country, the Government will withdraw it.

#### MANAGEMENT OF MAASAI MARA TRIANGLE

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that Trans Mara County Council irregularly awarded to the privately-owned Mara Conservancy, the management of Maasai Mara Triangle, including collection of all gate fees, which is the source of revenue to the council?

(b) Is he further aware that the conservancy has sacked half of the council employees working in Mara Triangle?

(c) What is the current status of Trans Mara County Council, since Mara Conservancy has taken over all the services of the council, including hiring, firing and payment of employees' salaries?

**The Minister for Local Government** (Mr. Kamotho): Mr. Deputy Speaker, Sir, I beg to reply.

(a) This Question is sensitive because the matter is *sub judice*, and I cannot comment much about it. The Trans Mara County Council is divided into two. Some of the councillors are for this conservancy, while others are not. One group went to court and sought a declaration that the agreement entered into with the Mara Conservancy by the council was unprocedural, unlawful, illegal, null and void. But that suit was withdrawn and after a short while, they filed Case No.686/2001 in the High Court in Nairobi. So, it is very difficult to discuss this Question exhaustively because it would prejudice the matter in court.

(b) I am not aware.

(c) Legally, Trans Mara County Council is still the *bona fide* authority in so far as the provision of services to wananchi is concerned. My Ministry is carrying out investigations in consultation with other Government departments in order to establish the authenticity of the agreement between the council and the conservancy.

**Mr. Murathe:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to comment on matters that are in court? In fact, he has declared that they are going to carry out investigations! Why is he commenting on matters that are in court?

**Mr. Deputy Speaker:** Order, Mr. Murathe! As far as I am concerned, the Minister has not touched on any matter that can affect the outcome of that case.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I agree with the Minister that this Question is very sensitive. This issue is sensitive because it involves one of his colleagues in the Cabinet. A Minister in this Government is the director of this company which has been given the mandate to run the Mara Conservancy. I would like to bring to the attention of the House the fact that the Minister has deliberately avoided mentioning the 11 workers of the council who have been sacked. In fact, the council cannot even collect revenue! However, in view of the sensitivity of this matter, I would like the Minister to table in this House the names of the directors of this firm, which has been given authority to collect revenue on behalf of the council. Since the Minister has agreed that this contract is null and void, could he order this firm to stop collecting revenue on behalf of the Trans Mara people?

**Mr. Shill:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has made a very serious allegation. He has said a Minister owns the company which has been given authority to collect revenue on behalf of the council. Could he name the Minister?

**Mr. Deputy Speaker:** Order, Mr. Shill! That does not fall under substantiation.

Proceed, Mr. Minister.

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I can read out the names of the current directors of the Conservancy firm. Unless some hon. Members have Ministers in their own pockets, none of the people whose names I am going to read out is a Minister. So, I do not know where my friend got the information that one of my colleagues is a director of this company. There are eight directors and their names are: Dr. Mark R. Stanley Price, Councillor Kijape Kuya, Samuel K. Tanui, John K. Koriuko, Julian Timanoi, Andrew Giloef Pedder Davis, William Garth Roberts and Christopher Robert Thouless.

**Mr. Parpai:** Mr. Deputy Speaker, Sir, the Minister is trying to run away from his own answer. We shall table the list of all the original directors of this company. The names of the directors were changed when this Question was filed in the House. But the Minister admits that he has not approved the council resolution and, therefore, the contract is null and void. Could he now dismiss the Clerk to Trans Mara County Council who committed the council to this contract without his approval? Secondly, as a matter of concern, could he stop this conservancy firm which is robbing the Maasai, and let the council do its *bona fide* work?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I will have to wait for the outcome of the matter in court and the investigations that the Government is carrying out, before I rush to dismiss the Clerk.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, it is very surprising that Europeans own wildlife in Maasailand. Since the Minister has said that the agreement is invalid, could he reverse it and revert the Maasai Mara Triangle back to the Trans Mara County Council?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, as I said, I will take that decision at the conclusion of the investigations.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, at the time when Trans Mara County Council was part of the larger Narok County Council, it was materially the most viable county council in Kenya. The foundation of that council, which was partly through the management of Mr. ole Ntimama when he was there, was that it appropriated its responsibilities to manage its revenue resources. Now, we have a case that the county council has not collapsed, but an entity is established in a way that it is repugnant to the views of the Minister, and it takes the business of the council. It



is a council which, if it goes bankrupt, the Minister will take taxpayers' money under the Local Authorities Transfer Fund (LAFT), to give it to survive. Is the Minister ready to tell us that if I enter into an agreement with the County Council of Bungoma, that I take over the collection of revenue in Bungoma, he will wait until any disputes are sorted out before he says that it is illegal; or is there somebody here who is frightening him from doing what is right by law?

**Hon. Members:** Young turks!

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I do admit that the Trans Mara County Council is facing serious financial problems because of poor financial management. What I cannot do is just to nullify things without conducting thorough investigations to establish the problem!

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the Minister has said that he cannot nullify the contract. The reason is very simple. It is because the Minister who is involved in that is a young turk and he is an old turk! I have a list of directors here who were the first people to be involved in that. I want to read it. We have Mr. Julius ole Sunkuli---

**Mr. Deputy Speaker:** Order! Where is that list from?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I will lay the list on the Table!

**Mr. Deputy Speaker:** Where is it from?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, it is from the Registrar's office! What happened is that immediately I asked this Question, they went and put the names of other directors, where the Minister was replaced by his sister! The Minister is trying to hide behind--- I have the document with me and I will lay it on the Table. We want the Minister to cancel the contract forthwith! Why can he not do that?

*(Mr. Katuku laid the list on the Table)*

#### EVICION OF KISUMU WEST RESIDENTS

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Why were occupants of Parcel No.934/233 in Kisumu West Location, Maseno Division, evicted from their land recently?

(b) What is the status of the ruling by the Principle Magistrate's Court at Maseno dated 7th December, 1999 on Criminal Case No.216 of 1998?

(c) What is the Government doing to ensure that those ordinary Kenyans are guaranteed their right to property under the rule of law?

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

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! You know, if you are found guilty of misconduct, it will be very difficult for all of you to be at the Bar to be dressed down by the Chair! So, let us be peaceful! The Question that Mr. Katuku has asked has been answered several times---

**Hon. Members:** No!

**Mr. Deputy Speaker:** Order! You know, some of the times, you do not listen! But the Minister said that he cannot cancel that contract now!

Proceed, Mr. J. Nyagah!

*(Loud consultations)*

Order, hon. Members! I do not know how many times you have to be reminded that you cannot conclude an issue such as this during Question Time. If you are not happy with the Minister's reply, invoke the provisions of Standing Order No.18(1), as was done by Mr. Muchiri on Tuesday, and Mr. Imanyara today. So, let us follow our rules. There are opportunities for you to raise issues that you are not happy with in other ways. But I will not allow you to continue with questions---

**Mr. Maitha:** The Minister---

**Mr. Deputy Speaker:** Order, Mr. Maitha! Stand up and leave the Chamber now!

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

**Mr. Deputy Speaker:** There is going to be no point of order! There is a stranger in the House!

*(Mr. Maitha withdrew from the Chamber)*

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

**Mr. Deputy Speaker:** Order! I have already called for the next Question and that is what is going to happen!

Proceed, Mr. Minister!

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

**Mr. Deputy Speaker:** Order! If you are not satisfied with the answer, you know what to do! You should not press for points of order which are not points of order!

Proceed, Mr. Minister!

**The Minister for Lands and Settlement (Mr. J. Nyagah):** Mr. Deputy Speaker, Sir, I have a problem with this Question. My office told me that it has been transferred to the Office of the President and it was communicated to the Clerk's office this morning! So, I am sorry I do not have an answer because it is a Question for the Office of the President, and they are preparing an answer!

**Mr. Deputy Speaker:** I will defer that Question to Tuesday.

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Deputy Speaker, Sir. I asked this Question by Private Notice about three weeks ago. It has been on the Order Paper twice. I do not understand why the Minister should now say that it was transferred from his office yesterday, since it has been on the Order Paper for three weeks. It has appeared before! Could we get clarification?

**Mr. Deputy Speaker:** Order, Prof. Anyang'-Nyong'o! You want an answer to your Question. Now, the Minister for Lands and Settlement has confessed that he is not able to answer it. This Question has been referred to the Office of the President, and I have deferred it to Tuesday. Let us get a proper answer, which is really what you are interested in!

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. You can see there is a pattern emerging here; that where you have Questions that may appear sensitive, the Office of the President is arm-twisting the arms of Ministers to answer. I have a previous case which was transferred contrary to what I had desired. Here is Prof. Anyang'-Nyong'o being told the same thing. The Minister is not even aware that the Question has been transferred. Who is behind all that? There is a conspiracy to emasculate Government and Parliament!

**Mr. Deputy Speaker:** Order! Now, the practice of transferring Questions from one Ministry to another is not new. If a Ministry feels incapable - mark my word - of answering a Question and feels that another Ministry is better placed to answer it, our rules require that, that Question is transferred to the Ministry that is better able to answer it. Now, in this particular instant, this Question has been on the Order Paper for sometime. I do regret the fact that it has been so treated, because Questions by Private Notice should be answered within 48 hours! Now, if you want to change your rules, so that if a Question is not answered after 48 hours it is dropped, the Chair will be very happy to do so. But the Chair feels that it is the answer that the Member wants that is important, and that if there is a little delay before he gets it, that should serve the purpose of this House. So, this Question is deferred to Tuesday, next week.

*(Question deferred)*

Next Order!

## POINTS OF ORDER

### DEFERRED QUESTION TO APPEAR ON ORDER PAPER

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Last Thursday, I had a Question on dilapidation of the road going to Sagana State Lodge in my constituency. This Question was asked on my behalf by Dr. Murungaru. You directed that it be deferred to Tuesday this week and up to now, this Question has not come up in the Order Paper.

**Mr. Deputy Speaker:** I will make sure that it is put on the Order Paper for Tuesday, next week.

### ROLE OF ETHIOPIAN GOVERNMENT ON SOMALI PEACE INITIATIVE

**Mr. Shill:** Mr. Deputy Speaker, Sir, I stand to request for a Ministerial Statement from the Minister for

Foreign Affairs and International Co-operation on the role of the Ethiopian Government on the Somali peace initiative being undertaken by President Moi and his Government since the Ethiopian Government is holding a parallel peace initiative to undermine the one being held in Nairobi today.

**Mr. Deputy Speaker:** Is there anyone from the Ministry of Foreign Affairs and International Co-operation? Would the Deputy Leader of Government Business like to convey that message to the Ministry of Foreign Affairs and International Co-operation because they do not seem to be here?

**The Minister for Transport and Communications (Mr. Mudavadi):** Mr. Deputy Speaker, Sir, they are not here, but I will convey the message because they are actually taking part in some discussions at the moment.

#### NOMINATIONS TO THE EAST AFRICAN ASSEMBLY

**Mr. Murathe:** Mr. Deputy Speaker, Sir, in the last two weeks, the House was rushed into passing nomination rules for the East African Assembly on the assumption that it was very urgent and that the deadline was 31st October. I am reliably informed that the DP, FORD-(K) and the NDP have nominated some Members. I am wondering why it is not possible for KANU to finish that business so that we do not become the laughing stock of the whole region. What is going on? Why would the Minister stand here and tell this House that we have a deadline of 31st October? Today is the 1st of November and yet we are not through with that business.

