

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 21st March, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, the following Members be appointed as Members of the House Business Committee:-

- The Hon. (Prof.) George Saitoti, MP, (Chairman)
- The Hon. Musalia Mudavadi, M.P.
- The Hon. K.N.K. Biwott, M.P.
- The Hon. Joseph J. Kamotho, M.P.
- The Hon. (Prof.) S.K. Onger, M.P.
- The Hon. Kipng'eno arap Ng'eny, M.P.
- The Hon. Maj. M. H. Madoka, M.P.
- The Hon. S.K. Musyoka, M.P.
- The Hon. Chrisanthus Okemo, M.P.
- The Hon. S.M. Mkalla, M.P.
- The Hon. Mohammed Shidiye, M.P.
- The Hon. Mwai Kibaki, M.P.
- The Hon. David Mwiraria, M.P.
- The Hon. Martha Karua, M.P.
- The Hon. N.M.G.K. Nyagah, M.P.
- The Hon. Raila A. Odinga, M.P.
- The Hon. Owino Acholla, M.P.
- The Hon. M.K. Wamalwa, M.P.
- The Hon. Lawrence Sifuna, M.P.
- The Hon. (Mrs.) Charity Kaluki Ngilu, M.P.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O.33

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, this House orders that the business appearing on today's Order Paper be exempted from the provisions of Standing Order No.33 being a Wednesday morning, a day allocated for Private Members' Motions.

Mr. Deputy Speaker, Sir, I am sure that the hon. Members are aware of the reasons behind me moving this Procedural Motion. This is Wednesday morning, a day commonly devoted to discussion of the Private Members' Motions. This is a new Session we are starting and we do not have any such Private Members' Motion. So, that is really the intent in moving this Procedural Motion.

I beg to move.

The Minister for Tourism, Trade and Industry (Mr. Biwott) seconded.

(Question proposed)

(Question put and agreed to)

MOTION

APPOINTMENT OF HOUSE BUSINESS COMMITTEE

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, the following Members be appointed as Members of the House Business Committee:-

The Hon. (Prof.) George Saitoti, MP, (Chairman)

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The Hon. M.K. Wamalwa, M.P.

The Hon. Lawrence Sifuna, M.P.

The Hon. (Mrs.) Charity Kaluki Ngilu, M.P.

Mr. Deputy Speaker, Sir, I am sure that the hon. Members are aware of this Motion. It is really a ritual that, when the House meets on the second day after the State Opening, it has to appoint a Business Committee which will then set out the business to be followed by the House for the debate. [**The Vice-President**]

As things stand now, we do not have the business yet. So, it is important that a Business Committee be appointed so that it can get down to business, as soon as possible, so that come this afternoon, we will then have the business to deliberate upon. I do not need to make any further elaboration on this.

I beg to move.

The Minister for Mineral Exploration (Mr. Kalweo) seconded.

(Question proposed)

Mr. Muite: Mr. Deputy Speaker, Sir, I would like to place it on record that SAFINA, as a party in this House, would like representation in this Committee. The Electoral Commission, using the mathematical formula in which it allocates one position for a nominated Member of Parliament towards SAFINA and where there is a committee of over 12 Members, then the equitable distribution should give at least one position to SAFINA.

Thank you.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! The Committee just constituted meets immediately after the House adjourns. Hon. Members, it is now my pleasure to adjourn the House until this afternoon at 2.30. p.m.

The House rose at 9.12 a.m.

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 21st March, 2001

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-

Mr. Samuel Moroto Chumel

Mr. James Omingo Magara

(Applause)

Mr. Speaker: May I congratulate the House because for the very first time we have new hon. Members being applauded by both sides of the House. Can we make that a tradition?

COMMUNICATION FROM THE CHAIR

IMMOBILIZATION OF MOBILE PHONES

Mr. Speaker: Just a little reminder to the hon. Members; last time you remember the kind of problems we were having with mobile phones in the House. As we were praying, a mobile phone was interrupting our communication with the Almighty God. Will you keep those gadgets out? In the meantime, I am looking for all possible ways of completely immobilising any mobile phone in the Chamber. I will do that.

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

Mr. Speaker: Under what Standing Order?

Mr. Maitha: Mr. Speaker, Sir, on what you have just said.

Mr. Speaker: Order! Could we keep the House rules straight from the word go. If you stand on a point of order, you must be in a position to tell the Chair what Standing Order has been breached. So, that will be the rule. I want hon. Members to understand that and live with that. We spend a lot of time on points of order which are not points of order. So, next time you stand on a point of order, I will ask you which particular Standing Order has been breached.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Under what Standing Order?

Dr. Kituyi: Mr. Speaker, Sir, I am standing on a point of order, under Standing Order No.1, on a matter where you have never had any ruling as a precedent. When the mobile phone rang, we deplored the disturbance it caused to us and interrupted, as you have said, our communication with God. Before you had reached your Chair, was the House in session?

Mr. Speaker: Order! The minute Mr. Speaker enters that door, the House is properly constituted, and I chair the proceedings from every location I am in at any particular time.

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

Mr. Speaker: Sorry, overruled. Welcome, all hon. Members. I do want to be nice to every hon. Member today. It is our very first day, but read my lips. I am going to be very serious on the rules of the House.

Proceed!

PROCEDURAL MOTIONS

LIMITATION OF DEBATE ON THE PRESIDENTIAL ADDRESS

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:- THAT, the debate on the Motion of Presidential Address be limited to a maximum of seven days, with not more than ten minutes for each Member speaking; excluding the Mover in moving and replying, who shall be limited to 20 minutes in either case and the Leader of the Official Opposition, who shall be limited to 20 minutes.

Mr. Speaker, Sir, this particular Motion is not different from what we have brought in previously at the beginning of a new Session, which is really to fix the maximum time that a Member may be able to speak. Since it is familiar to hon. Members, I beg to move.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, I rise to second the Motion.

In seconding the Motion, as the Vice-President has said, this is not a new procedure. It is a Motion that has served us well in the past and I commend it.

With those few remarks, I beg to second.

(Question proposed)

Mr. Orengo: Mr. Speaker, Sir, I beg to support this Procedural Motion. I just want to point out that as part of the business of this House, we can only speak when Mr. Speaker has recognised us. Today, you have seen that hon. Biwott has seconded the Motion, but it was a matter which was entirely out of your choice. But the other time, the *Daily Nation* newspaper reported that he is the busiest Member, and is the most competent. I would like the *Daily Nation* newspaper to understand that there are some procedural matters in the House, that when the Leader of the Official Opposition moves a Motion and there is a seconder, the House has no choice about it.

In responding to the Motion, although the Leader of the Official Opposition would have done so on behalf of the Opposition, there are matters which go by tradition and, therefore, in reporting about the House, they should be fair by not saying that some other Members are not taking an effective part in the business of this House. It is purely because of rules and traditions, which we have started today by observing. Otherwise, I would not have been in a position to move a Motion of this nature. But I hope in the year 2002 or 2003, somebody else will be moving this Motion, and hon. Biwott will not be in this House.

Mr. Speaker: Order, hon. Members! Ordinarily, I would not have responded to the comments by hon. Orengo. But he has actually raised valid points on that particular newspaper report. When it was advertised, I thought it was something that was going to be earth shaking. Just to be polite, what I saw was not what they advertised. I think, to give Members marks on how many times they have risen on points of order, which I am discouraging, which are frivolous, just makes my work a little more difficult in persuading Members to stick to the Standing Orders, because they know at the end of the year some newspaper will report that they stood so many times on points of order, despite the fact that most of those points of order would have been irrelevant. I do not want anybody to be a prefect of hon. Members. I think the true prefects of each Member here and the House as a whole, are the Kenyan people, who, at the end of five years, will make an assessment on everyone of us, and when satisfied will return them, and when dissatisfied will refuse to return them.

Thank you.

Mr. Munyao: Mr. Speaker, Sir, I stand to support this Procedural Motion and would I would like to remind the Chair that we have 10 political parties represented in this House. So, there should be fairness in affording hon. Members chances to contribute on the various Motions that come before the House. There are nine parties represented on this side of the House while on the Government side there is only one party!

(Loud consultations)

Mr. Speaker: Order, hon. Members! The hon. Members showing active disapproval are not sticking to what we said yesterday. You should learn to listen to your opponents, however you may disagree with them. If something is not acceptable to you, then you should wait until you get a chance to reply to it.

Mr. Munyao, just say your piece but as you say your piece, you should bear in mind that it is not "this" or "that" Motion which decides who contributes. It is "yours truly." So, address the Chair.

(Laughter)

Mr. Munyao: Mr. Speaker, Sir, I thank the Chair for being very fair on the first day. All that I am saying

is that there should be a balance based on political party representation in this House. Even if it means referring this matter to the House Business Committee, that will be a fair thing to do. It is not fair to have 90 per cent of hon. Members from one party contributing on Motions every day. We want to see a fair balance when it comes to transacting the business of this House.

Mr. Speaker: Order, hon. Munyai! May I put this thing in its proper perspective. It is the Chair that is mandated to recognise any hon. Member who wants to contribute on any particular Motion. The total membership of the House, including the President, is 224. But the hon. Members who ought to be here on a regular basis are 223. Half of that would be 111.5, but I do not see a "half-Member" of Parliament. So, I will round it up to 112. But the composition of the membership of this House to my right is in excess of 117. So, they are already more than half. To my left, the membership is less than that. So, you can see that even if you are going to use calculators, computers, calculus and whatever else you use in mathematics, it would mean that in every one hon. Member speaking from the right of Mr. Speaker, a certain fraction of a Member should be allowed to balance but that is not possible. So, the fairest way is to pick one hon. Member from my right and one from my left on alternate basis. But as I do that, I am mindful of the composition of the membership to my left; that there are about 10 political parties, some are big while others are small. The Official Opposition forms more than a third of the membership to my left. So, you cannot tell me to equate a party that has got one-third of the whole House with another party with two, three or one Member. But I will be mindful of their welfare. So, please, let me do it to the best of my ability.

(Applause)

(Question put and agreed to)

LIMITATION OF DEBATE ON
PRIVATE MEMBERS' MOTIONS

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, the debate on Private Members' Motions shall be limited in the following manner:-

A maximum of two hours with not more than 20 minutes for the Mover, 20 minutes for the Government Official Responder and 10 minutes for each other Member speaking, and that 10 minutes before the time expires, the Mover be called upon to reply.

Mr. Speaker, Sir, once again, the contents set out in this Motion are similar to what we have been used to when debating Private Members' Motions so. We treat this as a ritual.

With those few remarks, I beg to move.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Speaker, Sir, I rise to second this Motion.

But before I do that, I would like to assure the hon. Member for Ugenya that he needs not to worry that hon. Biwott will be re-elected to this House, and that at that time, the party on this side of the House will still be on the commanding lead.

Mr. Speaker, Sir, as it has been said, this is a ritual which we go through every time we begin a new Session. It speaks for itself. So, without much ado, I beg to second.

Thank you.

(Question proposed)

Mr. Maitha: Mr. Speaker, Sir, while I support this procedural Motion, it is wise to point out to the Leader of Government Business that when Private Members' Motions are debated, the Government seems to delay deliberately until the end so that they can come up with amendments.

Mr. Speaker, Sir, in your address yesterday, you talked much about employing staff to carry out research work for hon. Members. You also talked about hon. Members having their own offices. I think the Leader of Government Business will use that opportunity to contact any Member with a Private Member's Motion for any amendment before it comes to the House. By so doing, both the hon. Member and the Government Responder will come to the House and talk as a team.

Dr. Kituyi: Mr. Speaker, Sir, I beg to support this Motion but with reservation.