**The Vice-President and Minister for Home Affairs (Prof. Saitoti):** Mr. Deputy Speaker, Sir, my understanding is that the East African Legislative Assembly will be meeting by the 30th of this month. From my understanding from the various political parties, the machinery is already in place to come up with nominations.

**Dr. Kituyi:** On a point of clarification, Mr. Deputy Speaker, Sir. I had the privilege of attending the last meeting of the Preparatory Committee for the East African Assembly, and it was agreed and endorsed by the member of council for Kenya that all the countries must be through with the nominations of their East African Executive Assembly Members by the last day of October. It is not true that the date of launch has anything to do with the date of elections. Could the Leader of Government Business tell the House why Parliament was ready before the deadline set by the council? Hon. Biwott was present and signed that Kenya's representatives in Arusha will have been appointed by 31st October. What has gone wrong? Is it because of wars between the old guard and young turks in KANU?

**The Vice-President and Minister for Home Affairs (Prof. Saitoti):** Mr. Deputy Speaker, Sir, I do not think I should be answering this very bizarre question. The aspects of it are clearly bizarre, but we all do know quite well that we did take slightly longer to debate on the rules. Once the rules went through, then every political party, from my understanding, went on to look into ways of who to nominate. My understanding which is very clear, is that the machinery is in place and we do expect the nomination to be placed and brought to the House Business Committee so as to be brought to this House as soon as possible.

#### IRREGULAR ACTIVITIES BY THE LAMU COUNTY COUNCIL

**Mr. Maore:** Mr. Deputy Speaker, Sir, I rose here yesterday to demand a Ministerial Statement from the Minister for Local Government regarding a lot of irregular activities by a resolution of the Lamu County Council. Now that I can see the Minister for Local Government is here, I would like to add that while I was raising my point of order yesterday, over 15 people were arrested and bonded by the county council over the same issue I raised. I would like the Minister to give a statement.

**The Minister for Local Government (Mr. Kamotho):** Mr. Deputy Speaker, Sir, that statement is not ready. I can give it on Thursday, next week.

**Mr. Deputy Speaker:** Very well.

#### DOUBLE STANDARDS ON CIVIL SERVANTS FACING CRIMINAL CHARGES

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, yesterday the Deputy Leader of Government Business did assure this House that the Leader of Government Business would issue a statement with regard to what I said was double standards in application of the law in relation to civil servants facing criminal charges. We were promised that statement at 2.30 p.m. this afternoon by the Leader of Government Business and I can see him here.

**The Vice-President and Minister for Home Affairs (Prof. Saitoti):** Mr. Deputy Speaker, Sir, he took one step ahead of me. I was going to rise and speak on the same. I do wish to seek the indulgence of this House so that I can come here with an answer next week.

MAYHEM BY *MUNGIKI* SECT IN NAIROBI

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security, as to why he has permitted a sect called *Mungiki* to roam about and chase Kenyans with pangas in Nairobi, particularly in Kariobangi, and yet they are not arrested.

**Mr. Deputy Speaker:** Well, Mr. Muchiri, it is more of a Question than seeking a Ministerial Statement.

## INSECURITY TO FISHERMEN IN LAKE VICTORIA

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security. There is insecurity in the lake which is meted on Kenyans, and the Government has not empowered the askaris in the lake with speedboats. Today, the Ugandans have got speedboats-

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**Mr. Deputy Speaker:** What is it that you want?

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, I want the Minister to tell us what plans the Government has to protect the fishermen in the lake, who are being harassed. The policemen are unable to protect them because they have no means to move in the lake.

**Mr. Deputy Speaker:** Order, hon. Members! The Chair has had occasion to state in the past that, if you are seeking a Ministerial Statement, it must relate to some policy issue. Hon. Members are now standing up to ask questions of Ministers instead of asking for policy statements. So, please, let us observe that rule.

## STATE OF INSECURITY IN MERU CENTRAL DISTRICT

**Mr. Murungi:** Mr. Deputy Speaker, Sir, the Minister of State in charge of internal security undertook to give a Ministerial Statement in this House today regarding the state of insecurity in Meru Central District. I do not see the Minister here. Could the Leader of Government Business inform us regarding the status of that statement because I came to listen to it?

**Mr. Deputy Speaker:** Next Order!

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

**Mr. Deputy Speaker:** No, I will not allow you another one! Is it on the next Order?

**Mr. Murungi:** Mr. Deputy Speaker, Sir, we would like to have an indication from the Leader of Government Business as to when this Ministerial Statement is going to be issued because it was to be issued today, but I do not see hon. Maj. Madoka here. We have this practice where Ministers promise to issue Ministerial Statements before the House and then they disappear.

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): On a point of information, Mr. Deputy Speaker, Sir. Let me inform the hon. Member that hon. Maj. Madoka has not deliberately disappeared or avoided to be here. He is currently chairing a meeting to do with the Somali reconciliation. So, I want to pass his apology to the House on his behalf.

**Mr. Deputy Speaker:** Will he issue it next week on Wednesday?

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): Yes, Mr. Deputy Speaker. Sir.

**Mr. Deputy Speaker:** Next Order!

## BILL

*Second Reading*

## THE FINANCE BILL

*(The Minister for Finance on 24.10.2001)*

*(Resumption of Debate interrupted on 31.10.2001)*

**Mr. Deputy Speaker:** Who was on the Floor? Mr. Obwocha, you still have 20 minutes to go. Proceed!

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, I was saying that corruption is a global problem and recently, this House, and a Government delegation which was headed by the hon. Attorney-General, the Deputy Public Prosecutor, the officer in charge of the Anti-Corruption Unit, Mr. Slim Swaleh, and the members of the civil society had an

opportunity to attend a Transparency International meeting in Prague, the capital city of the Czech Republic. In that meeting, one thing that came out clearly from the President of Jubilee International (2000), that is the people in charge of debt relief, was that the two countries that have the biggest problem about corruption in Africa are Zimbabwe and Kenya.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, this country needs to address the issue of corruption. Botswana addressed this issue of corruption from 1967. They have put in place institutions that deal with corruption. There is an independent anti-corruption authority. They are vetting public appointments. They have an Inspector-General who deals with recommendations of Parliament. They have an annual declaration of assets and liabilities. Botswana, as we speak now, does not borrow its money from the World Bank or IMF. They do not have those loans which we are complaining of here every single day, that IMF and World Bank are shifting goal posts. The strength of the currency of Botswana is 1 to 2 for the dollar, while in Kenya it is 1 to 80. What do Kenyans think they are doing? This is an issue we must address properly if we are going to grow as a nation.

Mr. Temporary Deputy Speaker, Sir, I want to say two things about this Finance Bill so that I can sit down. One is about professionals. On page 726, the Minister for Finance has said that he is going to amend Section 54 of the Income Tax Act. He states:-

"By inserting the word 'accounts' which means a balance sheet or a statement of assets and liabilities, and trading accounts meaning profit and loss account receipts, and payments accounts or rather similar accounts however named; and that a professional person in this case to look at these accounts of a company means a certified public accountant or an authorised accountant within the meaning of the Accountants Act..."

Mr. Temporary Deputy Speaker, Sir, I want to say that a professional accountant does not mean a certified public accountant. A certified public accountant is one of the professional accountants. Other professional accountants can be chartered accountants, certified accountants or cost and management accountants. In fact, there are many qualified professional accountants. Therefore, the Minister for Finance must amend that section to include certified public accountants or its equivalent qualifications. I do notice that the Minister for Finance is absent. I do not know where he has gone to since I am talking to an empty Front Bench!

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I am here!

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, he is hiding over there. Sorry!

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): On a point of information, Mr. Temporary Deputy Speaker, Sir, I wanted to give the hon. Member enough time to expound on what he was talking about and since he has mentioned me, I would like to point out that the Member is seriously misleading the House. Professional accountants, as we know in this country, have to be certified public accountants and that is why we have provided that in the law. Anybody coming into this country with whatever qualifications should register as a certified public accountant. If he cannot, then he cannot practise.

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, that is contradictory! There are qualified accountants in this country who are not registered as certified public accountants, and the accountants know that.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): But they cannot practise!

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, I do not want to argue because I have very little time.

Mr. Temporary Deputy Speaker, Sir, I want to come to the issue of the Catering Levy Trustees (CLT). This is an issue this House rejected in 1999.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, please, protect me from Mr. Kihara Mwangi and Mr. Parpai? Could they consult quietly on the other end so that I can concentrate?

**The Temporary Deputy Speaker** (Mr. Imanyara): Mr. Kihara and Mr. Parpai, consult quietly to enable Mr. Obwocha to contribute!

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, when we rejected the transfer of the collection of revenue from the CLT to Kenya Revenue Authority (KRA), there were certain fundamental things we requested the

Minister for Finance to address. One of them was to harmonise the law. The Hotels and Restaurants Act is under Cap.494. You and I know that KRA operates under the Income Tax Act, I think Cap.470; the VAT Act, Cap.476, and the Customs Act. You cannot say that, today, you are transferring the powers from Cap.494 to Cap.470 or Cap.476 without amending the law. You must harmonise that because the powers are vested in a different law. The Minister for Finance has not done that and he needs to do that to harmonise these two laws. This is because KRA is autonomous. The Hotels and Restaurants Authority is also autonomous. The Minister is now trying to do whatever it is. He has not addressed himself to certain fundamental issues relating to the Authority. We complained here that they should retrench the workers, which they did. However, the Minister has not even paid the retrenched workers and already he wants to declare those who are still in service redundant. There is a number of institutions under the Catering Levy Trustees (CLT). The Minister has not even told us what he is going to do with the Kenya Tourist Board (KTB), and whether this is a board that is still there to promote tourism. What is he going to do with Kenya Utalii College? How is he going to fund it? The college was being funded from the 2 per cent revenue that was being collected by the CLT, under the Hotels and Restaurants Act. What is the Minister going to do with the Catering, Training and Tourism Development Levy Trustees (CTTDLT)?

I would like the Minister to come out clearly and tell us how he will resolve the legal intricacies that still exist. Unless the sections of the law contained in Cap.494, dealing with the collection of revenue, are procedurally amended by Parliament, the collection of the 2 per cent hotel levy by the Kenya Revenue Authority (KRA) is going to cause a conflict. As I speak, part of the hotel revenue has been taken over by the KRA. Even the amount of revenue being collected by the KRA from hotels and restaurants right now is far below what the CLT used to collect. This will be expounded on by Members of the Departmental Committee on Finance, Planning and Trade. So, what we are requesting the Minister for Finance to do - I believe that this will come up at the Committee Stage - is to address these legal intricacies before he transfers this duty to the KRA, so that we have no conflict in the law. That is all we are saying. If the Minister addresses this issue, I believe that nobody will have any problem with what he is doing. We do not want anything that will bring conflict in revenue collection. As we said, the KRA, even up to now, has not lived up to its mandate. The KRA is able to collect only about 50 per cent of the revenue it is supposed to collect.