First of all, it has been an unpleasant experience that this House does not accord Private Members' Motions the attention they deserve. It is a pity that Wednesday morning is usually treated like a day when the House is not

sitting. Assistant Ministers come here to answer Questions and then disappear. Most of the time, Government Ministers are not present to listen to cogent arguments about Motions. The only time we see a substantial turnout of Ministers is when they come to vote against a Motion. I think it is in the interest of the House that the critical business of Private Members' Motions receives attention in numbers and quality of contribution.

Mr. Speaker, Sir, may I also take this opportunity to express my sentiments about opinion polling by the Press. Certain practices may be new and have weaknesses of their birth. Maybe the persons writing about those opinion polls may not have understood certain dynamics which tilt themselves in certain individuals. But that does not inherently make it a bad practice for the Press to attempt to assess regularity of participation in Parliament and nature of contributions. But it would be good if that assessment is informed and it can interpret the rules which made hon. Biwott appear to have contributed more times than other hon. Members. But I do not think, inherently, it is bad for this country to get to know that.

Mr. Speaker: Order, Dr. Kituyi! We have not overruled that matter.

Dr. Kituyi: Mr. Speaker, Sir, I am glad that you are understood not to have overruled that.

Thank you.

Mr. Speaker: We have not overruled it.

Mr. Ndicho: Mr. Speaker, Sir, I stand to oppose this Motion. Yesterday the President gave a list of the Bills to be debated in this House. I fear that by the end of this year, those Bills will not have been completed because of this limitation of time. The concept of 20 and 10 minutes allocated to various hon. Members in this House is a British legacy which was left behind by our colonial masters. The British Parliament has amended these limitations and the House sits sometimes up to midnight because of the nature of business in that country.

Mr. Speaker, Sir, these hon. Members earn a lot of money that allows them to sit here up to midnight! There are many Bills and other business of this House that are pending, and they must be dispensed with. I am sure---

An hon. Member: Stop that Ndicho!

Mr. Ndicho: Mr. Speaker, Sir, I have got a right to be heard!

Mr. Speaker: Order, hon. Members! I have given the Floor to the hon. Member for Juja. He has my full authority to speak and I will ensure that he speaks.

Proceed, Mr. Ndicho.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order---

Mr. Ndicho: Under what Standing Order?

Mr. Speaker: Order, the two of you. Day one is a very bad day for action to be taken on any hon. Member. Do not stand there and start arguing between yourselves. I can either give you the authority to speak or I can withdraw it!

But Dr. Kituyi, under what Standing Order are you rising on a point of order? Until you satisfy me, then you have no authority. But in the meantime, the only person who has authority from me to speak is hon. Ndicho.

Mr. Ndicho, proceed!

Mr. Ndicho: Mr. Speaker, Sir, my colleagues might not want to hear what I am saying, but I know Kenyans would like to hear it because I am talking on their behalf.

Mr. Speaker, Sir, how much business did we leave undone and unfinished in the last Session because of these limitations of time? It is my humble submission that this House would agree to review this time limitation because an hon. Member cannot articulate issues of his constituency within ten minutes. I would like to appeal to this House to at least give every hon. Member 30 minutes to articulate his issues. If need be, we can extend Parliamentary Sittings. This is because the duration between 2.30 p.m. and 6.30 p.m. is only four hours. If you ask hon. Members what they do before 2.30 p.m. or after 6.30 p.m.---

Mr. Speaker: Order! Mr. Ndicho, are you here with us?

Mr. Ndicho: Yes, I am, Mr. Speaker, Sir.

Mr. Speaker: Order! Listen to some directions from the Chair. We are talking about Private Members' Motions on Wednesday, which begin at 9.00 a.m. in the morning and must end by 12.30 p.m. Are you with us?

Mr. Ndicho: Mr. Speaker, Sir, I have not finished my amendment to this Procedural Motion. I would like to suggest that we dedicate the whole of Wednesday to Private Members' Motions. We can debate issues up to midnight. If we do this, we will have enough time and, therefore, the Constitutional (Amendment) Bill and other Bills can be discussed before the month of December. That is my humble submission.

Thank you, Mr. Speaker, Sir.

Mr. Mwenje: Mr. Speaker, Sir, I support the Procedural Motion as it is. We all know that this time is not actually enough for us to debate Private Members' Motions. However, because of limitation of time and the number of Private Members' Motions, I support this Motion. But what causes the problem here is that when we debate and pass these Motions, the Government does not implement what has been passed by this House. That is why most

hon. Members are now seeking leave to introduce Bills in this House, because only Bills are implemented by this Government and not Motions. I would like the Leader of Government Business to tell us how many Private Members' Motions passed in this House have been implemented. There is hardly any! That is the problem with this Government. Could the Government, therefore, come out clean and tell us why they do not implement Private Members' Motions passed by this House? If they do not implement those Motions, then there is no need even for us to debate them here. We should all seek leave to introduce Bills in this House. So, the problem is created by the Government itself. The Leader of Government Business should tell us why they have not implemented Private Members' Motions passed in this House.

Mr. Angwenyi: Good afternoon, Mr. Speaker, Sir.

I want to support what hon. Mwenje has said. What is the point of allocating time to discuss Private Members' Motions when, in fact, they do not make any sense to the implementing agents? I believe that the Government's failure to implement Motions passed in this House actually contributes a great deal to the general lack of respect for the functions of this House. The credibility of this House is reduced when we pass Motions here and they are never implemented. When the Leader of Government Business rises to respond to what hon. Mwenje has said, I hope he will restore the **[Mr. Angwenyi]** credibility and recognition of this House by saying that all Motions passed by this august House will be implemented.

Mr. Ojode: Mr. Speaker, Sir, I do concur with what my colleagues have said. You remember last time, I wrote a letter to the Speaker's Committee that we should introduce a Government Assurances Committee or an Implementation Committee, so that whatever is passed in this House is checked by that Committee. You will agree with me that even late last year, I was given leave to introduce the Petroleum Bill. To date, my Bill is still with the Government Press.

Mr. Speaker, Sir, it is you, as the Chair, who is failing us because you are the head of this Chamber. We need assurance from the Chair that if a Bill or a Motion is passed, then a certain action will be taken. You remember very well that we stopped the retrenchment programme---

The Minister for Public Health (Prof. Ogeri): On a point of order, Mr. Speaker, Sir. I am just wondering whether hon. Ojode is right to discuss the conduct of the Speaker without a substantive Motion.

Mr. Speaker: Order! Mr. Ojode, I think you occasionally get carried away by your own sentiments. You must be very careful before you point to the Chair, both figuratively and literally like you are doing. I am now warning you not to bring your frustrations to the Chair. I would like to say the following to you, Mr. Ojode: I do not run any Government to implement your Motions. However, I will take the challenge, Mr. Ojode. As the Speaker, I will ensure that henceforth, I will strictly look into every Motion given to me against the provisions of the Standing Orders and the Constitution, particularly the provisions relating to finance and commitment of the Government to expenditure. If it does occur to me that you are asking the Government to tarmac a road in Ndhiwa Constituency whose provision has not been made in the budgetary process, I will proceed to reject that Motion. So, I give you notice.

(Applause)

Order! This is not something that is negotiable. I am now telling you, so that you do not accuse the Chair again. Secondly, when you bring Questions, again, look into your Standing Orders and the Constitution properly as far as it relates to taxation and expenditure and ensure that you are within the Standing Orders.

Finally, I wish to advise this House that the Powers and Privileges Committee itself has recognised this problem and it has, in fact, asked the Speaker to be very strict in the kind of Motions and Questions he admits. But before I do that, I will give everybody a time which is called "transition"; that is, between now and the time of the vigorous application of the rule. Within that time, we will also consider what other alternatives can be applied. I think the Powers and Privileges Committee is looking into the Standing Orders. Maybe, they will ask the Standing Orders Committee to do what is done elsewhere by adopting either what you call an Implementation Committee, or a Government Assurances Committee or another similar entity. But for that to work, the Government has to be very careful in how they deal with parliamentary issues. Hon. Members will bring either Motions or Questions that comply strictly with the law and we will be able to move. As I said, I do not want you to jump that gun. I do not want it to be taken as the official position right now, but I think the Powers and Privileges Committee, together with the Standing Orders Committee, will look effectively into that issue, so that as Messrs. Ojode and Mwenje said - and I agree with them entirely - Parliament must be taken seriously. For this to happen, both sides of the House must cooperate. If you ask the Government to move Mt. Kenya and you actually muster the votes to pass that Motion, maybe the Government will not move it. But if it is something that is lawful, it must be done. So, I agree with you. But, please, do not take on the Chair. Respect the Chair on behalf of the House. All forgiven!

Mr. Angwenyi: On a point of order!

Mr. Speaker: Under what Standing Order?

Mr. Angwenyi: Standing Order No.1, Mr. Speaker, Sir.

Mr. Speaker: Overruled. Mr. Michuki. Have you finished, Mr. Ojode!

Mr. Ojode: Your sentiments are noted, Mr. Speaker, Sir. I was saying that when a Motion on retrenchment was brought here last year, the Government went ahead with the retrenchment despite the fact that the House had already stopped it. Those are some aspects which we should talk of. That is why I was not accusing the Chair *per se*. I was just saying that it is better for you to push the implementation bit so that Parliament will be seen as supreme. In a number of cases, when you want to bring a very important issue to this House somebody runs to court. Later on, you will find that our role is kind of frivolous. It is the duty of the Chair to help us push some of these aspects.

With those few remarks, I beg to support.

Mr. Michuki: Thank you, Mr. Speaker, Sir. I want to support this Motion the way it is. It is procedural. Although ten minutes is a short time, one should be able to share with the other hon. Members about the few points that one is able to raise within that period. I want to support the Chair's sentiments and in particular regarding Bills that, by themselves, **[Mr. Michuki]**

tend to vote money through this House without the proper Appropriations Act. It has in fact become a tradition that the financial orders are broken every time a Bill is brought before this House. I am not sure that the Attorney-General has not done this deliberately because the rules made by the Minister for Finance under the Exchequer and Audit Act require that the assessment of the financial implications of any Bill must be properly stated. I tried to raise this issue in this House during the Seventh Parliament, but I did not get the proper support. Therefore, all I am saying is that it is against the interests of this House that we should allow Bills whose financial implications are not known because *ipso facto* we are voting money against the procedures within the Constitution. That is the point I wanted to make. I would request the Chair to ensure that these Bills---

Mr. Speaker: Order, hon. Members! I know we are all very anxious to see one another. Although Mr. Michuki is talking outside the Motion - he was replying to Mr. Ojode - I think he is making very valid points which we need to take note of.

Proceed.

Mr. Michuki: Mr. Speaker, Sir, I did not really have much else to say, other than to reiterate the point that it is in the interests of this House that we follow the constitutionally laid-down procedure of voting money in this House, rather than allowing private Members' Bills and Government Bills to appropriate money through the back door.

Mr. Orengo: Mr. Speaker, Sir, I was not going to comment on this, but the point made by hon. Ojode is important in respect of Section 30 of the Constitution, which gives this House legislative authority. That authority is only exercisable by Bills. We cannot exercise that authority by any other way. If we put these restrictions on what can be brought through Motions, then we would be taking away a very important function of Parliament. It is through Motions that we can express outrage or approval. That is the reason why a Motion can be limited to two hours, but we can go on discussing Bills endlessly because we are then acting under the authority which has been given to Parliament, which is exercisable through Bills. Otherwise, Motions are just a way of expressing approval and outrage. As you put it very well, we can even pass a Motion that Mt. Kenya be moved to the southern part of Kenya. If the Government agrees to do so, that is their business, but there is no way that this can be exercised because the Constitution only allows us to exercise authority through Bills. Therefore, we have only two hours for Motions, during which we can resolve, express annoyance, outrage and any other opinion under the sun, and as you put it very well, as long as we do not offend the Constitution and the Standing Orders. It should not be lost to the House that Motions may also have authority of law under our systems. There are other jurisdictions where resolutions by the House through a Motion can actually make the Government act on that particular Motion. In our jurisdiction, Motions are a way of expressing the resolve of the House and the mood of the country. That is what I wanted to point out.