Mr. Temporary Deputy Speaker, Sir, look at the number of establishments that were under the CLT; they were approximately 4,000. The KRA has only managed to bring in 615, leaving out the rest. How does the KRA expect to achieve a better performance if the Authority leaves all these other establishments outside what it is supposed to do?

In passing this Finance Bill, we hope that the Minister will, once for a while, be serious about the administration or total management of this country's economy. The business of telling us that the World Bank and the International Monetary Fund are dictating terms is not good music to our ears. In the first place, why does the Government accept unattainable conditions? The Government should say "no" to such conditions. I have just said that Botswana, because of proper management of its resources, is not even borrowing from the World Bank. So, we are telling the Minister for Finance that proper management of our economy is an essential aspect. We expect good governance and reforms so that this country can go ahead. All the political statements we hear, which do not contribute to good governance, are an obstacle to foreign investments. As people of this country, we are asking for good governance.

Statements by hon. Members of the ruling party, including the President, about who is a young Turk and who is not - I do not know whether the Vice-President and Minister for Home Affairs is a young Turk or not---

**An hon. Member:** Indeed, he is! He is younger than the President!

**Mr. Obwocha:** Mr. Temporary Deputy Speaker, Sir, the term of the incumbent President expires next year. As we speak, he has 14 months to go. We wish him well. Let him retire peacefully. We will respect him as an African statesman. Let Kenyans choose their next leader, whether he has grey hair or no grey hair, so that we can attract proper investments and that the transition can be peaceful. Some of the young turks who talk here are young men who are scandal-ridden; they are land grabbers. If you hear about the number of plots they have grabbed in Nairobi, you will not believe it. Some of them are rapists, yet we are being told that they should take over this country's leadership. Can one take over this country's leadership when one has been raping other people's children? The people of Kenya will elect their next President. If one wishes to contest the presidency next year, one should present himself for election.

**Mr. Muihia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Obwocha in order to say that young Members of Parliament are rapists?

**Mr. Obwocha:** Mr. Temporary Deputy Speakers, Sir, those who are going to contest this country's presidency next year are not only Members of Parliament; they include Members of Parliament. I did not specifically say that they are Members of Parliament; I referred to those who are going to join the contest. If you have your political party, you can also contest. We will see next year whether you are fit to lead this country or not. This country needs good leadership. The problem that has landed us in our current crisis is bad management of our resources. If we

can manage our scarce resources well, Kenya will come back to the right path. That is what is required in this country.

Mr. Temporary Deputy Speaker, Sir, the President should not have a lot of worms in his stomach about Mr. Simon Nyachae. Mr. Nyachae will be one of the presidential candidates in the coming general election, and whether his dream will be fulfilled or not, that is his destiny. It will be up to God and he has no say in it. Everywhere the President is going, he is talking about Mr. Nyachae. Even in Kibera, where he was the other day, he talked about Mr. Nyachae. Who is Mr. Nyachae? He is just one of the presidential contestants. Everybody should be given a chance and if Kenyans say yes, that will be alright. The contest should be decided through the ballot.

So, all we require is proper management of the resources of this country. We do not want to go back to the situation we were in 1993/94, where the Government had to mop up excess cash liquidity from the economy. The next general election is coming and we do not want the printing of money. I believe and hope that, that good boss, the Governor of the Central Bank, the brother of the Nyagahs, will not fall prey to printing money to destroy this country again. The interest rates went up to 70 per cent. If you invested a Kshs100 million in Treasury Bonds then, the Government gave you another Kshs70 million. There is nowhere in the world where you can get 70 per cent interest rate. We destroyed our country here. Let us hope that next year, when the general election comes, no money will be printed in this country. The "boys" and "girls" who are running this country should run it properly. From now onwards, we should have some laws put in place. We have told the Government this, but it does not seem to understand. We hope that the Government that will be elected will not be headed by the young Turks, some of whom are so inexperienced.

We will truly address corruption by getting Parliament to assert itself, and vet appointments to public positions. We should not have people who have been named in the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) Reports being appointed to public offices. PIC and PAC have in the past recommended that some people are unfit to hold public offices and the next day, these people were appointed as ambassadors to Nigeria and other countries. This should stop. The rich people in this country should declare the source of their wealth. For example, Mr. Obwocha, an hon. Member of Parliament, lives in the slums in Eastlands, yet other people live next to "heaven". Where have they got all this money from?

With those few remarks, I beg to support.

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I will make very few remarks on this Finance Bill.

It is refreshing that we are now deliberating on the Finance Bill, almost four months since it was tabled here and, indeed, after we have gone through the various Ministerial Votes. Therefore, we can take stock of things and see whether the measures which we announced at the time of the Budget and which, of course, have been implemented, have been effective.

Mr. Temporary Deputy Speaker, Sir, the importance of the Finance Bill is to raise revenue in order to finance Government services. Much more important, its purpose is also to offer incentives to the economy for it to grow. It is true that the instruments of the Finance Bill, the broad economic policies, are usually implemented. The Bill took into account the prevailing economic conditions in the sense that, as we all know, in matters relating to the customs tariffs, there was reduction of duty on raw materials and intermediate goods in order to ensure that our own manufactured goods can be competitive, not only on the domestic market but, hopefully, in the international market. There are also areas which we have touched on, which are very dear to Kenyans. One of these areas is agriculture. As we all know, due to the liberalised nature of the economy, which is an international phenomenon, other countries have dumped their agricultural products here. This, of course, has had very adverse effects on the agricultural production, and will, in the long-term, affect the wellbeing of Kenyans.

The Minister for Finance took cognisance of that fact and, indeed, waived duty on a number of manufactured agricultural products. We need to commend him for that. At the same time, we also want to recognise other very positive measures which were carried out in the Pay-As-You-Earn, namely, the Income Tax. Indeed, a great deal of criticism has been expressed in the area of the Value Added Tax (VAT), much more so, because it went up. But, unfortunately, we have to understand one fundamental thing, that if the Minister for Finance was gaining a lot of revenue from Customs Duty, then he had still to find a way of, at the very end of the day, maintaining the level of revenue. That, perhaps, is the reason why VAT in general went slightly up. That is understandable.

But at the same time, there is one area which we are all agreed upon. Those affected have talked loudly about it. Hon. Members of Parliament have talked about it and I believe we too in the Government have seen the wisdom of the argument. That, I believe, has to do with VAT which was imposed on business premises. There is no doubt that, that has been seen to be punitive. I believe that is why the Minister for Finance agreed that there is a case that can be looked into. A number of other things have been raised here. I am sure the Minister for Finance will, in his reply to this debate, inform this House that, indeed, the Government will take a number of measures to ensure that the economy will grow.

With regard to donor money, this issue has dominated debate here and also outside the House. The fundamental thing that we Kenyans, and other Africans, need to know is the fact that donor money, or official development money, is on the decline. It is not increasing. I just want to basically provide some data to show the seriousness of this matter. For example, in 1992, the official development money stood at about US\$51 billion and in about 1996/97, it had gone down to about US\$41 billion. I have no doubt that, in spite of the various discussions at international fora, we are not seeing any increase in the donor money. That will be the reality.

Mr. Temporary Deputy Speaker, Sir, the great emphasis today is that donor money is being replaced increasingly, either by the in-flow of direct investments from overseas or by an increase of a country's activities in the international trade. This is the modern way of thinking. As much as we need donor funds here in this country, for the purpose of building the infrastructure, and for assisting us during a time when we have imbalances in our own budgets, the truth of the matter is that there is a declining trend in donor funding. That is the reality.

So, what then are we going to do? We need to have a great deal of international thinking on this particular line. By the way, this is also being directed to donors themselves, both bilateral and multilateral. But the best way of getting the effectiveness of the donor funds, is to ensure that the so-called conditionalities are discussed fully and clearly between the donors and the receiving countries.

I want to say that, even the international donor countries have also come to agree with this idea. I am talking about an issue which is properly documented. They have agreed, yes, perhaps, one of the reasons for lack of strong effectiveness in the donor money is that, a number of conditionalities were not properly discussed. So, what is required is a clear understandings between the donors and the receiving countries so that the conditionalities are discussed properly in order for the countries to understand that these conditionalities are not punitive, but, indeed, they are all part and parcel of the whole development efforts.

Mr. Temporary Deputy Speaker, Sir, unless this one is done, then what we do have, is, indeed, yes, on a short-term countries--- I am now talking generally about the developing countries which have been receiving donor money. When they accept the conditionalities, the sustainability becomes extremely difficult. So, as we discuss some of these conditionalities in this country, and as we move ahead, we do have our own development partners to agree with; that we do sit down and thoroughly negotiate all these conditionalities, properly and clearly. This is because, at the end of the day, it is we Kenyans who have got to implement those conditionalities. I think that is the most important thing to do. I am not saying that this is happening only here in Kenya. We should not make the mistake of assuming that it is only Kenya that is having problems with these conditionalities. I want to tell you that majority of the African countries and developing countries are going through the same problems that we are going through today. That is the basic issue and all these conditionalities need to be negotiated. More so, because the resources are going to be much less in quantum. So, whatever we get, we need to negotiate it thoroughly because this is a long-term issue.

Given the fact that we are not going to be receiving much money, it is a question of targeting where that money will go to. If the money is less, it should go towards boosting our own infrastructure. I am saying so because a strong infrastructure will assist our country to become much more attractive for direct foreign investments. This is going to put us on a much better position, when it comes to competing internationally in matters of trade. So, essentially, what we should be doing, therefore, is to focus ahead. We need to take a visionary look at how the future is going to be for this country. Our main concern is to ensure that the local investors remain here and that they do not divest. And, how do we get more foreign direct investments coming to this country? How do we do that? The first and foremost condition for direct foreign investment is having the right environment. Make no mistake about it; we must have peace and stability. There is no one who is going to invest in a nation where there is chaos. We have seen it happen in many other countries. Indeed, there is already an almost-matching correlation between instability and poverty.

Mr. Temporary Deputy Speaker, Sir, we hon. Members in this House, irrespective of our political affiliation, should agree on one fundamental issue. We may disagree here, on matters of ideology, policy or outlook. The Opposition can take the view, that: "While we will be in the Government, this is exactly what we will do". We should discuss those issues. I do not think we need to take it to a position where the whole matter becomes confrontational. At the end of the day, let us discuss, disagree, criticise each other and let us accept the truth. We will accept your own practical criticisms. I think we should be fairly open-minded on this matter and see the best we can do. After all, no one has got a monopoly of knowledge. But, we should not get into a confrontation where we end up creating a difficult condition for our country. That, I believe starts with us as hon. Members. I am not merely addressing the Opposition, I am saying that leaders of this country, who are elected to this Parliament, have an important responsibility to the people of this country to ensure that we do safeguard peace and stability so that there will be in-flow of investments and for those investors who are here, they can feel free and expand their own enterprises.

Mr. Temporary Deputy Speaker, Sir, the other thing that I just want to say is that, international trade is going to be very important because of globalization and liberalization. One may want to blame the Government or the



Ministry of Finance and Planning for liberalization. Unfortunately, the way things are today in the world, is that, the world is being asked to liberalise. That is the bottom line!