Mr. Speaker: Very well. I think it is well put.

(Question put and agreed to)

LIMITATION OF DEBATE ON ADJOURNMENT MOTIONS

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-
THAT, the debate on any Motion for the Adjournment of the House to a day other than the next

normal Sitting Day shall be limited to a maximum of three hours with not more than five minutes for each Member speaking;

provided that, when the period of recess proposed by any such Motion does not exceed nine days, the debate shall be limited to a maximum of 30 minutes and shall be strictly confined to the question of adjournment.

Mr. Speaker, Sir, the envisaged practice that is being proposed in this Motion is the one which has been in force. We have had it for quite a number of years, especially when the House does go on recess as we did recently, and on occasions when we have to go on recess for not less than nine days. I do not think I need any cause for advocacy on this. I want to commend the Motion to the hon. Members. It is up to the House to decide whether to continue with the practice or not.

I beg to move.

The Minister for Public Health (Prof. Onger): Mr. Speaker, Sir, I rise to second this Motion because it is the tradition of this House that, while dealing with this type of Motion, we are able to express very pertinent issues and questions that would portend towards the kind of vocational recess that we would proceed to, as one way in which we take account of each other's problems and issues that we need to express. That encompasses the mood, both of the House and the nation.

As the Leader of the Government Business has said, it is a normal procedure to allow more time [**The Minister for Public Health**

for hon. Members to express themselves while dealing with this type of Motion of Adjournment of the House other than during the normal sitting day. Therefore, I recommend that the Motion is adopted.

(Question proposed)

Mr. Kibicho: Mr. Speaker, Sir, although I support this Procedural Motion on limitation of debate, when we come here to debate, those of us on this side of the House are disadvantaged because one hon. Member from the KANU side and one hon. Member from this side get a chance to contribute, despite the fact that we have so many parties on the Opposition side. Therefore, within three hours, more KANU Members of Parliament get a chance to contribute. So, I am suggesting that, when such Motion is being discussed, we should not look at the parties, but at individuals who rise to speak on the basis of "first come, first served".

Mr. Speaker: Mr. Kibicho, last time, before the House was prorogued, Mr. Ndicho had a very interesting Motion. I do not want to remind him about that, but he had a very interesting Motion. I am not his follower but, maybe, you can contact him.

(Question put and agreed to)

Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to move:-

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 20th March, 2001.

Mr. Speaker, sir, I believe that, it is more fitting before I get into making remarks that I would be making on this Motion to commend all hon. Members here for the manner in which they listened attentively to the Address by his Excellency the President. There is no doubt that the composite manner in which we listened to that Presidential Address went a long way in upholding the dignity of this House.

Mr. Speaker, Sir, in fact, you did recognise that fact when you said as follows:-

"We hon. Members are, indeed, obligated by virtue of our positions to conduct ourselves in a manner in which the decorum and honour of the House are upheld."

This was more than demonstrated yesterday. Mr. Speaker, Sir, indeed, it is my hope, and I am sure all the other hon. Members subscribe to the fact that, in this new Session and, perhaps, for the future, the debate will be conducted here, not on confrontational terms, nor from a point of being recriminatory, but through a careful way of focusing on issues at stake. We should do the best we can to avoid approaching debates from a very narrow partisan point of view. I hope the stand which was adopted yesterday is going to continue and resonate throughout the debate

for the rest of the period left for us in this House.

Mr. Speaker, Sir, let me say that the Presidential Address which was made yesterday was, indeed, a very profound statement on matters of public policy. From my own point of view, I wish to recognise the statement as one of the most brilliant addresses by the Head of State that I have listened to here. It touched on very far-reaching issues that are current to our own country today. They were fundamental issues that affect the wellbeing of the people of this country. The issues which were touched in the Address were: Poverty, the Constitution, the Bills that we are going to address---

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

Mr. Speaker: Under which Standing Order are you rising?

Mr. Ndicho: Under Standing Order 68(1), on page 28. It states as follows:-

"Any Member may rise on a point of order at any time during the speech of another Member, stating that he rises to a point of order."

Mr. Speaker, Sir, this Standing Order 68 (1) seems to be negated by your ruling.

Mr. Speaker: Order!

Mr. Ndicho: Mr. Speaker, Sir, I am not attacking your ruling---

Mr. Speaker: Order! Order! We use Standing Order 68 (1) if there is anything in the course of the speech by an hon. Member that you want to bring to the attention of the House, but not to go back to my previous ruling!

Mr. Ndicho: That is where I was coming to---

Mr. Speaker: Order! Sit tight! Proceed, Mr. Vice-President!

Mr. Ndicho: Mr. Speaker, Sir, I have not finished.

Mr. Speaker: Are you challenging him?

Mr. Ndicho: Yes, Mr. Speaker, Sir! But I do not want you to catch me in the foot which you [**Mr. Ndicho**] have already---

Mr. Speaker: All right. What is your problem now?

Mr. Ndicho: Since the Vice-President is now debating the Motion, he ought to have given Notice of the Motion, allowed it to get seconded, and then the question put, before we come to debate the Motion!

Mr. Speaker: Order! Order! Mr. Ndicho, I have a series of questions for you. Were you here yesterday? If you were, the notice of this Motion was given. This was the last thing we did before I adjourned the House. This afternoon, the Motion has come after being approved by me and the notice given yesterday. He is now moving the Motion, and then thereafter, hopefully, there will be somebody to second the Motion. If he is lucky to get the Seconder, I will propose the question and then it will be open for debate! So, you are jumping the gun!

Proceed, Mr. Vice-President!

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, in spite of that interruption, I hope my time will be preserved.

Now that we have come from a long period of recess, I do believe that, with refreshed minds, we shall be able to debate soberly on those very fundamental issues, which are contained in the Presidential Address. The issues are very important and we must address them because they need to be implemented as quickly as possible.

Mr. Speaker, Sir, on issues that were touched upon by His Excellency the President, one of them, for instance, has to do with the economy. I shall begin with the issues of the economy because the economy is the core of the stability of the nation. As the Head of State mentioned yesterday, we are right now, in the process of carrying out important discussions with the two Bretton Woods institutions on how we can bring the economy back on track. It is true that there has been a delay, but the Head of State made it very clear that, there will be no reversal. The approach will be to go back on track. I would like to say that there are those who may say that the Government reneged on its own commitment. But, on the contrary, we all know that the delay was occasioned by a few Bills which, had they been passed, could have created some problems. But much more important, there was the question of the Kenya Anti-Corruption Authority (KACA).

The House was reminded that it will have to address the re-drafted Bills, which will take into account matters related to the Constitution and our own laws. I would like to say that the Constitution is the epitome of the sovereignty of this country. No Constitution can be imposed from outside. Therefore, when the conditionalities come, we should be able to own them ourselves. I have no doubt that we will pass those Bills, so that there will be a continuation of the flow of the resources. On that point, I would like to commend His Excellency the President for the great effort he has put, and the manner in which he has handled our relations with the two institutions. He has made a great effort to meet the President of the World Bank. He has also cultivated close collaboration with the Managing Director of the International Monetary Fund (IMF). Without those efforts, we would not be talking of what we are talking about today.

Mr. Speaker, Sir, let me say the following: We should not be subjected to what I would call "the donor-

dependency syndrome." We keep on talking about the donors all the time. For one thing, let us know that the flow of external resources is on the decline. I would like to give you one example. In 1992, the flow of donor resources into Africa stood at US\$92 billion. But, by 1997, the flow was down to US\$48 billion. That is the trend. We have to understand that, however attractive it is that we must continue to rely on donor aid, it will not go on forever. The substitute must be what His Excellency the President talked about. We should open new markets, and that will replace the donor money. We had better get that into our heads.

We must also know that the flow of investments locally will be more fundamental. Therefore, the opening of regional markets, like the one of the East African Community, will be very fundamental. That is where our future is. Our future will be in the regional market of the COMESA. Our future will be on the open windows under the AGOA Act, and the Cotonou Partnership Agreement. That will be the way through which we will be able to approach the bigger burden of addressing the poverty in this country. We shall not be able to solve the poverty problem unless the economy grows. It will not grow unless there is active and competitive trade. Our own manufacturers and traders must be active and competitive. I would like to say that the discussions that are going on with the two Bretton Woods institutions are aimed at assisting this country for the limited period that we will be there, to ensure that we set up an appropriate micro-economic stability framework. That way, we will be able to compete internationally. No one should have any doubts that the times ahead will be very difficult; not just for Kenya, but for the developing countries. We will be part of the global market. We have not been given the choice of either being part of the global market, or not. The choice is simple! You either decide to be part of it, or you are marginalised and doomed to poverty. We must do everything possible to avoid that.

Mr. Speaker, Sir, let me say this: We will [**The Vice-President**] not be able to develop the economy and fight against poverty in a state of civil strife. There must be consensus on our approaches. The consensus starts in this House. We must find out the best way to move forward. When matters of the Constitution come before this House, let us see how we can formulate and agree on a unified constitutional review mechanism. I know that there is a very big debate as to whether there should be a merger of the two constitutional review groups that are there or not. I want to say that the most important thing is to place the country ahead of our own personal ambitions. That way, we will finally come out with a Constitution of the 21st Century, that will serve all Kenyans, and not just individuals or certain sections.

Mr. Speaker, Sir, I would like to say something which is also very important. It was raised here and touched on by His Excellency the President. It was on the East African Community. I believe that the signing of the East African Community Treaty on the 15th of January, 2001, was the greatest hope for the people of East Africa. The people of East Africa are one. We are brothers. We had remained as brothers until sometime in 1977, when the then East African Community broke up due to political reasons. Let us hope that the current East African Community, which has been properly put in place, will remain in place. I have no doubt that it will work. I happen to have served in the defunct East African Legislative Assembly. I know exactly why it failed. It failed because it was not driven by the private sector. We did not have similar economic policies. We did not have the same ideologies. But that is no longer the issue. The most important thing that will come to this House is the fact that we will elect the nine Members to the Legislative Assembly. Those who will be elected to go there will speak on behalf of Kenya, and not political parties. They must be visionary leaders. They must understand what lies ahead.

Mr. Speaker, Sir, the other thing that I would like to say, and I have always said, is: Whenever I speak, I will never leave that subject behind; we should speak about it loudly in this House. We will not solve the problem of poverty unless we address the HIV/AIDS pandemic. The two are inter-related. The HIV/AIDS is a development issue. If we do not solve it, we will have a population which is not healthy. Their output will be much less. The expenditure on the medical treatment is very substantial. I would like to inform hon. Members that today, Kenya is spending not less than Kshs200 million per day on the HIV/AIDS, either on the lost man-hours, or on the treatment itself.

So, you have got to solve that problem. If you do not solve the problem of poverty, you will have people who will be tempted to indulge in activities that will expose them to Human Immuno-deficiency Virus (HIV) infection. More importantly, people may not have sufficient resources to enable them have a balanced diet. So, they will be totally exposed to attacks. So, I think it is important for all of us to address this issue, because it is important.

Mr. Speaker, Sir, another issue I would like to address is the several Bills that are about to be brought to this House for legislation. As we have been reminded, these will include the Anti-Corruption and Economic Crimes Bill, amongst others touching on governance issues. Another Bill regards the declaration of personal wealth. Let us understand that these issues are important since they touch on matters of governance. That is the motto today in the world. But, much more important, if we conduct our own affairs in a transparent manner, it will mean that we will reduce the transaction costs of our business. If we reduce our transactions costs, our business people and industrialists will be able to perform their duties properly, and public affairs will go on. This should not be a concern of the

Government alone, but rather of all of us. So, I hope that when we come to debate these Bills, we will do so soberly as Kenyans, with a view to identifying the solutions to the problems facing this country.

Issues of governance should not be addressed emotionally, or from the point of view of trying to score a point against our opponents. They must be approached in a rational manner, considering the fact that allegation and suspicion are not evidence. That will be absolutely important in debating those Bills. Another important reminder to us by His Excellency the President is that we should ensure that we do not pass Bills that can be challenged in a Constitutional Court. That should be very important. It is the rule of the law, and we must respect it. We should accept the rulings of the Constitutional Court. So, it is up to this House to ensure that the Bills it passes do not contradict the Constitution.

Mr. Speaker, Sir, without anticipating debate on it, one of the Bills going to be brought here for further consideration is the so-called "Donde Bill". As we all know, that Bill sought to amend the Central Bank of Kenya Act. We passed that Bill here, but His Excellency the President did not give his assent to it. The President's reasons for not giving the Bill assent are detailed in a memorandum which we are going to look into. As we debate that Bill again, we should understand that Kenya is not an island, but rather part of the global economic order. We should, therefore, understand that we cannot go against what we have already restructured. What is important is that we should ensure that we repair where we see problems. We can, however, not become a closed economy. Access to economic development today is clearly dependent on a

[The Vice-President]

country's opening of its own economy. We must understand that fact.

Mr. Speaker, Sir, I beg to move.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I rise to second the Motion.

In seconding the Motion, I will, perhaps, focus on two specific issues contained in the Address of His Excellency the President. Let me, first of all, take this opportunity to join those hon. Members who have commended the President through the media for having come up with a very vital Address in that it soberly laid down this House's programme, to enable this country's economy reverse its current negative growth. It is clear to everybody countrywide that the resultant pressure of the economic depression is punitive to the common man. We need to quickly pool together our material, intellectual and social resources in order to reverse this trend, so that can have some ray of hope, create jobs and provide food to the majority of our people. It is within this context that the sentiments expressed in the President's Address are, indeed, vital, and that they should be given the necessary consideration they deserve by all Kenyans, particularly those charged with the responsibility of either implementing Government policies or making policies.

Mr. Speaker, Sir, as a country, one of the issues we will have to come to terms with is that, at this point in time, the issue of whether Kenya becomes a useful or an attractive investment destination will lie primarily on what is perceived as the political future of this country. This can only be best brought forward through the kind of Constitution we will have, or what will be perceived by both the Kenyan people and would-be investors as the constitutional arrangement that will come into existence.

At the moment, a lot of investors are holding back, because they believe that there is some uncertainty in the future of the country regarding the issue of constitutional debate. It is us Kenyans who will have to negate those perceptions and have the would-be investors look at Kenya in the right perspective. We can only do that if, as Kenyans, we can immediately come together and agree on a unified constitutional review process. It is only through such fundamental signals that we can indicate that we are ready to agree on matters of such importance.

We should, therefore, prove that although we may differ in terms of opinion, we have a common resolve in ensuring that we can have a solution. Therefore, even if we are to bring to order all other parameters relating to normal economic issues, the question of the Constitution will remain a very thorny issue, and will have a major bearing on whether investors are going to come to Kenya or not. So, we should not under-estimate this issue at all.

I would like to urge all hon. Members who are going to contribute to the debate on this Motion to put this aspect into perspective and ensure that all the efforts that we put through, whether in this House or out there, can go towards encouraging all Kenyans to accept that we must now have a common constitutional review process, so that we can embark on the exercise without any further delay. Otherwise, the whole process of us talking about economic recovery may not be seen until a much later period.

Of course, there are some legislative aspects we are going to deal with, as outlined in the President's Address. But I think it is important to echo the comments made by hon. Saitoti, that Kenya is not an island. What has been happening in terms of changes within the global economy, which are well known to very many people, is that no country now is going back to a controlled price regime. Every country, be it from the old Eastern or Western blocks, is moving very rapidly towards market-oriented economies and policies. The Parliaments of those countries

are, indeed, facilitating that process in this transitional period. What seems to be happening in our country, and this is what we need to guard against, and this House needs to look at it very critically, is to ensure that we have a legislative agenda. We seem to have an agenda that seems to be taking Kenya backwards into a regime of price control, and one that negates market forces. Mr. Speaker, Sir, it is true that market forces may not be perfect, but if we will have a legislative agenda, we should look at methods and ways of mitigating against the negative aspects of a liberalised set-up, but should not negate it in totality. This is because trying to negate it will be sending a signal that Kenya, as an investment destination, is a destination that will reverse economic policy, and is not a destination where one can invest comfortably. We are on a road that is bringing back a controlled price regime. We are on a path that will stifle entrepreneurship and make it extremely difficult for the genuine forces that drive entrepreneurship to thrive. This is a very fundamental point because one of the issues that was not on the agenda, even with the Bretton Woods Institutions, was that which related to interest rates. That was never an agenda, but it seems now to have become an agenda that this country has got to grapple with in the context of an added conditionality. Throughout debate and legislation, we seem to be sending signals that we are heading back to a price controlled regime. We know very well that a price controlled regime will not function. We may provide short-term reprieve, but the truth of the **[The Minister for Information, Transport and Communications]**

matter is that a price controlled regime will not function; it will only distort the broader economic picture which will come out and be reflected within a very short time. So, we need to have a holistic and comprehensive approach towards tackling Kenya's economic problem. We should not try to focus on targeted intervention in only one segment, or a given area which will provide some temporary illusion, that, indeed, a solution is being found, when in reality it will not be.

Mr. Speaker, Sir, we all know very well, and stories abound about this, that when there was a price controller, everybody was hovering around the offices of the price controller because they thought that they had some way of influencing some adjustments, so that they could make windfall gains in various commodities. We need to eliminate those stations which ordinarily are called "rent seeking stations" within our set-ups. We need to make sure that we can make, as much as possible, our economy self-propelling and avoid a situation where we will give a few individuals within our public enterprises and key Government positions, an opportunity to use their offices for leverage for personal gain. This is a point that comes out of this Address, and we need, as a House, to safeguard that and ensure that Kenya is not seen as a country that is out to start reversing economic policy when the trend all over the world is that of promoting market economies. This was even echoed by some of our diplomats, who said that it could negate our ability to start penetrating American markets and other markets. So, we must make sure that we do not revert to a price controlled regime.

With those few remarks, I beg to second.

(Question proposed)

Mr. Kibaki: Mr. Speaker, Sir, I rise to support the Motion and agree that the thanks of this House be recorded for the exposition of whatever has been stated in this generalised statement.

The President said in his Address yesterday that Kenya has had stability and virtue, because during these last so many years, there has been observance of the rule of law. That would have been wonderful if it was true. But one thing we know, starting from the hon. Members of this particular Parliament, is that we are not allowed to enjoy our freedom. It is not true to say that the Government observes the rule of law. If hon. Members of Parliament cannot enjoy their freedom, which other citizens are enjoying their freedom? There are none. The starting point, if we are to take this Address as a serious statement of intention to act, is to allow hon. Members of this Parliament to enjoy their freedom. This is freedom to travel, hold meetings, Harambees and freedom to go wherever they want to go in Kenya, so long as they are not breaking any law. But we know that this Government organises to disrupt our meetings. It organises to go to a constituency and attack an hon. Member inside his constituency and declare him a fellow who should not be supported in his own constituency. It rallies the whole Government, using public resources, to go and attack one hon. Member of Parliament for no known reason.

(Applause)

This is a total disgrace. It shows a Government without a sense of direction and people who do not even know the responsibility of being Ministers. How can the role of Ministers be to fight their fellow hon. Members of Parliament? That is not known anywhere in the world, and it is not something done by any civilised Government, particularly using public resources.

Mr. Speaker, Sir, the rule of law is not being observed. We have had massacres five times, of members of one small community called Marakwets. What have they done to deserve that everything be organised against them? The Government is truly allowing those massacres. It is abetting and facilitating those massacres. This is the truth because the Government has stationed armed forces there to maintain peace, but they do not take any action when that community is attacked and so many people are killed. They begin to pretend to be acting seven hours after the massacre, and after 3,500 animals have been stolen. These animals are moved almost 70 kilometres over the hills and yet the army and the police, with their helicopters, cannot see them being moved away. That place is dusty and one can see the livestock moving, and the dust, wherever they are moving. The armed forces, the police and the Minister for Internal Security remain quiet until the livestock have been taken away. They are abetting and allowing this to happen. This is deliberate.

Mr. Speaker, Sir, when the Minister comes to reply to this debate, he should tell us openly what the Government has against the Marakwets. Why do they want this community to be finished because they were disarmed, but their neighbours who have been perennial antagonists were not disarmed? Indeed, they were further armed under the pretext that they needed AK-47 rifles for their homeguards and then they continue to kill their neighbouring communities using the same weapons. I would like to point out that they do this without any action being taken against them. These people will continue doing this without any action being taken against [Mr. Kibaki] them. They attacked the Samburu, who are their neighbours, and no action has been taken. How can we say that the Government is serious on security or maintaining peace in this country? We want action to be taken against these culprits. I would like to point out that words mean nothing, but action speaks a thousand times louder. Indeed, that is what we are saying. Therefore, can the Government guarantee this House the freedom we are talking about? Can the Government also guarantee all the communities, wherever they are, security without discrimination, and then we shall know that they are serious? That is what we are asking the Government to do.

Mr. Speaker, Sir, the day before yesterday, the President, while speaking at Kandara, talked about some money being voted by the European Union. This money is called "STABEX" and it amounted to Kshs6 billion. I would like to say that the money was voted seven years ago. This money was donated to Kenya seven years ago, to be handed over to coffee and tea farmers. I would like to inform this House that the money was not disbursed at that time, and it has not been disbursed even today. Any sensible person would literally shed tears to know that these people are poor and they were assisted because they needed help, but the money was not disbursed. Why has this money not been disbursed? There is no reason that has been given except one, which has been given secretly, that those who will benefit immediately come from a particular region which the Government wants to discriminate against and they are still fighting.

(Applause)

This is a fact. If anybody here has any other reason why they would keep this money, which was donated free by the European Union, for seven years without handing it over to the farmers, for whom it was voted, let him say it. Let the person give us the reason why the money has not been disbursed. There is no reason why this money has not been disbursed to the farmers. We are saying that they are disputing who should get what share although the money was meant to assist the farmer to revive his coffee. Let them give the farmer the money to buy fertilizer and apply it on his piece of land; let him take care of his coffee trees and then we can know that the Government is serious. Right now, the Government is still disputing that fact. I would like to inform this House that the European Union has already told us what is delaying the release of the money. We would like the Government to show this by action.

Equally, the Government wants to reduce poverty in this country. When the Government wants to reduce poverty and it has a sugar belt in Kenya, which was very prosperous and becoming more prosperous---

(Applause)

Sugar has a permanent market in Kenya. There is no shortage, but the Government deliberately allowed importation of sugar duty-free. I would like to say that the people who import sugar into this country do not pay tax for it.

An hon. Member: Shame!