Now we have got a major global body called the World Trade Organisation (WTO), which has got various rules and regulations. It behoves every country that is a member of the WTO, to implement globalization and liberalization. Again, if you are not a member of WTO, then you are not going to sell outside your boundaries.

We hope that the fourth coming WTO major meeting in Doha, Qatar, at least, the developing countries, Kenya included, will be in a position to relax some of those punitive rules and regulations. It is so important to us, especially in the African Continent, because our own trade in Africa--- That is why I am saying that the problem is not just in Kenya, but in the whole of Africa. We account for only 1.5 per cent of the total international trade and that is how bad we are. When we come to direct foreign investments, we cannot even account for 1 per cent, but only 0.01 per cent. These are the difficulties that we are in. Unless we are able to ensure that we do put peace ahead of everything else in Africa, we are going to remain marginalised. Indeed, today Africa is the most marginalised continent. This is because of all these internal wars, strife and civic wars all over.

I think we had better move a step forward in ensuring that a climate of peace and stability prevails in this country.

With those remarks, I beg to support.

**Mr. Mboko:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Finance Bill. At the outset, I think the Minister for Finance has realised what we have been telling him in this House, that the donor countries have never had any interest in supporting our economy. As sovereign nation, we should manage the resources that we have, because we will never develop with this so-called donor money.

Since Independence, our economy has been on a downward trend. It has moved from 9 per cent growth rate at Independence to last year's negative growth rate. This is because as a nation, we have been relying very much on the donor support, and we have been unable to utilise our meagre resources properly. Even in this year's Budget Speech, the Minister indicated how the economic growth rate will move from negative to 2 per cent. Considering all those facts, the Minister did not indicate what he will put in place in order for our economy to reflect a positive growth rate from the negative growth rate. This is because the economy will grow, if there is an input, which can change the current trend. I know that we are undergoing a rigorous economic situation, but if we stand as a nation and depoliticise the economy, it will grow.

We have talked about revenue collection. We have mandated the Kenya Revenue Authority (KRA) to collect revenue in this nation. They have done what they can to do this. All that we can do is to pray for them to go and collect more revenue. Some years back, the highest revenue that this country used to get came from the Customs and Excise Duty, but because of liberalisation of the manufacturing, the agricultural and other sectors, we are losing a lot of revenue in terms of Custom Duty. Although we have sacrificed that tax, more so, on raw materials used by the manufacturers, we have seen companies like Unilever and Bidco Kenya Ltd. benefit very much, but we have not seen any change in the prices of their products. We have reduced taxes on raw materials, which are used to make edible oil products, paper and paper boards. We have also lowered tax in all these sectors, but the prices of the products have not changed. The prices of Kimbo and Kasuku have not been lowered, and yet we have lowered tax on the raw materials. Why should we continue to support multinational companies, if they are not interested in compensating the consumer?

We have seen some of the Export Processing Zones (EPZ), which were established by this Government with a good intention become conduits of dumping finished products. If you visit any EPZ, whether it is in Mombasa or Athi River, you will find that it has become a conduit of contraband products. I would like to point out that pharmaceutical products have been enjoying duty-free and zero-rated tariffs for a long time, but we have never set up a good body to check the quality of our imports. We have had cases where expired drugs have found their way into this country. This year, we heard of a case where two containers of expired drugs were impounded at the Port of Mombasa, and the Kenya Bureau of Standards ordered that they be destroyed. But what happened? The containers containing the expired drugs disappeared from the Port of Mombasa and found their way into the EPZ warehouse. I suspect that the expiry date on their labels is being changed and the drugs being repacked to find their way into this country. I am saying this because the EPZ is being run by some Asians and Europeans in this country.

Mr. Temporary Deputy Speaker, Sir, we have found loopholes through which the Government loses a lot of money. We would like to see a situation where there will be prudent management of our taxes. If we can collect Kshs200 billion per year and the taxpayer gets the same return, in terms of development, I am sure we will move forward. We do not get value for our money, which we pay in the form of taxes.

We have seen wasteful expenditure in this country. A case in mind is the Times Tower which cost over Kshs1 billion to build. If that money was put into horticultural production, how much money do you think this country could have earned? We have got planners and executive officers who do not know where to invest our money. I would like to point out that Kshs1.3 billion has been used to construct a building in order for somebody to get a commission, and

not for anything else. This building has been put up at a cost of Kshs1.3 billion so that somebody can get a commission of 20 per cent, and yet it only houses the Department of Income Tax. We have put our money into "irresponsible" projects.

On fertilizer, I would like to point out that this commodity is zero-rated, but it cannot reach the farmer directly. Some Patels and Shahs must get a contract to supply and distribute fertilizer in this country. If fertilizer which comes from China, Italy or another country, costs Kshs200 per 50-kilogramme bag, how come the same fertilizer will cost over Kshs1,000 in this country? Why is this so? This is impossible! If that fertilizer was delivered to the needy farmers directly, the cost of producing our food crops would have been much lower, and very competitive in this region. But because of what we do, our production cost goes very high and our produce cannot compete effectively in the market.

Mr. Temporary Deputy Speaker, Sir, we have realised that goods imported from Korea, India, Pakistan or Canada take six months to be cleared at the Port of Mombasa because of the bureaucracy. We need effectiveness and the Kenya Revenue Authority or Customs and Excise Department should be positioned at all entry points 24 hours a day. We want efficiency. The Kenya Ports Authority is not a storage facility. It is a place to facilitate movement of cargo. So, we want efficiency in all points of entry. We have established inland container depots, although many Members would not agree with me, where there is faster clearance of goods. When you are venturing into private business, you have to compete. It is only efficiency which will determine which is the best place to import your goods. We want to encourage more Africans into the business. We want to encourage more Africans to own inland container depots like Pepe Clearing House.

**Mr. Shitanda:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House that Pepe Clearing House is efficient when we know that it is one of the clearing places where goods are diverted into the local market?

**Mr. Mboko:** Mr. Temporary Deputy Speaker, Sir, Pepe Clearing House is the most efficient inland container depot in this country and the Minister will agree with me. The goods that are cleared through Pepe Clearing House reach owners within the next 48 hours. The Customs and Excise Department gets taxes effectively and the returns are filed in the KRA every day. So, the question of diversion of those goods is a security issue. Let the people who are mandated to check the diversion of transit and uncustomed goods do their job.

Mr. Temporary Deputy Speaker, Sir, some of the shipping lines are avoiding the Port of Mombasa because of theft of their containers. The containers which are here in Nairobi and have been turned into kiosks for selling vegetables are the property of the shipping lines. When they lose their containers, they find the Port of Mombasa insecure for their own business. To promote our own business interest, we must put our security apparatus on high alert.

On the issue of regional trade in the East African Community, Kenya has assented to the terms of the East African Community and the COMESA. But our neighbours are heavily taxing our exports to their countries. The Kenya Government only charges about 3 per cent for goods coming from within the EAC region or COMESA, while our exports to those countries, whether in Tanzania or Uganda, are charged about 26 per cent. This is being punitive and protective to their own industries. Is this what we call good trading bloc when we are being denied access to those markets? We need to harmonise the customs tariffs of this region and have access to the markets in those countries. We are better than them, although we are not performing better than them. But the Minister for Finance must harmonise the custom tariffs within the East African region.

Mr. Temporary Deputy Speaker, Sir, the cost of production in this country has also been necessitated by the high cost of electricity, unreliable water supply and unfavourable interest rates in commercial banks. The Government must address these issues adequately. If the Government decided today to reduce the cost of electricity per unit by half, the cost of production would be able to compete within the COMESA region. This is very simple arithmetic. If the Government could guarantee adequate water supply to the factories, the manufacturing sector would do well and our economy would grow. We should make this available for our people if our economy has to grow.

Mr. Temporary Deputy Speaker, Sir, on the issue of infrastructure, in Kinangop, farmers' produce is rotting in the farms because the area is inaccessible. They are pouring milk into the rivers because of poor infrastructure. I thank the Brookside Company for making a road to enable them collect milk from that area. The Government is just watching because that area belongs to the Opposition. They do not see that problem. The farmers have been left to continue with their Opposition politics while their produce goes to waste. To whose detriment is this? Who are we punishing? Are we punishing our own people who pay taxes? We want this issue to be addressed by this Government. All the areas which are of economic importance should be addressed.

Mr. Temporary Deputy Speaker, Sir, a lot of money has ended up in the pockets of chiefs and assistant chiefs in this country. People who are brewing traditional liquor are not paying taxes. The Government has banned traditional liquor but since it is traditional, there is no way we can stop it. People will continue brewing and taking it until the end

of the world. If the Government only realised that traditional liquor would generate more taxes, it would change its attitude towards this brew. The money that is going to the pockets of chiefs and assistant chiefs should be going to the Paymaster-General's Account (PMG). Our people continue to take the traditional liquor. They have been drinking beer, but today they cannot afford it because of high taxation. If we only reduced tax on liquor by 50 per cent, in the short-term, the Government would lose part of that tax. But in the long-term, they will collect more taxes because more people will drink beer and the barley farmer will benefit a lot. He will be in full time employment. This Government thinks in terms of short-term gains. It imposes punitive taxes on its own people; taxes which are retrogressive. Therefore, I would urge the Minister to consider reducing taxes on areas where they could collect more revenue.

Mr. Temporary Deputy Speaker, Sir, it is a pity that this Government allows some manufacturing companies to import sugar duty-free. They claim that sugar is raw material for their manufacturing purposes. Why should this Government allow this to happen? Our sugar cane farmers are suffering and they cannot even continue with their farming activities. Therefore, for our economy to grow, we must address this sector.

Mr. Temporary Deputy Speaker, Sir, bank interest rates in this country are punitive. We have liberalised our economy such that even people who export our produce do not bring back their dollars to invest in this country. We use foreign currency to import goods into this country. But when we export our produce, we do bank our money abroad. Who benefits? As a nation, we cannot survive when we are dealing with unscrupulous businessmen called Asians. They have taken everything. At the end of the day, after making a lot of money in Kenya, they relocate themselves to South Africa, Namibia and Canada, among other countries. We need to protect our industries and our business community.

It is the IMF and World Bank who told us to liberalise everything. We should not liberalise everything in our economy because it will be counter-productive. In a country like USA, they allow us a certain quota. We cannot export to them everything. They cannot allow us to exceed our quota. A country like Germany tells us what quota to export to them. In Britain, the Government protects their own people and their businesses. Yet, a developing nation like Kenya opens all its doors to every Tom, Dick and Harry, to take away what we have invested. The people bring money from all sources. They come and buy Treasury Bills. Some people borrow money from their countries at 3 per cent interest to come and invest in Treasury Bills. After three months, they go back with a lot of money. They do not even bother to invest in this country.

Mr. Temporary Deputy Speaker, Sir, this country is run by "Shylocks". When we discussed the Central Bank of Kenya (Amendment) Bill in the House, those "Shylocks" were against us. Kenyans continue to suffer because of high interest rates charged by banks. Time has come---

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that everybody is against us when, indeed, everybody is with us? It is only a few people in KANU who are against us. Otherwise, everybody is with us!

**Mr. Mboko:** Thank you, Mr. Mwenje, for that correction. Hon. Members on the other side of the House behave as if they do not live in this country.

**The Assistant Minister for Information and Tourism** (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say we behave as if we do not live in this country when we actually live and run this country?

**Mr. Mboko:** Mr. Temporary Deputy Speaker, Sir, I sympathise with my friend who is my neighbour because, during the drought period, he lost all his animals. He was a rich man, but now he is a poor man!

**The Assistant Minister for Information and Tourism** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, it is true I lost all my animals due to the drought, which is a natural calamity; it was not brought by the Government.

**Mr. Mboko:** Mr. Temporary Deputy Speaker, Sir, if KMC which was "killed" by this Government was functional, the hon. Member would have sold his animals to them. There was no KMC to turn to!

Mr. Temporary Deputy Speaker, Sir, we must see where we are going as a nation. When we are talking about the economy of this country, let there be no KANU or Opposition. Let us talk as one group.

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

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, I will take a very short time so that other hon. Members can also get the opportunity to contribute to this very important Bill. In fact, I want to donate part of my time to hon. Beth Mugo so that SDP can be heard.

**The Temporary Deputy Speaker** (Mr. Imanyara): Order! You cannot do that!

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, first and foremost, I was very much disgusted by the hon. Member of Parliament who spoke bashing the Bretton Woods institutions as if they are the ones who run this country. Mr. Itam talked the truth and the truth is very bitter. Leaders must learn to accept responsibility. This Government

must accept responsibility for running down the economy of this country. We would have never gone to the Bretton Woods institutions if our economy was properly managed by this Government.

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

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

It is a sad situation for the Minister for Finance to peg the Budget on donor funds when he knows very well that the Government is incapable of meeting the conditions of the IMF and the World Bank. Therefore, as a country, we must stand up and look for ways of improving our economy for the benefit of our children.

In 1999, we sat for almost a week in Mombasa talking about how we could tackle the HIV/AIDS scourge. Most of the money that is supposed to fight the spread of HIV/AIDS is donor money. How can the Government plan to fight the spread of a disease that is killing so many Kenyans on money from donors? The Government knew they could not meet the conditions as spelt out to them by those donors.

Mr. Temporary Deputy Speaker, Sir, I am very happy that the Minister has recognised the big impact that the VAT on business premises would have had in our business circles. This tax would have been passed to the poor businessmen who are struggling to exist. I would like to request the Minister to issue an order that those who had already paid this tax for the months of September and October, be refunded. The Government has recognised that we need objectives that are going to address economic growth and recovery through increased productivity, employment and poverty alleviation. If that is the case, the Government must now change its approach to policy development and implementation. For more than ten years, the External Resources Unit of the Ministry of Finance sourced STABEX Funds to help the coffee farmer produce more so that there can be employment and the Government can be able to get revenue to plough back into the economy. But the Government has allowed this money to be placed in banks everywhere as if that money is ornamental.

Recently the Government promised to release Kshs500 million out of a balance of Kshs6.7 billion which was unutilized and uncommitted four months ago. What a shame! When I checked with the Ministry I found that only Kshs3 billion has been committed. What has happened to the other Kshs3.7 billion? I believe this money is in the country, because the European Union will not release this money unless the Government gives a different direction. I would like to call upon the Government to release Kshs3 million for each of the 24 factories in my constituency, Gatundu South. That is the only way farmers can produce good quality coffee. They would also have fertilizers, fungicides and insecticides plus other operating capital, so that sooner or later we will be able to sell quality coffee to the consumers and the Government will be able to reap that revenue.

Mr. Temporary Deputy Speaker, Sir, I also have a big problem with the Presumptive Income Tax. The Minister has said that the Presumptive Income Tax will be optional, whereas it does not recognise negative economic performance. Neither does it recognise business losses. Presumptive Income Tax is paid at source; where you sell your goods. The tea, cashewnut and coffee farmers have not been making any profit at all. Why should the Minister make this Presumptive Income Tax optional? I propose that Presumptive Income Tax be removed from the Financial Statement so that farmers can pay Income Tax on profits, if they ever make any.

Mr. Temporary Deputy Speaker, Sir, for accelerated productivity, we need to tackle the infrastructure. Roads in this country, particularly in the industrial areas where businessmen are supposed to produce goods for export and domestic consumption, are no more. For example, in Nairobi's Industrial Area, many of the factories wound up and yet we are talking of economic recovery through increased productivity.

**The Assistant Minister for Education, Science and Technology** (Dr. Wamukoya): On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that we have debated the Finance Bill adequately, could I request that the Mover be called upon to reply?

#### QUORUM

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

**The Temporary Deputy Speaker** (Mr. Muturi): It is true we do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Muturi): Order, hon. Members! There is quorum now. Before the

Division Bell was rung, Dr. Wamukoya stood on a point of order requesting that the Mover be called upon to reply. At that point, Mr. Muihia was on his feet, and it had appeared that several other hon. Members were keen to contribute. I have, therefore, considered his point of order and under Standing Order No.80, Subsection 1, it is my considered opinion that Mr. Muihia and such other number of hon. Members, as may be desirable, should be allowed to contribute. We shall give them some little time.

*(Applause)*

**Mr. Muihia:** Thank you, Mr. Temporary Deputy Speaker, Sir. I was just about to wind up. Therefore, I will continue from there. We are talking about raising revenue in order to inject it into the economy so that it can be revived and rejuvenated. The VAT is an area of taxation where this Government can raise enough money, but it has not been understood by businessmen. Therefore, I am proposing that the Minister for Finance institutes general taxation for the VAT so that we can bring in a bigger number of people. This is because many businessmen try to evade VAT because of double payments. Therefore, I am suggesting that the Minister institutes a programme of educating the business people, so that they can agree to pay the VAT.

There is one policy which has not been touched on by anybody. The Minister has not commented about the land taxation. We are standing on a national land that was endowed to us by our God. This should be the hub of taxation. This land that we sit on has been grabbed by a few individuals who do not pay tax and they leave it idle for animals to roam on. I think a Social Democratic Party (SDP) Government would definitely look into the issue about land taxation so that it spreads all over. If the Government retires now, I am proposing that the land taxation policy be put in place.

Regarding procurement, the Minister should address this issue because recently, the Minister changed the rule that heads of institutions will be the chairmen of tender committees and their juniors will be members. In many institutions, they are allowed to bring in one or two people, but the ones that would be brought in to sit on the tender committees could be those who would not say "no" to the chairmen.

I want to state here that, very recently, one Vice-Chancellor of a certain university was advised that a certain project would cost Kshs16 million. The Vice-Chancellor passed the tender alone at Kshs26 million. Another Kshs10 million was added at the stroke of the pen. Unless the procurement procedures are changed, so that independent people sit in those committees, and without any subordination by the heads of the institutions, then, we shall continue losing money. I will not disclose his name, because I am pursuing it elsewhere but this is a fact. I have all the figures and facts; being a professional in those lines.

Corruption was touched on by IMF officials. It is neither brought here by the IMF, or by the World Bank. It is within us. Unless and until we tackle corruption from within, it will not end. Regarding our infrastructure, we are giving road, railway and IT contracts in a very unprofessional way. We must stop corruption. If this Government is not able to stop corruption, it should pack and go home and we shall be able to do the job.

I know that there is the construction of the Communications Commission of Kenya (CCK) going on where a Mhindi is using very poor mixed concrete at the ratio of 1.0:3.0:6.0 instead of the required 1.0:1.5:6.0.

**Mr. Kamolleh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Gatundu South in order to use derogatory language by referring to somebody as "Mhindi?" Does he mean a Kenyan of Indian origin, because I think this House should be dignified enough to be able to address ourselves in a dignified manner? Is he in order?

**Mr. Muihia:** Mr. Temporary Deputy Speaker, Sir, the word "Mhindi" is a Kiswahili word for Asian or Indian. You know who the contractors in this country are. They all belong to that continent. I was saying that unless the people on the ground - the engineers, architects and managers - are keen to wipe out corruption, we will continue losing revenue. We are talking about revenue for economic growth.

With those few words, I beg to support.

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. We have discussed this Bill for two weeks, and if you listen very carefully, hon. Members are becoming repetitive. Shall I be in order to call upon the Mover to reply?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Muturi): What was your point of order, Mr. Karauri?

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, I know that you had ruled earlier on that hon. Muihia should be allowed to complete his contribution. Since we have discussed this Bill for two weeks, Members of Parliament are now repeating what has already been said

by their colleagues. I am wondering whether I would be in order to move that the Mover be now called upon to reply. In any case, we will have time to discuss the same Bill in the Committee Stage.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You had ruled earlier on that you will allow a few more Members of Parliament to contribute after hon. Muihia. I do not know whether hon. Karauri was in the House then. We still expect you to stand by your earlier ruling, that a few more Members of Parliament should contribute before we move closure of debate.

**Mr. Obwocha:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Karauri is an old Member of this House. The Chair has just ruled that a few more Members of Parliament should be given a chance to contribute to this Bill. We discuss the Finance Bill once in a year and hon. Members should be allowed to contribute to their satisfaction. If the Government feels that we should conclude debate on this Bill today, we have up to 6.30 p.m. to do so! This is a very important Bill because we are talking about taxation in this country. We plead with the Chair to maintain its earlier ruling until 6.30 p.m. If they want the Mover to be called upon to reply at that time, there will be no problem.

**The Temporary Deputy Speaker (Mr. Muturi):** Hon. Members, under Standing Order No.80(1), the Chair has the discretion to decide whether a few more Members of Parliament can be allowed to contribute to this debate. Since I have just made a ruling that a few more Members will be allowed to contribute after hon. Muihia, it is only fair that we do so. Otherwise, my ruling will be rendered nugatory if I were to allow closure of debate. So, I uphold my earlier ruling.

**The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu):** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill.

Mr. Temporary Deputy Speaker, Sir, the money allocated to the various Ministries in this year's Budget is not sufficient. Therefore, there is need for us to live within our means. In this case, measures to intensify revenue collection must be put in place through the various forms of taxation. For example, the Income Tax, Value Added Tax, Customs and Excise duties. We should also have incentives in place, like tax rebates that will make the economy grow. By so doing, we shall realise sufficient revenue collection to run the economy. When we collect revenue from our taxpayers, there is need to ensure that the usage of resources is efficient and effective. We must ensure that we implement whatever we have outlined to ensure that there is efficient and effective utilisation of the available resources.

Mr. Temporary Deputy Speaker, Sir, we must also have sufficient controls. We talk so much about corruption but there is nothing wrong in talking about it repeatedly. If we want to deal with corruption, the best way to instill this in the minds of our people is to talk about it from time to time. We must put in place adequate controls to stem corruption, theft and misuse of the little resources we have. I would like to reiterate that our institutions must be run efficiently and effectively. Otherwise, we are going to waste a lot of resources. We should also allow our institutions to be run professionally in order to make profits that can sustain the economy.

Mr. Temporary Deputy, Sir, there should be harmonisation of earnings for those who work in the public sector. This will motivate those who work in that sector hence, productivity will go up.

Mr. Temporary Deputy Speaker, Sir, we should address the myriad problems facing the agricultural sector. The sugar industry in this country, for instance, contributes a lot to the economy in the form of revenue. But it has suffered because of cheap imports. Measures must be put in place to safeguard this sector.