(Applause)

Mr. Kibaki: Mr. Speaker, Sir, I would like to say that because they do not pay tax for the sugar they import, the Treasury does not gain anything. These people destroy the farmer and without shame, stand up and say that they

are trying to reduce poverty. Who will believe them? How can they reduce poverty when they allow the person who was prosperous to become poor by allowing importation of sugar so that a certain company and groups of people who are favoured by the Government may make millions? Nobody will believe you. We will believe you when you change your actions. Why can the Government not stop the importation of sugar into the country? Mumias Sugar Company, which was very prosperous has got 30,000 tonnes of sugar in stock. This sugar is worth more than Kshs1.5 billion. If we wait for another two months, this company will have sugar worth more than Kshs5 billion. Think of a company with stocks worth more than Kshs5 billion, which is more than the capital of the company; more than anything that they own. Above all, which bank will continue to finance stocks worth Kshs5 billion? Who will pay the interest? They want Mumias Sugar Company to collapse. They are telling those people, including those in other areas, that they are trying to reduce poverty. Who would believe them? There is nobody who would believe you. I would like to say that we are looking for the necessary action, which is there. These are the things we are pointing out. I would like to say that they are destroying the sugar sector deliberately, and hundreds or thousands of families will be poor, when they are "cheating" us that they want to improve their welfare and reduce poverty.

Mr. Speaker, Sir, the Mwea farmers are rice producers. I would like to point out that the mill is owned by both the farmers and the National Irrigation Board of Kenya. I would like to say that the mill has been closed for three years and the farmers have nowhere to mill the rice they grow. So, the farmers have been forced to buy a new mill. Is this not criminal? What is criminal? This is a criminal action by the Government. I would like to inform this House that the Ministry of Agriculture, **[Mr. Kibaki]**

Livestock and Rural Development closed down the mill for three years and the farmer is unable to use it and yet, he owns half of the shares and has been maintaining the National Irrigation Board of Kenya through the levies. This is a criminal action by the Government and we ask for a change, because those people could be richer if they could mill their rice immediately and sell it. Why do they want the factory to be closed down and yet the farmers are there? What pleasure do they get from it, or is it that they only want to promote the importers of rice? Is this a Government of these traders or is it a Government of the people of Kenya? Obviously, this is a Government of those few traders. How else do they want us to take these things? I would like to say that the only way to reduce poverty is take action on our road infrastructure.

There is a meeting which has been called this coming weekend to deal with the problem of the Kenya Co-operative Creameries (KCC). I would like to say that the KCC, of which I am a member, is a company which belongs to us, the farmers. I would like to inform this House that I bought my shares in 1965. The assets of the KCC have been taken over by a small company called "The KCC 2000 Limited", which has been registered by a few individuals. These individuals will tell farmers on Saturday that they have taken over the company in order to save us, the farmers, who are owed money by the KCC. They will also tell us that, we, the farmers should buy shares in a new company which is being created and yet, the assets we are being told to buy are ours. These assets were bought with our money.

(Applause)

I am a farmer and I have been deducted those levies, which were used to pay the loans which were used to build those factories all over the country. How can I buy what already belongs to me? Who is this person who took over the company, so that he may sell it to me again and make money? Who authorised them to go and negotiate with Nestle of Switzerland? This is what they have done. They want to give Nestle 40 per cent of our assets, which were put up by peasant farmers, who have remained with one cow. They want to sell that company to the largest multinational company which deals with food, and say that they have already began. There is enormous corruption. Perhaps, more remarkable is that the company which has been secretly registered, as we are told, has already negotiated with the Capital Markets Authority to allow it to become a public company, to sell shares and everything else in the Nairobi Stock Exchange, and yet the Capital Markets Authority is supposed to follow the law. I would like to say that they have not even checked to find out when those directors were elected by the owners of the assets, which they now want to sell in the open. There is no time when this happened. I would like to say that corruption is taking place and crime is being committed.

Mr. Speaker, Sir, we want the Government to stop destruction of forests in the Aberdares, Mt. Kenya, Mt. Elgon, Mau and other places because this is destroying the rivers on which we all depend. They are cutting down trees everywhere. It is surprising that the President and Government Ministers stand up and talk, pretending that there are some strange people who come from Heaven to cut the forests. The Government is complaining that it is incapable of stopping people going to cut down trees in Mt. Kenya Forest. What Government could we have? It is not true. It has come out in the open that the Government is authorising the destruction of forests. They want to degazette large tracts of forests. It is a shame. Internationally, we have been recognised as a "Government of looters". It is an international recognition. The statements were made in the exhibition at Berlin, where we might have been

given some recognition for conservation of the wildlife. The reward was withdrawn because everybody who spoke said the Government has turned out to be a Government of looters, and if it was given an award this would have been misunderstood to mean that they were promoting destruction of forests. It is a statement that was made by the international community who recognise us for what we are.

Mr. Speaker, Sir, for this economy to recover, truly, the Government must not allow the interest rates to go back to where they were. We saw the misery which befell this country. When we are making statements that we want the economy to recover and we are still refusing that some little controls on the banks should proceed, then we do not mean it. We are only speaking two languages; that is, if you meet the bankers, you please them. Two, when you come here, you tell us something different. Have one face and not three faces. Just stay with one face and we shall be respected. Nobody can go on telling us lies that the economy will recover so long as the interest rate is allowed to go that high. We shall not recover. It is a fact of the matter.

Mr. Speaker, Sir, I agree entirely with the statement by the Leader of Government Business that all of us must join in fighting HIV/AIDS and above all, in informing the public. That is why we have formed constituency AIDS committees. But the problem is not that; the problem is that we have a National AIDS Council in the Office of the President. The World Bank and other donors have told us that they voted money; where is it? Why is **[Mr. Kibaki]**

it not being given to these constituency AIDS committees which have been formed? What is it waiting for? As far as we hear, there is no way of stealing that money. I am sure that is where the game is and that is why the Government does not even want Members of Parliament to be in those committees in case they are exposed, or they do know the truth. But could we be told why the resources are not being released when billions have been voted? Let us get the money. There is no point talking about it when the resources are lying idle. Let the Government take action on this particular matter.

(Applause)

Finally, Mr. Speaker, Sir, I said one time here that there are people roaming around the country who are not the regular police, and they are controlled by some other institution. We have a parallel system of security. The Minister should agree that there is a parallel system of security. I think one line does not report to the Minister. I am sure the insecurity Kenyans are experiencing is because of that structure, which is terrible.

With those few remarks, I beg to support.

(Applause)

Mr. Angwenyi: Thank you, Mr. Speaker, Sir, for allowing me to contribute on this important Speech by His Excellency the President. The President made certain pronouncements and if they are implemented, then this country will see light at the end of the tunnel. Like the previous speaker said, this Government makes policies that they never ever mean to implement.

Mr. Speaker, Sir, let me talk about insecurity in the country. Where I come from in Kisii, we have had a series of murders for the last six or seven months. None of those murders has been investigated and culprits brought to justice. It is as if we do not have the CID or the National Security Intelligence Services (NSIS). It is almost as if we do not have a Government. Last weekend, I attended the burial of a lady councillor who was tortured to the extreme. When her husband, who is a senior police officer, went to make a report at a police station in Kisii, they did not want to attend to him. The people who tortured this lady to death were having a G3 gun. We all know in Kenya that G3 guns are only owned by the security system of the country. These are big guns which are used to kill elephants. That is the gun which was used to kill that lady and yet, the Government cannot find out where that gun came from or who owned it in the security system. The other day, a young boy of 12 years old was again gunned down by a police officer using a G3 gun. As I stand here, that police officer has not been arrested. Then, we say that we are going to attract investors, both local and foreign, to a country where a person is gunned down by a police officer and that police officer is never arrested!

Mr. Speaker, Sir, we are saying that we want to eradicate poverty. Three-quarters of the country is semi-arid and arid, and we have pastoralists living there and they cannot find a market or a processor for their livestock. The Kenya Meat Commission (KMC) requires only Kshs500 million to be revived, but the Government does not want to spend that money, so that they can assist pastoralists to find a place where they can slaughter their animals in case of drought, or where they can sell them. Could our Government begin to be responsive and react to the people's needs?

Mr. Speaker, Sir, when you see a Minister holding a Press Conference and saying that they are going to

degazette 200,000 acres of forests in this country whether or not Kenyans want that without seeking their opinion, that Government is not responsive to its people who have elected it. When you degazette those forests, you affect every citizen of this country. When we fail to get electric power, you affect everybody in this country. When we fail to get water for our consumption, you affect everybody in this country. When we fail to get rain for our crops, you affect everybody in this country. Before taking that kind of action, you must seek the opinion of every Kenyan and take it into account. But our Government does not want to listen to that. I sympathise with our President because he would listen if he was told about that, but his Ministers would never want to tell him. If they were to tell him, I am sure he would not want that kind of action to be taken.

Mr. Speaker, Sir, the Leader of the Official Opposition has talked about STABEX funds which were donated to this country. In fact, the money was not donated seven years ago, but 10 years ago. That was the time when this country was under a one-party system. But when the multiparty system set in, those funds were blocked from being utilised because the majority of the areas that would have benefitted fell under the Opposition zones. So, we have got a Government which discriminates against people because of their political views. I would not be surprised to find that the sugar belt is being destroyed because it happens to be basically in Opposition areas. Sometimes, I take cognisance of facts. For example, even the Kenya Co-operative Creameries was destroyed a long time ago, and the milk producers come from KANU strongholds. They do not have anywhere to go and sell their milk. Their assets which are worth Kshs5.5 billion are [Mr. Angwenyi] going to be sold out this weekend. It is the work of this Government to facilitate the work of our farmers and be responsible to the people who have elected it.

We have talked about the need for this House to carry itself with dignity. What kind of dignity are we talking about when an hon. Member is clobbered in the streets by a police constable or a police recruit? What dignity are we talking about when you cannot be allowed to hold Harambees and functions in your own constituency for the people who have elected you? Could our Government for a change, begin to respect this House and its hon. Members? I thought if an hon. Member is committing an offence, then he or she should be allowed to go and write a statement at a police station. If they want to arrest him or her, they should allow him or her to have his or her lawyer with him or her but not to clobber him or her with rungun. In fact, sometimes, they clobber hon. Members with gun butts.

Mr. Speaker, Sir, as you enhance the dignity of this House, you must talk with other branches of the Government, so that they respect hon. Members as they go about their business. We must obey and follow the rule of law by allowing people to express themselves and move around freely. The other day, somebody talked about separation of powers. I do not think we have separation of powers in this country. If we have got separation of powers, then, one branch of the Government would not insult another branch of the same Government. As we stand here today, the Executive can dissolve this House tonight, and yet we say that there exists separation of powers. The Executive appoints judges, another branch of the Government, and we say that we have got separation of powers. It is good the President said that we must re-look at our laws and Acts. Maybe, we can synchronise and harmonise them, so that we have a true situation of separation of powers, and we can take care of our parliamentary calendar and affairs. Similarly, the Executive and Judiciary can take care of their affairs. The appointments in the Judiciary must be ratified by this House in order to make them truly independent of the Executive.

Corruption has moved from Government departments to the Judiciary. Today, you can buy injustice. I can stab you today, go to court and you are arrested, instead of me being put in because corruption has moved from Government departments to the Judiciary. I think it is high time this House sat down and looked at our judicial system because if we do not do that, then, people are going to take the law into their own hands and commit offences for which they would not be imprisoned or penalised because they can buy injustice. As the Powers and Privileges Committee works out on our affairs, I hope they will seek opinion from hon. Members as to what they want to be amended in the Powers and Privileges Act. Instead of seeking opinion from the general public as you indicated in your advertisement, please, first seek our opinion before you amend any Standing Orders and laws governing this House.