Mr. Temporary Deputy Speaker, Sir, the tourism industry contributes a lot to our economy. Therefore, we should enter into aggressive publicity in order to attract more tourists into our country. For both the agricultural and the tourism sectors to flourish, we need to have better roads. So, the Government should address the problem of poor roads in the country. If our roads are good, we shall have more tourists coming into the country.

Mr. Temporary Deputy Speaker, Sir, what we need at the moment is innovativeness, for example, in the Jua Kali Sector. We should produce goods for export to other countries in order to earn foreign exchange.

With those remarks, I beg to support.

**Mr. Khamasi:** Thank you very much, Mr. Temporary Deputy Speaker, for giving me the opportunity to support this Bill.

Mr. Temporary Deputy Speaker, Sir, I really sympathise with the Minister for Finance because of the situation he finds himself in. Following recent revelations by the Minister, it is very clear that when he was formulating his Budget, he expected some money from the World Bank, the International Monetary Fund and other donors. But listening to what his Assistant Minister said in a written speech, it is very clear that they have now given up. It seems as if they have thrown in the towel.

Mr. Temporary Deputy Speaker, Sir, you will remember that time and again, this House has asked the Government to tell us what conditions are the World Bank, International Monetary Fund (IMF) and other donors asking us to fulfil, before they can support us. The Government has been very unwilling to disclose that information to us. It has been going round in circles and not telling us exactly what was in the offing. It was like a secret. It is only

recently that we were told the Government was given over 200 conditions to fulfil before it could get any financial support. That is very untruthful of the Government. It means that all along, this Government knew very well that it was unable to fulfil the over 200 conditions and yet, it went ahead and signed on what they call the "dotted lines". For what reasons would that have happened? Here is a Government which, over the years, knew very well it could not fulfil the conditions given by the donors and yet, it went ahead and signed the agreement. The simple reason was for the Government to get some little money which never reached the taxpayers and yet, at the end of the day, it is the taxpayers who pay back that money.

Mr. Temporary Deputy Speaker, Sir, the untruthfulness of the Government is even demonstrated in what it has done in the Finance Bill now. In the current Finance Bill, the Minister said he was increasing duty on petrol by Kshs2. He proposed that the increase would be borne by oil companies. He knew very well that he was untruthful because by the end of the day, the increase was passed on to the taxpayers. That was exactly what happened! He had no control over what was going to happen after he had increased the taxation. That demonstrates how untruthful this Government is, and as many of my colleagues have said, we want to see the Kshs2 removed from the Finance Bill.

Mr. Temporary Deputy Speaker, Sir, there was also the issue of the Value Added Tax (VAT) on business premises. Again, there was taxation and the Minister proposed that it would not be passed on to the tenants, but it would be borne by the landlords. What mechanism has he put in place to make sure that, at the end of the day, that taxation is not passed on to the tenants? That is being untruthful because, at the end of the day, that tax is going to be passed on to the tenants of those buildings.

Mr. Temporary Deputy Speaker, Sir, when I was coming here, I heard, with a lot of interest, how the Vice-President and Minister for Home Affairs was saying that we need peace in this country, if we are going to attract investors to come here. He could not have been more correct. That is not news and everybody knows that. What happens? It is the responsibility of this Government to make sure that we have peace in this country. It is the responsibility of this Government not to make this country a suitable environment for land clashes to occur. We had land clashes in this country and some of the victims of those clashes are still squatters in market places as I am speaking now. There has only been lip-service on the part of the Government. The Government, time and again, has said that it has given instructions to security forces to create a better environment for the people to go back to their land, but nothing has happened. Those people continue to suffer.

Mr. Temporary Deputy Speaker, Sir, our tourism industry, which is a very quick foreign exchange earner, is in trouble because it is so sensitive to---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, could you protect me from loud consultations, please?

**The Temporary Deputy Speaker** (Mr. Muturi): Order, hon. Members! You are reminded to consult in such low tones as to enable the Member on the Floor to contribute without disturbance.

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir. As I was saying, our tourism industry is very sensitive to the situation of insecurity in this country. Indeed, our tourism industry is a very quick foreign exchange earner. If we can harness it, we can do very well because Kenya is still one of the best tourist destinations in the world. So, it is necessary for us to create a conducive environment for our tourism industry to thrive on. More often than not, what happens is what we have seen time and again; self-inflicted problems where, even at the Coast, people are instigating problems. That is where we have got the best hotels for tourism. At the end of the day, you find that it is very difficult to attract tourists to come to those destinations because the environment conducive for them to come here does not exist.

Mr. Temporary Deputy Speaker, Sir, as we talk about taxation, we talk about Income Tax, VAT and Customs and Excise Duty. I think it is very important for the Ministry of Finance and Planning to address the question of collection of duty. We do enough taxing and there is enough revenue from our taxes to do what we want to do. But the problem is collection. At the Kenya Revenue Authority (KRA), we have different payrolls, where the people who really do the job are poorly remunerated, and only a few people at a certain bracket are paid very well. It is necessary to address that issue. We are telling an officer who earns only Kshs25,000 to go out there and collect for us Kshs100 million in two or three days and yet, his remuneration is very poor. It is, therefore, necessary for the Ministry of Finance and Planning to look at that structure, so that we do not have huge salary differences in their earnings. We need to give them motivation. We need to house them. We need to give them incentives to collect taxes, so that the question of corruption in that particular department is reduced. Once somebody is poorly paid and he comes across a businessman who owes the Government millions of shillings in taxes, that person is vulnerable. The chances of that person being convinced to be corrupt are very high and he can fall prey to the vice.

Mr. Temporary Deputy Speaker, Sir, I want to address the issue of disbursement of money to various

departments. For example, we established the Kenya Roads Board (KRB), and everybody in this House was very excited about it. We thought money from the fuel levy would go straight to the Kenya Roads Board (KRB) who would disburse it to various implementing agencies. That law was frustrated and the same is still going on. We are looking forward to the day when it will smoothly be implemented.

Mr. Temporary Deputy Speaker, Sir, infrastructure, particularly roads in this country, is in a very pathetic situation. In the area where I come from, it is very difficult, particularly during the rainy season---

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to my friend, Mr. Khamasi, may I now request that the Mover be now called upon to reply?

**The Temporary Deputy Speaker** (Mr. Muturi): With all due respect, the provision under Standing Order No.80(1) pertains to the infringement of hon. Members rights. Mr. Mwenje, I think your point of order, in that spirit and in that of the earlier ruling by the Chair, must be rejected. I would urge Mr. Khamasi to continue and finish.

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to challenge the Chair because I cannot do that. When about four hon. Members have risen on the same point of order, the Chair must also consider the wishes of the House. The Chair is not just there for the Chair, but for the House.

**The Temporary Deputy Speaker** (Mr. Muturi): My ruling still stands that the hon. Member on his feet be granted time to finish his contribution because it is his right. That is the spirit and substance of Standing Order No.80(1).

**Mr. Khamasi:** Mr. Temporary Deputy Speaker, Sir, in the interests of the Assistant Minister who is very keen to make sure that the debate on this Bill is terminated, I will take only a few minutes and finish so that you can move your Motion. I will be very brief so that I can get this out of the way.

I was talking about disbursement of funds. The Kenya Revenue Board (KRB) is one very important department because that is where all money from the fuel levy fund must go to this time round. We will not allow that money to be misapplied as has been the case. Over Kshs7 billion has been allocated and yet the roads in the districts and constituencies get less than Kshs2 billion. It is a shame! Therefore, it is necessary to allocate this money properly. I say that with a lot of pain because people in many constituencies are suffering because of poor roads. Our health services are in bad shape just because money is wrongly allocated. We would like to see the money that we collect from taxes being properly applied.

With those few remarks, I beg to support.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir. I will try to be brief with my comments.

May I first thank all the hon. Members who have contributed to the debate on this Bill. It is very encouraging to see so many hon. Members interested to contribute to the debate on the Finance Bill. This means that many hon. Members are interested in what is happening to the economy of our country and would like to contribute to its recovery.

The debate has been diverse and varied. Many issues have been raised and they have ranged from proposals regarding the revival of the economy, rehabilitation of infrastructure and public utilities under general governance issues. The economic recovery, as we all appreciate, is a long process and it will continue to require patience from all of us and also dynamism in our policy framework. From the debate we are concluding, hon. Members have given various suggestions which we have carefully noted and which we will take into account when we formulate future policies.

Mr. Temporary Deputy Speaker, Sir, I will respond specifically to a few of the concerns that have been raised by hon. Members and which I feel need further clarification. At the outset, may I reaffirm that the VAT on commercial property rent has been suspended. Also suspended was the Legal Notice regarding the need to keep stock records by small traders. These matters will be reviewed further and may be re-introduced at a later date. Hon. Members have argued that they were not adequately consulted during the budgetary process. We take note of this, although at the same time, we would like to point out that the budget-making process starts early in the relevant year, usually in the month of February. At this time, we normally invite various interested parties to make proposals. This ranges from people in the private sector, in the Government and even hon. Members of this House. Usually, the Treasury writes to the Clerk of the National Assembly to invite hon. Members to make proposals. In the past, hon. Members have, in fact, made proposals regarding the issues to be taken up in the Budget.

I wish to assure hon. Members that, in future, we shall enlarge this conservative process and, hopefully, target



to a level that will satisfy many hon. Members of this House. The need to allocate greater resources to agriculture has been dwelt on extensively by many hon. Members in their contributions. We do accept that the importance of agriculture and the need to allocate resources to agriculture cannot be over-emphasised. It is in recognition of this that the Government, as indicated in the Budget Speech, has responded by deciding to allocate more resources to agriculture. This year, we are taking specific measures through the Ministry of Agriculture and Rural Development to increase crop and livestock production. Additional efforts are also being made at improving supporting infrastructure, including the creation of incentives such as access to credit.

Mr. Temporary Deputy Speaker, Sir, as Members may be aware, the Government is at an advanced stage of facilitating the establishment of an efficient rural finance system. In fact, contrary to claims by some Members, hon. Members are aware that the Government has undertaken and has, in fact, set aside Kshs1.5 billion for food security in this country. As funds become available, we will invest even greater sums in this regard.

Mr. Temporary Deputy Speaker, Sir, the issue of bouncing cheques has drawn a lot of interest from the hon. Members. We understand the concerns of the hon. Members but we need to assure this House and the country that the intentions behind the policy to criminalise the bouncing of cheques, as we call it, are good. The policy is to establish the integrity of cheques. We all appreciate that, if we were able to outlaw the bouncing of cheques, there would be very little need to use cash in financial transactions. This, as you will appreciate, would cut much costs from business operations. We would have less need for security guards at various business premises. We would be able to spur greater business activity if many people in this economy could accept cheques in payment of goods and services instead of, as we often see, many of them insisting on cash payments. It is a policy that should be encouraged but I think it also raises the sophistication of our participants in commerce and trade, and one that we consider to be progressive. I hope when the time comes, the hon. Members will find it necessary to support this move. I know we had a problem with it last year and I hope we shall not go through the same process this year, and that hon. Members will accept to make it an offence to bounce a cheque.

Mr. Temporary Deputy Speaker, Sir, hon. Members have argued for the need to increase NHIF contributions in order to cover all Kenyans so that there can be free medical treatment. It is further suggested by the hon. Members that illnesses such as HIV/AIDS be covered by insurance. We shall be looking at these matters because we do recognise the very high costs of the HIV/AIDS pandemic.

Mr. Temporary Deputy Speaker, Sir, we should also point out that during the current year, the Government has increased the non-wage recurrent and development budget allocations to public health institutions by as much as 40 per cent; to Kshs2.6 billion. The National Aids Control Council (NACC) and the National Aids Control Programme (NACP) have additionally been allocated Kshs141 million. We believe this is a very serious commitment to better the health of our people.

Mr. Temporary Deputy Speaker, Sir, hon. Members have emphasised the need to protect local industries. We take this very much to heart and hon. Members should note that we take this very much to heart. However, while there is merit in this concern, we also need to appreciate that there can be negative effects to overprotection. Hon. Members should note that constraints which affect production such as infrastructure, public utilities and telecommunications, are being seriously addressed by the Government, much more specifically, high taxes on raw materials, intermediary inputs, plant and machinery, and capital goods have progressively been lowered. These are clear indications of our commitment to lower the cost of doing business in this country. We would call upon manufacturers to reciprocate by investing in technologies that would result in the production of goods at lower costs, which would enable manufacturers and businessmen to compete more competitively in the international market.

Mr. Temporary Deputy Speaker, Sir, we are concerned like several hon. Members, over the damage being done to our economy through dumping and importation of sub-standard goods. Consequently, we have amended The Standards Act to provide for stiffer penalties for those who may be involved in the importation of counterfeit goods. Similarly, KRA, Kenya Bureau of Standards (KEBS), Kenya Association of Manufacturers (KAM) and the police have been conducting relentless raids on premises and on importers dealing with counterfeit goods. Errant traders have been arrested and appropriate action is being taken. The KRA and KEBS, together with the Attorney-General, are working on ways to tighten all trade-related laws to seal loopholes through which such activities have occurred in the past.

Mr. Temporary Deputy Speaker, Sir, hon. Members have expressed concern over the reintroduction of the Presumptive Income Tax (PIT), and that this will negatively affect farmers. This is not the case as currently farmers, like all businesspeople, are required to keep records and file tax returns, prepare accounts often which require expert advice from qualified accountants. All these requirements, as they are now, raise compliance costs to farmers. Due to these concerns, farmers, in fact, did send their representatives to make proposals to the Treasury to reintroduce PIT in order to save them from these higher costs. As a result, we have made PIT optional. A farmer can choose to pay PIT or, if the farmer does not wish to pay PIT, then he is obliged to keep records and file tax returns. We think this is a

good proposal that is very much in favour of the farmer and we would commend it to the hon. Members. As I said, this was a proposal from the farmers themselves and I think we should be guided by what the farmers want and the farmers want PIT so that they can be saved from the need to keep records.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have spoken of the need to reconsider the transfer of collection of revenue from the NHIF and the Catering Levy Trustees (CLT). These are proposals of revenue collection. They are not aimed at closing down these operations. In fact, with the involvement of KRA, the Government is able to raise more revenue to enable these bodies to undertake the principal activities; that is for the CLT to support tourism activities such as Kenya Tourist Board, Kenya Utalii College and other activities. CLT is going to exist; it is not going to be shut down. Similarly, the NHIF is going to exist and will undertake its primary activities. So, I would like to call upon the hon. Members to support these moves because they are all very positive and aimed at providing better services to the people of this country.

With those few remarks, I beg to move.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

### **MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.18**

#### **SALE OF FOREST LAND IN MUCHEENE**

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

THAT, the House do now adjourn.

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, I hope the fact that the Leader of Government Business has moved this Motion signifies the seriousness the Government attaches to forests. It appears that, having grabbed all the public utility plots in urban centres, the grabbing mania has now been extended to forests. The signature tune of this Government, which has been to take every available public land within the towns and the City, has now been extended to the forests, which are now threatened with extinction.

Mr. Temporary Deputy Speaker, Sir, you will recall that on Wednesday, 24th October, 2001, in an answer to a Question regarding illegal allocation of shambas in North Imenti Constituency, I did point out that the Provincial Forests Officer in Embu, in collusion with officers under him at the district level, has been busy selling forest land all over Mount Kenya region. You will recall that, in conceding that this was going on, he owned up to grabbing of only 86 shambas. The truth of the matter is that, as I speak, over 1,000 plots have been given away; they are being sold. When plots are sold under the guise of cultivation rights to plant trees, the people who get these letters proceed with them to people undertaking the logging business, who then enter the forests and cut down trees.

Today, if you travel to most parts of Mount Kenya region, you will find large tracts of empty spaces which used to be occupied by forests. This is not going on in the Mount Kenya region only but also in every part of this Republic where there is a forest, such as the Abadares region and Mau Summit. Wherever there is a forest on this land, the grabbers have moved in. Part of the reason appears to be the confusion over who is responsible for forest land. We have got the Provincial Administration (PA) claiming that this is a law and order problem and, therefore, they need to be involved. There is the Forestry Department which says that, by law, they are the rightful guardians of our forests. Then we have the Ministry of Lands and Settlement, which also issues letters of allotment to some people at Ardhi House. I am sorry to say that what is happening in the Mount Kenya region involves the three arms---

Some people travel to Ardhi House where they are issued with letters of allotment from the Ministry's Headquarters. Now, the story doing the rounds is that the Minister for Lands and Settlement is going to be the head of a jimbo in eastern Mount Kenya and, therefore, is issuing letters to people to move into the forest. Then they claim to have authority from the Ministry of Lands and Settlement to carry out their activities. So, this confusion between the three departments of the Government over who is responsible for forest land is contributing to this problem.

Time has come for this Government to declare openly, and without contradiction what its policy is with regard to forests. Everyday, if you travel to areas where there are forests, you will see lorries moving at night under police escort. These lorries carry logs from trees that have taken hundreds of years to grow. The *mugumo* tree, for example, which used to characterise the Mount Kenya region, is now extinct.

Go to any part of this country where there used to be a forest and you will see that except for the road sides, where they leave signs of trees to indicate that there is a forest half a kilometre inside, there is no forest. Time has come

for this Government to openly state its policy on forests. I will not allow this to happen in my constituency. I am giving notice that we are going to move in to remove the beacons that have been placed there and chase out the people who are there. If the forest officers cannot perform their functions we will remove them and set up our own committee to protect our forests. These are the forests that gave refuge to the freedom fighters of this country. If people who fought for Independence in this country rose from their graves, they would shed tears on seeing that the forests that provided cover and protection for the fight for freedom of this country have now been replaced by barren land. Time has come for us to tell this Government that for God's sake, if it does not want to take the issue of forests seriously, it should retire. The Government should retire and let those people who are ready to protect our forests take over leadership.

With those few remarks, since I realise that many people want to speak, I beg to second this Motion.

*(Question proposed)*

**Mrs. Seii:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion.

**The Temporary Deputy Speaker** (Mr. Muturi): Order, Mrs. Seii. I have received indication from several hon. Members of their desire to contribute to this Motion. So, I will be limiting contributions to a maximum of five minutes.

**Mrs. Seii:** Mr. Temporary Deputy Speaker, Sir, as has been said, I would like to say something about---

#### QUORUM

**Mr. Koske:** On a point of order, Mr.

[**Mr. Koske**]

Temporary Deputy Speaker, Sir. Is there quorum in the House? The Division Bell should be rung!

**The Temporary Deputy Speaker** (Mr. Muturi): Mr. Koske, sorry; we will proceed with the present capacity.

**Mrs. Seii:** Mr. Temporary Deputy Speaker, Sir, every saw-miller must be shaken when this issue is being discussed. I would like to contribute regarding Kaptagat Forest.

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

**The Temporary Deputy Speaker** (Mr. Muturi): Mr. Koske, be serious this time round!

**Mr. Seii:** Mr. Temporary Deputy Speaker, Sir, Mr. Koske is consuming my time!

**Mr. Koske:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When I actually rose on a point of order, I raised the issue of quorum because there is no quorum in this House. I did not have any malice when I rose to say that there was no quorum.

**The Temporary Deputy Speaker** (Mr. Muturi): This is an adjournment Motion and does not require quorum.

**Mr. Koske:** Mr. Temporary Deputy Speaker, Sir, but when Mrs. Seii turns round and says that any saw-miller will be shaken when an issue like this one is being discussed, she seems to imply that since I am a saw-miller and a Member of Parliament, I am shaken! She should not try to play around with me!

**The Temporary Deputy Speaker** (Mr. Muturi): Do not engage in an argument! Mrs. Seii, continue!

**Mrs. Seii:** Mr. Temporary Deputy Speaker, Sir, I want to contribute regarding Kaptagat Forest. We have already said that these forests are being diminished by the acts of the Government. The confusion that exists today has brought conflicts amongst the people who live next to the forest. As I stand here today, I want to say that there are quite a number of people from Keiyo South, who are in police cells. They were put in because they went into the forest and confiscated power-saws, blankets and other things which are used by people who cut down trees in the forest illegally.

The Government is very "blind" to things that take place in the night. When people light lamps in the night and cut down trees, nothing is done to them because the Provincial Administration is the leading culprit in the destruction of the forests.

I would like to make a few suggestions regarding conserving forests, particularly Kaptagat Forest. What is happening to other forests is also happening to Kaptagat Forest. We have chiefs who sell forests and give letters to the people to sign. Chiefs in turn issue laminated small pieces of paper bearing the chief's stamp. People then pay about Kshs250,000. Could these chiefs be reprimanded, if the Government is serious about conserving our forests?

Mr. Temporary Deputy Speaker, Sir, we have two chiefs who are doing this business and they have made themselves very rich by cheating the community. Also the DOs in those areas, particularly in Kerio South, the area

around Kaptagat, have been cutting down trees and splitting them for timber and also selling land. They are doing all these things openly and the District Commissioner is silent about it.

We have an OCPD, Mr. Mbijiwe, who has been watching these things happening. All he does is to arrest those people who are protecting the forest. If anybody destroys the forest, the OCPD does not do anything to him. I want to make a recommendation to this Government that, the OCPD, Mr. Mbijiwe, who is in charge of Kerio District, should be transferred if we are going to save Kaptagat Forest.

Mr. Temporary Deputy Speaker, Sir, the District Commissioner, Mr. Amdany, has allowed the administration to continue destroying the forest, without any reprimand. He should also be transferred from that area. If these officers are not transferred, that forest will not survive. The local people in that area are going to suffer a lot because every time they protest against the destruction of the forest, they are arrested. These people are very poor and when they are taken to court, they are expected to produce title deeds and even sell their cows to raise bonds in order to get out of police cells. I think this is a battle between the Government and the local people in areas like Kaptagat.