With those few remarks, I beg to support.

Mr. Speaker: Just before I give a chance to hon. Raila, I would just like to correct the wrong impression that was given by the hon. Member, Mr. Angwenyi. In fact, in that press conference, I asked for memoranda to be submitted to the Powers and Privileges Committee. I also asked hon. Members themselves to give us either memoranda or appear in person before the Committee. I am informed by the Clerk that a circular has been sent to all hon. Members. That notwithstanding, hon. Angwenyi, I think the Kenyan people also own this Parliament and we must hear them as well. Do not worry about discipline; you will not die if you become disciplined.

Mr. Raila: Thank you, Mr. Speaker, Sir. I would like to begin by making a few remarks about the Presidential Speech, regarding the constitutional review process. The President did urge this House to speed up the

process of passing the Constitution of Kenya Review (Amendment) Bill, so that the very important process of reviewing our Constitution can begin. I want, in this regard, to congratulate the Democratic Party of Kenya (DP) for having accepted the terms for the merger of the two review processes. In doing so, the DP has shown a sense of patriotism; that they can disagree on principles, but when conditions change, they are willing to review their position. I have always held the view that the Ufungamano Initiative was a genuine attempt to find a solution to the stalemate that dogged the constitutional review process; that whereas some were trying the other side, we were also trying this other side. I have always expressed the conviction that, ultimately, we were going to come together as Kenyans. This is now almost being achieved with the DP agreeing to join the merger process.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I would like to caution about what has been said time and again, about liberalisation. There is a view somewhere outside there that liberalisation is a panacea to all our economic problems. I hold the contrary view. If that were the case, there would be no need for quota systems that have existed for a very long time in the developed economies. When we have a quota system imposed on our coffee, tea **[Mr. Raila]** and other goods which are not produced in those countries, it is not because they are trying to protect their own markets. We, as a country, must first look at the interests of our own people. Nobody wants to turn back to the regime of controls that we discarded some years ago. But if the players in the market refuse to play by the rules of the market; by allowing the market forces to determine allocation of resources, then, we must tame them by introducing certain regulations. If certain multinational corporations go and form themselves into a cartel with the sole purpose of exploiting our people, it is the responsibility of the Government of the day to take action and ensure that people are protected against exploitation by multinational corporations. We are not talking about going back to price controls; we are trying to introduce regulations, so that all the players in the market behave responsibly.

The state of the sugar industry in this country is sorry indeed. Most of our sugar companies that are still functioning are operating almost below the market range. This is because of liberalisation. We have allowed ourselves to enter into certain agreements resulting in dumping of cheap sugar into our markets, for which no duty is paid and this is actually killing our sugar industries. As it has already been said, Chemelil, Nzoia, Mumias and Sony which are the only functioning sugar factories are limping. However, the saddest thing is that Miwani, the oldest sugar factory in our country, is now closed and the same goes for Muhoroni. These two factories are closed and economics made in the World Bank and IMF says: "Look, these factories are inefficient, the production costs are too high and that is why our sugar cannot compete against imported sugar from the other COMESA countries; and so in order to reduce our production costs, close some of these factories and expand some; close Muhoroni and Miwani so that we expand Chemelil." That kind of economics does not look at the farmer's interests. What is going to happen to that farmer in those far-flung areas, that is Zones "E", "F" and so on, who will end up getting nothing at the end of the day? How are we going to fight poverty if the farmer produces cane, supplies it to the factory and at the end of the day he gets nothing? Farmers in these two factory areas have not been paid for their cane for the last two years. They have produced the cane, supplied it to the factories, it has been milled, the sugar has been sold but the farmers have not been paid. Something ought to be done urgently.

Mr. Temporary Deputy Speaker, Sir, recently we lost 54 people in Embu Town in an incident which would actually qualify as a murder. These 54 people died because of consuming contaminated water from the Rupingazi River. This was because the local authority in Embu Town was discharging sewage into the river. This is something that should never be allowed to happen because it amounts to murder of innocent Kenyans. I want to say that whereas the 54 people in Embu are already dead, we are here in Nairobi City sitting on a time bomb. This is because a similar incident to that one of Embu is imminent in Nairobi, with much graver consequences, because if it begins here, we are going to lose not 54 people but thousands of people. This is because the City Council is incapable of providing the services for which the residents of this city are paying money. Why do we have water rationing in Nairobi? The reason given for water rationing for the last six months was drought which led to water shortage. After heavy rains in December, January and February, water rationing still persists in Nairobi. Why? This is because the Nairobi City Council has not taken measures to protect the water supply system to the City and only 40 per cent of the water that is treated in the treatment works of the City Council ends up in the city; 60 per cent of the water is being used to irrigate lands outside the city boundaries. The roads in our City are in a sorry state. Some of them have got potholes large enough to accommodate dead bodies and nothing is being done about it.

Mr. Temporary Deputy Speaker, Sir, therefore, whereas I am directing my searchlight to that side, I also

want to bring it to this other side. In the multiparty era, when local authorities are under the controls of certain political parties, the political party that has majority of councillors must take responsibility for the management of that authority. When things go wrong, then that political party must also take the blame. In Nairobi City Council, more than 50 per cent of the councillors come from the Democratic Party. So, I want to urge Democratic Party to see it as their responsibility, like we have done in Kisumu.

Mr. Temporary Deputy Speaker, Sir, the NDP decided to take the responsibility in Kisumu Town and I am proud to say here that Kisumu today is the cleanest town in our country. We have water, no potholes, the water is flowing in the taps and we are dealing with the issue of the sewerage. So, we would like the DP to tell us where the Central Government is interfering. Let them tell us today if it is due to interference by the Central Government. However, if they cannot come out and tell us that it is interference by the Central Government, then they themselves must take responsibility when their councillors are grabbing land in the town, garbage is not collected and the town is filthy and when the sewerage bursts. They must be able to accept the responsibility.

Mr. Temporary Deputy Speaker, Sir, finally, recently the visa system was re-introduced. I would like to caution the Government---

[Mr. Raila]

With those few remarks, I beg to support.

Dr. Anangwe: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my Maiden Speech from the Back Bench.

(Applause)

I wish to reassure the House that I am part and parcel of this House. I intend to take an active and vocal role. I will move Private Members' Motions, ask Parliamentary Questions, contribute to debate and vote with KANU on the Government side. I know when a Member of Parliament is placed in a predicament like mine, there are those who think that "here is a foot-loose Member" and a catch. I am not available. On a light note, may I draw your attention---

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

Dr. Anangwe: It is a Maiden Speech. On a light note, whereas ordinarily we tend to think there is a Front Bench and a Bank Bench, I do realise on coming to the latter, that it has also been appropriated on a regional basis and so I had to take a lot of trouble trying to find space for myself.

Mr. Temporary Deputy Speaker, Sir, let me come direct to the Speech by His Excellency the President and say that it had the right thrust in terms of the issues that it raised. This is because these are issues which concern all of us as Kenyans. They are issues related to the slow growth of the economy, regional integration and globalisation, legislative agenda as well as constitutional review.

Mr. Temporary Deputy Speaker, Sir, the issue of slow growth of the economy is a matter of concern to everyone. It has to be a matter of concern for all Kenyans and hon. Members. Therefore, it should not be seen as the responsibility of the Government alone to bring economic growth back on the right track. This is largely because, unless we correct things now, we will all be in big trouble. Unless things improve, we risk having a stagnated output of the economy, deterioration in financial market, currency depreciation and capital outflow to foreign countries. Therefore, as the hon. Member for Butere, I would appeal for concerted efforts on the part of everyone here, notwithstanding the party to which one belongs, to make a contribution in terms of solutions and commit our constituents and ourselves as individuals to finding the right solution. Most of the issues which confront us in relation to the economy will need our concerted efforts in line with what the President said. I am sure if we all work together, we should be able to find the right solution.

Mr. Temporary Deputy Speaker, Sir, on the issue of no growth rate, I know the Government has put in place strategies and mechanisms, but they have not yielded dividends. When you apply a solution and you do not find the right response, it is really necessary for one to re-examine whether or not that particular solution is yielding what it ought to have yielded. It is high time we went through a process of rethinking in terms of strategies. I know the Government has put in place strategies in terms of gross investment. It has already said that it would like to improve gross investment from 16 per cent of GDP to above 25 per cent. However, within these strategies, the Government does not seem to streamline the role of public investment. Much of the responsibility is being placed on private investment in terms of both indigenous and foreign-directed investment. I think that is where we may be going wrong. Regarding indigenous investment, although we have put emphasis on this particular aspect, I would like to caution the House that indigenous investment in this country is only a small part of the total investment that we need to mobilise. Indeed, at Independence, we did not have a full fledged indigenous capitalist establishment. We did, of course, begin to develop it after Independence. However, it has not been nurtured to an extent where it

can take up the responsibility of being the motor of investment in this country.

On the issue of direct foreign investment, I have always argued, and I will still argue, that a foreign investor will not come to our country unless the climate itself is good and already there are proceeds to be yielded. Foreign investors are like vultures who come in when the kill has already been made. They do not participate in creating wealth. They only come in to benefit from the wealth itself. So, in spite of the conducive economic environment we have put in place, still the response from direct foreign investors has been very poor. This is largely because they only come to benefit when they see that wealth has already been generated. Therefore, the responsibility to generate wealth falls on the indigenous capitalists themselves or the public sector. I see a role for the public sector because it is in harmony with the normal economic development theory. I know many of our development advisers have discouraged us from increasing the public expenditure or giving a role to the public sector in economic development. I disagree from a purely academic point of view. This is because there is no country in the world where the public sector, and even public investment, does not play a role at all. Secondly, given the level of our development and nascent nature of the private sector, we may not go far. That solution may be relevant to other developed countries where the private sector is fully-fledged. But here where it is not fully-fledged, that would be the source of our problems.

[Dr. Anangwe]

Therefore, I am not saying that we must increase public investment in order to crowd out the private sector. It is a question of what combination and which forms of private investments we should adopt. Here, in particular, we should encourage public investment in infrastructure and provision of public services such as education and health. This could provide a motor for change, particularly if this public investment is large enough to warrant changes in the way the economy is performing.

I know that in the past we have placed a lot of emphasis on aid from our development partners. But there is a limit to which this particular approach to development policy can yield fruits. We have case studies conducted, where donors have been active for the last 20-30 years, but there is no single case that succeeded in uplifting people from below the poverty line to above the poverty line. In fact, cynics would tend to suggest that in many cases people have become poorer because of their dependence on foreign aid.

Mr. Temporary Deputy Speaker, Sir, on the legislative agenda that His Excellency the President did present, I would like to emphasise on one aspect of the Sugar Bill. It is a matter of interest to my constituents and most people from Butere/Mumias District. For us, sugar cane is a matter of life and death. Our people cannot go to schools, hospitals or even buy food without the earnings from the sugar cane. So, we need to improve our returns and protect the earnings of the farmers. We also need to improve the profit margins so that these farmers can move away from poverty. As things now stand, we seem not to have made much difference in the poverty levels of our people in that particular district. Most people have planted cane since 1973 in Butere Mumias, but if you go and ask them what gains they have made in terms of their general welfare, they cannot tell you. They are kind of engaged in market subsistence in the sense that, instead of producing maize itself, they have to produce a certain cash crop called sugar cane so that with the proceeds, they end up buying the same maize. They are not able to generate any surplus that they can invest in farming activities and in big buildings, among other investments. If you go to Mumias, many of the large investments are not by indigenous people, but by people from outside who have brought in their money, so that they can take advantage of the opportunities available. We want a fair deal for farmers in Butere/Mumias District.

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

Mr. Donde: Mr. Temporary Deputy Speaker, Sir, thank you for giving me time to say a few things on the Presidential Address. be paid a better. On a day like yesterday, we normally expect to hear the Government programme which will have to carry us throughout the year. I know most hon. Members, and members of the public, were waiting to hear what programmes the Government has for them to uplift their social and economic welfare. I would like to start by saying that the biggest problem that we have in Kenya is failure to observe our own laws. This has gone on for such a long time that it will be difficult to bring this country back to order.

Mr. Temporary Deputy Speaker, Sir, I remember the time when my father first brought me to this City in 1956. I was eight years old then. We came by train and when we reached Nairobi we went up to where my father stayed in Kaloleni. During that time you could not even allow your dog to roam. Every dog had a collar on which its number was written for example, 1582. The name of the dog's owner was also written, for example, Joe Donde. If that dog was found roaming in the streets, they would look at the collar to see the name and number, then they would come to you and ask you why you left your dog to roam in the streets. If that dog did not have a permit, it would be exterminated. You could not see people preparing food without a public health officer coming to ensure that the food was prepared hygienically. These were simple by-laws of this country which made life easy and people lived in a clean and healthy environment. Currently, this is not the case.

If you have a country where simple by-laws are not being observed, it will be difficult for people to observe the laws given in the Constitution. I would like the Government to take this seriously. The Government has totally lost control in keeping order in Nairobi City. You will find that the City Council and the Ministry of Local Government are allowing people to set up cooking places anywhere. As a result, poor Kenyans go to eat in these places and they end up having very many diseases. If we want to preserve order in this country, we must start by observing the by-laws of local authorities and the laws of this country as given in the Constitution. I would urge the Minister for Local Government to try and sit down with the local authorities so that we can see how we can bring order into our towns.

A long time ago we used to wake up in a clean City. The City Council would make sure that the city was clean the whole night. When Nairobians woke up they went into a clean City. These days nobody bothers to keep this City clean, to collect waste or about public health. People are just left to their own devices. We are entering a very dangerous era. As the towns become crowded and the local authorities lose order, it will be very difficult to restore order in this country unless we start to observe the laws of this country now, so that we can raise healthy families.

[Mr. Donde]

The security of this country has been the concern of most hon. Members. The police, in whose hands security has been entrusted, are not being paid properly by the Government. I would ask the Government to try and see how our police officers can be paid better salaries. You cannot pay a policeman Kshs4,000 a month and expect him to deliver proper security to the people of this country. I would urge the Minister in charge of security to look into the issue of the police. I am sure the House would be too happy to pass the Budget which will make sure that the police are paid well so that they can do their work properly and secure our homes and streets. It is important that we look into the issue of better salaries for our policemen who are given the responsibility of keeping order.

I would also urge the Government to look into the retirement age of Kenyans. At the age of 55 years, people are too young to be retired. I am nearly 55 years old now. If I was working in the Government I would retire in the next couple of years. I would urge the Government to increase the retirement age from 55 years to 60 years, the way the Parliamentary Service Commission has done. At 55 years, a lot of people still have families to look after and they are still responsible for ensuring that their children have finished their education. I would urge the Government to increase the retirement age to 60 years so that people can retire at a time when their children have attained a level of education that can sustain them through life.

I would like to speak on the issue of money which people have kept abroad. We have been urging them to return that money to this country so that we can build up the economy. We know some people have kept the money outside and we would like to encourage them to bring that money to this country. If nobody has complained that they have lost any money outside Kenya, it is unfair for the Government to deny a person access to his money without any proof that it is drug money. Let us encourage Kenyans who have money outside to bring it back. This is what we have been saying for a very long time because we know a lot of Kenyans have money outside. Let them be allowed to bring that money back to this country to ensure that the economy grows, whether they got it illegally or not. Let us not frustrate people who are bringing money into the country unless we have proof that, that money was acquired through illegal deals. If we start putting impediments in the way of people who are bringing money into this country, those with money outside will find it difficult to bring it back.

Let me talk about agriculture. In Kenya we seem to forget that agriculture is the backbone of any economy. The European Economic Commission (EEC) was established to deal with problems afflicting the agricultural sector. Seventy per cent of the EEC put emphasis on agriculture. We are pretending here that we can leave our farmers on their own to compete with other farmers from outside. It is not possible. I would urge the Minister for Agriculture to come up with a programme on how we can support agriculture in this country. There is no country in the world which does not subsidise agriculture. Let us make sure that our farmers have seeds and fertilisers. We should help them through the entire production process until they can grow enough food to sustain this country. Let us not pretend that we can liberalise the agricultural sector and leave farmers on their own. It has never happened anywhere and, therefore, it cannot also happen here.

Let us wake up and make sure that we look into agriculture as the only way in which we can sustain this country and make us move forward. I would ask the Minister for Agriculture to try and see if he can set aside money to help the farmers of this country. I am sure this House will have no problem at all passing their budget because we have only two key Ministries. We want a healthy family. We would like the budget for keeping a healthy family and the one for agriculture to be as large as possible. We can take a little money allocated to other sectors and invest it in agriculture and health because without a healthy nation we cannot advance. As a Member of Parliament, I am aware of the high rate at which we are burying our fellow Kenyans because of poor health and because they do not have access to medicine. The Ministry of Health is not sparing enough money to improve the health of the nation. I would

urge the Minister for Health to come up with a programme where we can have sufficient money to take care of the health of Kenyans. I am sure that all Members in this House will be too happy to make sure that, that money is made available so that we can have a healthy family. Given the high rate at which Kenyans are dying, the future of this country is very bleak. It is important that we put a lot of emphasis on agriculture.

With those few remarks, I beg to support.

Mr. Kaindi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

I want to start by thanking His Excellency the President, for having highlighted some of the issues that affect this country. I also want to make my comments on some of the highlights that were raised in the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, of importance to me is the food security in this country. We have talked about drought over and over again, year in, year out. If there is one Ministry that does not get its priorities right, it is the Ministry of Agriculture. This is because, to be secure on food **[Mr. Kaindi]** production, we must harness water which is the most important resource. We cannot keep depending on rain-fed agriculture. We must improve and harness our water resources so that we are able to use irrigation as a bench-mark in order to irrigate our farms and supplement the rain-fed agriculture. Without that, we shall be talking about food security in this country, but that would be just a dream.

Mr. Temporary Deputy Speaker, Sir, a couple of months ago, we had plenty of rain, particularly in the eastern region of this country, for instance, in Machakos, Kitui, Mwingi, Embu *et cetera*, where all the rain water went to the sea without being conserved. Very little effort is being made to utilise the naturally God-given rivers, by way of construction dams so that we can store a lot of water in those areas, which can be used for agriculture, particularly in the horticultural sector, during the dry season. I, therefore, urge the Ministry of Agriculture to move with speed and construct many dams along the rivers, particularly the Athi River, which passes through Ukambani, the

Tana River and others, which have God-created natural catchment areas. You really do not need to expand the river banks, you will only need to dam the rivers and create man-made lakes that can be utilised by the farmers during times of drought.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Ministry of Energy. A couple of months ago, this country was rationing on food, electricity and we were also rationing almost everything. It seems as if we were almost going to ration our lives. I think the HIV/AIDS scourge is almost participating in that respect.

The Ministry of Energy should come up with a comprehensive and detailed policy on how they are going to address any would-be power failures in this country. We know that rain has come back and we also know, through information given to us, that we do not have sufficient water in Masinga, Gitaru and Kiambere dams, which can sustain our power output for the remaining part of the year, particularly, if we do not get the long rains. Therefore, it is incumbent upon the Minister concerned to come up with plans which can show Kenyans that, we will never have rationing of electricity again. This is because the informal sector depends on the power sector. Unless we provide them with enough energy, they will not be able to support their families. Therefore, the eradication of poverty which we are talking about would merely be a dream.

Mr. Temporary Deputy Speaker, Sir, a week ago, we nearly had a fatal accident at Athi River. I did ask the Minister for Information, Transport and Communications about the report that was made concerning the train tragedies in this country, for instance, at Ngai Ndethya and Athi River where we lost so many lives. We know that we are experiencing a lot of disasters in Western Kenya.

Last week, we had another train derailment in Athi River. The wagon which was involved in the derailment was also carrying gas and it was just fortunate that another explosion did not occur the second time. What policy is the Government putting in place, and particularly the Ministry of Information, Transport and Communications, to ensure that the gradient in Athi River region is reduced in order to minimize the number train accidents in that area. This is a challenge to the Minister for Information, Transport and Communications.

Mr. Temporary Deputy Speaker, Sir, a colleague has just talked in this House about the issue of bringing money into this country. I think it is Government policy that, Kenyans should bring money back home so that we can help salvage this economy. But what happens when one individual tries to bring that money back? We do not want to deal with matters in court, but we are saying that, if the Government is sincere about asking Kenyans to bring back money to this country, then there should be no conditions. If there are conditions, let them be put in black and white so that the Kariukis of this world can know that, if you have to bring money back into this country, in fact, you have to be arrested and be taken to a police station to prove the source of your money.

Mr. Temporary Deputy Speaker, Sir, Kenyans who have not looted taxpayers' money and are keeping their wealth elsewhere in Europe, are finding themselves in difficulties in the manner in which they are supposed to bring

money into this country. There must be a clear policy on this issue! If I make money in Switzerland, why can I not bring it to this country? If I loot the taxpayers' money and I want to take it out, am I the hero? I think we must be very clear on the matters we are dealing with so that we can encourage Kenyans to bring their well-earned wealth from abroad to this country.

If you look at the Gross National Product (GNP) and Gross Domestic Product (GDP); you will see that a country like Israel depends on GNP from its nationals who have invested in other countries of the world. As a matter of fact, 30 per cent of the total revenue for Israel comes from the nationals who have invested in South Africa; in diamond mining, in the Americas in the wine industry and the whole of Europe. However, when one Kenyan brings Kshs2 billion back home it is a big story. Why can we not encourage ten or 20 of them to bring their money back into this country?

Mr. Temporary Deputy Speaker, Sir, I also want to talk about *El Nino* Funds. Although we are [Mr. Kaindi] coming to the end of that period, it just appears like Machakos District did not experience any disasters caused by the *El Nino* induced rains. We do know that we suffered disasters caused by *El Nino* induced rains. Our roads and infrastructural facilities in that part of the world are in a pathetic situation. Many districts benefited from the *El Nino* Programme. Why was Machakos District sidelined from benefitting from that programme? For instance, in Athi River where I come from, the roads there are in a despicable state and yet we cannot get any money! I keep on asking myself, "must we defect to get the rightful share of our tax?" Never! The Government must be very sincere and come out with a programme, if funds are available, and address all the problems facing the whole country.

Mr. Temporary Deputy Speaker, Sir, we brought the Kenya Roads Board Bill so that we can equitably distribute the funds in our roads sector. As I contribute here today, the Minister says that: "We have disbursed Kshs1 million to every constituency". I was in Machakos District an hour ago and they have not sent any money there! I think we must be clear on this issue. The Minister gives directives but his officials do not do anything. What is the Government doing to address that imbalance?

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the Kenya Meat Commission (KMC). The KMC is at the heart of my programmes in Athi River because the livestock sector cannot grow, if you do not have a livestock factory like the KMC, fully furnished by Mitsubishi Corporation and made fully operational.