Mr. Temporary Deputy Speaker, Sir, if land is to be subdivided among the people, then they should use a method which will satisfy the community and they should know how to divide the land. When the land is being divided among the members of a clan or among the people of the whole location, the Minister in charge must issue a circular to say which forests should be subdivided and which ones cannot be subdivided. In the absence of that, it is only appropriate for the local people to fight and protect the natural resources. When forests are destroyed the local people get frustrated. I would like to urge the local people to protect their forests because the Government has been absolutely defeated. It is impotent and it cannot protect its resources. Everybody is going to Kaptagat and it looks like the Government wants to leave a legacy of deserts in our areas. In fact, this is not what the President said. He said he wanted to leave a legacy of development and prosperity. But what is happening right now is that, all these resources are being raped and destroyed.

Mr. Temporary Deputy Speaker, Sir, there is one more point which brings conflict between clans and communities.

**An hon. Member:** It is time up!

**Dr. Kituyi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute.

As the Chair can see, the matter that we are dealing with is so weighty that even within the 30 minutes that have been given for this Adjournment Motion, hon. Members are symbolically expressing public outrage and concern about this critical matter. This matter needs to be allocated more time than we are having to deal with it right now.

Having said that, I just have two to three concerns. One is that the Nyayo legacy is not being manufactured, it is already imprinted in our collective memories over 24 years. What we are seeing are components of that legacy. The second thing we are seeing is the confluence between those who cannot see the boundary between trusteeship and ownership. When you are given a responsibility to be a trustee of public land, you think it is a personal property that you can give to those you like. Similarly, when you are a trustee of our forests, you think that is timber you can sell to saw-millers.

Another thing is that, these activities are coinciding with a phenomenon of an impending election with very limited resources that can be looted to finance the purchase of a victory. We are preparing the ground to sell our public forests for financing an election!

Let me go back to the first thing. During the days of the late Jomo Kenyatta, the trustees of public forests were distrustful. For instance, there was a Provincial Commissioner in Western Province called Mr. Mburu who cut down 600 acres of Kakamega Forest and started growing sugar-cane. This did not raise public outrage and, therefore, we legitimized that action. The only tropical rain forest in Kenya measuring 600 acres has been cut down and turned into sugar-cane plantation with impunity. Since then, we have seen Raiply Wood (K) Ltd. wreck the Mount Elgon Forest. This company cuts down hardwood trees. Because people in high office have interest in the Raiply Wood (K) Ltd., we are supposed to look the other way. We have seen the cutting down of timber in Mount Kenya Forest being replaced with bhang. This happens in a country with an over-developed police force, security intelligence and everything. We look the other way because we are "manufacturing" a legacy of development.

Mr. Temporary Deputy Speaker, Sir, those of us who pass through Nakuru Town these days know that any little rainfall turns into flash floods because of the denuding of Menengai Forest and the resultant silting of the roads; the flooding of the volcanic dust into the main streets of Nakuru. The source of the most prominent bottled water in this country - Keringet Forest has been degazetted. I would like to say that part of this forest is being cut down by the same persons who have interest in Keringet water. We have this phenomenon of nomadic mentality, where you see a resource as something you can mine and walk on to look for the next one to mine. You have such a short-term perception of responsibility and do not think about regeneration of the resource that you are exploiting. You leave other people to worry about that. This is an abuse of office and insult of the collective intelligence of Kenyans and

long-term history of our country.

In other societies, if a government did as much as what our Government has done in the past fortnight to declare that it is going ahead to degazette 170,000 acres of forest, they would "degazette" the Government first before those forests are lost. But the gullibility of Kenyans and short-term mentality that governs our conduct, is such that we do not see collective responsibility to express outrage, let alone to do anything, to stop thieves of our natural heritage. We can talk about it, go home and the next day, you will see people flaunting in ill-gotten wealth because of the rape of our forests. Who can Kenyans turn to, if the Minister responsible for forests can as much as ignore this Motion - not even his Assistant Minister can come to Parliament? Not only is this an insult to the dignity of Parliament but is also a statement about the contempt to which they carry their responsibility as custodians of our forests.

We will get to a stage whereby we might be forced to do what Mr. Imanyara said. The German Constitution is very nice. It says that when those in the Government abuse their responsibility so much that they threaten posterity, citizens have a collective responsibility to rise up and stop it from running mad. Here, we are in a situation where those who are responsible for protecting our forests take it so lightly, because we will just talk about it and go away. After that, forests can be subdivided and plots created in forests in advance for people surrendering money to finance the next campaign. The noise can be made just the same way we made about Karura Forest, be timed and they make their kill.

**Mr. Kihoro:** Thank you, Mr. Temporary Deputy Speaker, Sir. The Government has acted illegally in the degazettement of 165,000 acres of forest, because it has not followed the law. Section 58 of the Environmental Co-ordination and Management Act requires the Government to carry out an environmental impact assessment, which it did not care to do. That is why you evacuate the building to go and burn down forests. There is no justification in landlessness and homelessness to destroy so much of forest cover in this country. I would like to say that the Government intends to destroy 10 per cent of the forest cover in this country.

This Government deserves a most serious reprimand. It has "evacuated" the Front Bench so that they will not listen, or be seen not to have heard what we are saying. It is the most disappointing thing you can have; that you are grandfathers and you do not want to take care of your grandchildren. You want to run down the country! They have no respect for inter-generation equity. They have inherited a lot of wealth but they have eaten like locusts. What they have done is worse than what has been done in America by the bombing of the World Trade Centre. Everyday, they are burning our forests. When you are told to care, you do not care. They drive big cars and live in high places, but they end up being thieves.

Mr. Temporary Deputy Speaker, Sir, the Minister for Lands and Settlement has established a cartel in his office that is selling this land. That is why they end up killing and they are taken to court. When you give land to an agent to sell and he does not give you the money, you end up in court on murder or homicide charges. You should be jailed many times over if you had many lives to spare. Once is not enough. How could they give land to agents and they are only selling it to the propertied? They do not need it. They only take it for speculation. They have destroyed our indigenous trees and, in the process, they have killed the African bee. Could Mr. ole Ntimama tell me the last time he tasted honey? There is no honey! Where is the African butterfly?

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, the Minister for Lands and Settlement, Mr. J. Nyagah, the Minister for Environment and the Leader of Government Business should have been here, but they have disappeared. They should listen even if they are not going to act. They cannot run away from burning house when they have set it on fire. If only they did not degazette the forest, they would not have been here debating this matter. Then, why do they run away? The act of this Government of degazetting so much of our forests will haunt them. If it is money they want to win the next general election, I can assure them that Kenyans are aware and they can never win. If they want to speculate in this land, they have got more land to speculate in. It is 13 forests which are involved and I do understand they want again to degazette another 35,000 acres of more forest land. When is enough, enough to them? Mr. J. Nyagah needs to answer this question. Why is he issuing title deeds on forest land without following the law? When will he start reading and following the law? They have even acted contrary to the legal opinion that has been given by Government departments, like the Attorney-General's Chambers. They were given a legal opinion not to degazette so much forest land; 170,000 acres. Section 58 of the Environmental Co-ordination and Management Act passed by this House in 1999 requires the Government to carry out an environmental impact assessment. Are rivers going to dry up? Are water catchment areas going to be affected? Are indigenous trees going to disappear? They do not care to do that. They only want the forest land to disappear, pocket the money and then go to live in America. America is burning! This is where your home is. Eventually, all this land is going to be re-afforested. So much of the land that they are holding, leave alone this forest land, will be given back. Kenyans have woken up and it is only a matter of time. They do not follow

the law which is enacted daily. It is all here in volumes. Why do you not follow it? It is very annoying that this Government has violated the law and Mr. J. Nyagah needs to come and answer that question. He has violated the law!

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I stand here in the spirit of collective responsibility to give the Government response on behalf of my colleague, Mr. Ngala, the Minister for Environment. I know very well the importance of forests because the people of Meru grow more trees than any other people in this country. Therefore, I understand very well the pain of seeing our forests being destroyed or hived off for human settlement. During this rainy season, I would urge Kenyans, especially Meru people, to plant more trees.

Mr. Temporary Deputy Speaker, Sir, the issue of chiefs selling trees, as alleged by hon. Seii, will be investigated. The Government will not allow them to issue wananchi with false letters to cut down trees. The investigation will commence next week.

Those of us who read newspapers will recall when the Permanent Secretary, Ministry of Environment and Natural Resources, opened a workshop for forest officers, how harsh he was on them. Most of those officers who have been selling trees or issuing people with permits to cut down trees have been suspended or sacked. This is because the Government would like everybody to adhere to the rule of law in this country. If, for example, an OCPD or forest officer breaks the law, then the necessary action will be taken against him.

We are talking of the degazettement of forests---

**Mr. Murathe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt the Minister, particularly when he talks about the law. Is he in order to mislead the House that the Government will come up with the Forest Bill when he knows very well that when it gets to the Cabinet, it never sees the light of the day? The law allows this sort of thing to continue because the Forest Bill which has been promised to this House for the last five years never leaves the Cabinet. What is the legal framework on the law that he is talking about because the current law has enabled this sort of thing to go on? Could he give an undertaking as to when this Bill will come to the House?

**The Temporary Deputy Speaker** (Mr. Muturi): Order! Mr. Murathe, that is not a point of order. You are asking a question!

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, the hon. Member is just saying what I am saying here.

*(Laughter)*

**Mr. Muite:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand on a point of order because, as you know, this is a very serious issue and I seek your guidance. Is the Minister in order to go round in circles without telling this House whether this Government will rescind the degazettement of 170,000 acres of forest or not? That is what we want to know. Will the Government rescind the degazettement or not?

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, the hon. Member wants me to hear what they are saying. Equally, they should also be ready to listen to me.

With regard to the degazettement of 17,000 acres of forest, part of this, has been inhabited, probably as early as 1960s.

**Mr. Kiunjuri:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that some of the 170,000 acres of land have been inhabited as early as 1960s when we know that it was excised just this year and last year? Is he in order to tell us that once you get a rope and take a bull to the slaughter house that the bull will not reach there? This Government has already taken the rope. This country is the bull and the Government wants to slaughter us and yet the Minister says that they will spare us.

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, next time, we should extend our sitting on Zero-Hour so that hon. Members can contribute exhaustively. The hon. Member was contributing!

Mr. Temporary Deputy Speaker, Sir, I said that out of these 170,000 acres of land, some acres were given out as early as the 1960s. The Gazette Notice is an exercise to formalise the settlement. The Government wants to issue title deeds to those people who have already settled on that land. If the House does not want us to issue them with title deeds, then give us authority to repossess that land. There are schools, houses and other property on that land. If the Government repossesses that land, I hope hon. Members will not complain.

**Mr. Muite:** On a point order, Mr. Temporary Deputy Speaker, Sir. The Minister is talking about part of the 170,000 acres of land as having been grabbed or settled a long time ago. Could the Chair order that this Government brings to this House the map of the area with exact details of where they are saying the land had been grabbed and which year, so that we can talk about facts? Could the Chair direct that the map and other details be brought to this

House?

**The Temporary Deputy Speaker** (Mr. Muturi): Maybe, more pertinently, the House may require to know the purpose of the Legal Notice excising 170,000 acres of land.

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, all that is done by Government the House will be informed. I will inform my colleague that this matter is urgently required in the House.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Muturi): Hon. Members, it is time for the interruption of business. The House is, therefore, adjourned until Tuesday 6th, November, 2001, at 2.30 p.m.

The House rose at 7.00 p.m.