Last year, I brought a Motion into this House about the KMC and the Minister categorically said that, "in three months time the KMC will be re-started". As matter of fact, before August last year, the KMC would have been re-started. Since then nothing has been done and yet the Minister has not come here to explain to Kenyans why they have not re-opened the KMC. The truth of the matter is that, there is in-fighting in the Ministry of Agriculture! Two officials, who are supposed to be Permanent Secretaries, are fighting. These are the people who are frustrating the efforts of Kenyans, particularly, the pastoral communities, in re-starting of the KMC.

Mr. Temporary Deputy Speaker, Sir, a week ago, I talked to the Minister for Agriculture who said that there are a lot of private businesses going in on the Ministry of Agriculture. What is the Government policy on this matter? As far as we are concerned as Parliamentarians, the Government should bring a Sessional Paper to Parliament so that we can write off those debts in order to re-start the KMC since it is the backbone of the livestock sector. Without doing that, we will keep on talking about the livestock sector and we will not get anywhere.

I also want to air my sentiments concerning the industrial sector. With regard to the concept of African Growth and Opportunities Act (AGOA), I was in Washington DC last year in the month of October, and there was a lot of talk about how exciting AGOA was going to be to the countries of the Third World, Kenya included. We did raise, with the officials of Washington, the issue of imbalances in the number of commodities that were being accredited to countries like Kenya. We particularly raised the concern on coffee and tea, which had been excluded at that stage. It was clear at that point that, Africa and particularly Kenya, would really benefit from AGOA. But why then do they have to bring conditionalities, when we have moved so many steps ahead and after discovering that Kenya can export a lot of tonnes of coffee, cotton and tea. The Government is supposed to be clear and sincere on this matter. If it is a policy to address the Third World countries, let it be a policy that can benefit all countries. I think, as a country, we need to benefit from AGOA.

Mr. Temporary Deputy Speaker, Sir, I also want to talk about the issue of visa fees, which most Kenyans have been talking about. If you go to Switzerland, you will find that nobody cares about dollars when they are coming to Kenya. It is not the visa fees that they are disputing, it is the bureaucracy involved in getting the visa. It is not the question of money! A tourist who has planned to visit Kenya has already set his package. Thirty dollars will not stop him from coming to Kenya nor will they make Kenya a more expensive country. No! What will make them get worried is the number of days and the bureaucracy involved when you want to get your visa! This is what they are challenging and I think tour operators must come out clear and tell the world and Kenyans where the problem is.

Lastly, I would like to raise the issue of the constitutional review process. At times I wonder why all these things are happening. Look at what is happening at Ufungamano. For example, who represents my party in

Ufungamano? Is it the NCEC officials or is it Members of Parliament? Who will really represents a party like ours and who talks for who? I think we must be very clear when we are talking about issues. This is because a lot of us believe that, without the constitutional review process taking place, this country will not move forward. We have found that we must have a constitutional review process in place.

With those few remarks, I beg to support.

Mr. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity, to air my views on the Presidential Speech, that was presented by His Excellency the President yesterday. **[Mr. Kariuki]** We are very good in making very beautiful policy papers. But, ultimately, they end up in the archives. I hope this one will not end up there. It is a beautiful Speech. It has addressed the major issues that affect our nation. But, unfortunately, implementation of the same is difficult or lacking. I think His Excellency the President is not being supported adequately by his Government; that is the Ministers and others, to ensure that whatever he talks about is implemented. That is because, although the Speaker talked about the aspect that he is not in charge of implementation, this House ought to have an Implementation Standing Committee, so that we can ensure that whatever is passed in this House is implemented. We are letting Kenyans down by not doing what is put on policy papers by the Government, or what is pronounced through presidential directives. The Speech is good, but it lacks a few things that ought to have been addressed.

This country is suffering from unemployment, particularly with regard to the young people, who are leaving the universities, high schools and other institutions of higher learning. Unless we create jobs for them, the consequences will be disastrous to this nation. The consequential effects of insecurity, drug taking and other anti-social tendencies by the unemployed youths, will have a disastrous effect on our economy. Job creation is a major challenge to all of us and more so, in areas that have got potential for development.

For instance, sectors like agriculture or industry have very high development potential, and could create a lot of jobs for our young people. But, unfortunately, the Presidential Speech did not address the area of industry and agriculture. A lot ought to have been put across, on how we should enhance agriculture. It is true, as the previous speakers have said, that areas like sugar, coffee, tea and rice have not been fully exploited because of the bottlenecks that are created by the Government. Rather than motivating and encouraging the farmers to produce whatever is required so that they can enhance production, a lot of impediments are created by profiteers who would like to make a kill, without caring about the plight of the farmers. It is very unfortunate that the farmer has become so disappointed and disillusioned that, as a result, he has deserted production of some of those products. Unless we enhance productivity, we will end up becoming a net consumer society, whereby we will rely on handouts and begging from the development agencies and other donors. We have a very beautiful country, which has the capacity to feed its own people. But you find that, anytime we have a drought or famine, we go begging all over the world! As the previous speakers said, the rivers of this country are not properly harnessed. They pour their waters into the seas and lakes of this nation. So, the challenge is on us. I do not think we should depend wholly on donors for handouts. We should harness and develop what we have. We are not doing that as a nation. We should blame ourselves! We should not keep on lamenting about the International Monetary Fund (IMF) and the World Bank by saying that they are not helping us. We are not helping ourselves. We are not putting a challenge to our own people to produce. When they produce, we should not let them down by importing. Import substitution should be the last resort. We should not import first and then talk about enhancing our own local industries. I think that should be stopped!

Mr. Temporary Deputy Speaker, Sir, the other issue that was not adequately addressed is deforestation, excision of forests, hiving off of land and giving it out. To me, that is a very unfortunate development which should be stopped. The Minister for Environment, Mr. Nyenze, does not own the forests! He should consult this House before any de-gazettement of forests is done. No single Minister should take it upon himself to assume that he could go excising forests at will! The forests belong to the nation. The heritage of the nation depends very much on how we conserve the forests. It is important that the gazettement of such lands should be centred on public opinion. We are ignoring the people. The people are becoming very disgruntled with the Government, for taking decisions which are against their wishes. The forests do not belong to the Government alone. They belong to the 30 million Kenyans. Nobody should touch those forests without consulting the 30 million Kenyans!

Mr. Temporary Deputy Speaker, Sir, we are worried about the manipulation of justice in this country. The courts of law are being used to frustrate the efforts of this House. When the Kenya Anti-Corruption Authority (KACA) and the Kenya Roads Board (KRB) were created, the next body to frustrate the efforts was---

QUORUM

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there a quorum in the House?

The Temporary Deputy Speaker (Mr. Imanyara): No, we do not have a quorum. Ring the Division Bell!

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): We have a quorum now. You may proceed, hon. Kariuki!

Mr. Kariuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir. As I was saying, this Government has let us down in the sense that, it does not implement the beautiful policies that it pronounces. The time has come for Kenyans to expect the Government to perform. It should not just be a "talking Government."

Mr. Temporary Deputy Speaker, Sir, the President's Speech did not address areas like infrastructure. Roads are badly degraded, to the extent that the cost of transportation has become very high, to the industrialists and other road users. We cannot encourage new investors to invest in this country, unless we improve our roads. It is unfortunate too, that when we talk about insecurity, we do not target on the cause of the problem. The police are not well trained. They are badly comprised. They are the most corrupt lot of this country's public servants, because they are not adequately remunerated. Their salaries should be reviewed, so as to reduce corruption amongst them. I believe that if they are adequately remunerated, they will stop demanding bribes.

Mr. Temporary Deputy Speaker, Sir, in the same breath, I would like to point out that the police have let us down badly. Some police officers seem to be trigger-happy. They are very good at harassing members of the public and shooting at them at will. Rather than arrest and arraign suspects before court, they use their guns on them, not to maim, but to kill. There should be in place an independent Government organ, to police on the police. A unit that is totally detached from the Commissioner of Police should be in place to monitor police operations and make inquiries when police shooting occurs. Otherwise, the reputation the police have gained for themselves in this country is very bad. The image of the Police Force ought to be improved by ensuring that police officers are also disciplined. Currently, the situation is getting out of hand.

I would like to concur with previous speakers, who touched on the issue of criminalisation of the act of bringing money back into this country by some people. It does not mean that every Kariuki returning his money back into this country is a criminal. Some Kariukis are very hardworking. I do not believe that attempts by the Kariukis to bring their money back into the country should be criminalised, while crooks such as the Pattnis and the Somaias do so without being questioned. Why is an attempt by an individual, such as Mr. Humprey Kariuki, to bring his money back into the country being criminalised? Is it because of his colour and creed? There is prudence in the decision by some Kenyans to bring their money back into the country. So, we should not discourage them from doing so.

I would, in fact, like to urge those hon. Members on the Government side, who have a lot of money in Switzerland and in other overseas countries, to bring it back. I would like to encourage my friend over there, who has a lot of money in Switzerland, to bring it back.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. While talking about people who have money in Switzerland, the hon. Member said: "My friend over there", directly pointing a finger at me. I would like to point out that it is against the Standing Orders of this House for an hon. Member to mislead the House. In fact, the hon. Member has more money than I do.

An hon. Member: Where? He is admitting!

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I did not point a finger at any particular person. But if his conscience pricked him, and he happens to be the one, I am sorry for his disposition.

Mr. Temporary Deputy Speaker, Sir, if I may continue with my contribution to the Motion, I would like to state that liberalisation is acting against the interests of this nation. One of the Ministers has articulated the importance of liberalisation and the effects of the interplay of market forces in establishing an equilibrium and determining the areas to which resources should be allocated. I would, however, like to point out that, that concept can be extended too far. Africa, and Kenya in particular, is not developed enough to buy this concept as and when it is imposed on it by the Bretton Woods institutions. We should, cautiously, apply these controls. I believe that the citizens of this country have options and rights. For instance, controlling bank interest rates would be in the interest of the Kenyan public, and not in the interest of multinationals. It is some of the huge commercial banks operating in the country whose parentage elsewhere is complaining. We should not complain. Instead, we should protect our people.

With those remarks, I support the Motion.

Mr. Parpai: Thank you Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to the Motion on the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, I would like to start my contribution by saying the Presidential Address was well prepared and nice to hear. In fact, it was reconciliatory. If what is contained in the Presidential Address is implemented, this country will be heading to where Kenyans would want it destined to. I would, however,

like to point out that Kenyans are used to listening to such addresses. Every time the President or Ministers present written addresses, they present addresses that Kenyans would like to listen to. After such presentations, since they are written, the addresses are put on shelves to gather dust, and what **[Mr. Parpai]** is not contained in such addresses is what is implemented. I was very impressed that, during his off-the-cuff address, the Head of State told us what he personally thinks is good for Kenyans. What is contained in his written address is what we have been hearing from him since he took over the mantle of this country's leadership.

Mr. Temporary Deputy Speaker, Sir, as I said, the Presidential Address was beautiful. In fact, what moved me most is his statement that we must try as much as we can to tolerate differing views. Ask yourself whether that is what is happening in this country today. Some Members of Parliament cannot hold *Harambees* or public rallies in this country, because they hold different views from those of people in the current system. If that is the case, why should one tell Kenyans to do what he does not believe in? It is high time Kenyans were told what their leaders believe in. It is even more honourable for one to ask Kenyans to toe the line and do as he says rather than say that he is prepared to accommodate their views when he is not.

Mr. Temporary Deputy Speaker, Sir, let us not lie. Leaders in this country have the tendency of saying that Kenyans have not understood them well when they are, in fact, the ones who have not understood Kenyans well. Kenyans are 20 kilometres ahead of some of those leaders. Really, Kenyans know who they are. Even before one stands up to address the people, the people already know what that person wants to say. They know what that person's speech means, and are prepared to even---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. While referring to the Presidential Address, hon. Parpai said: "Let us not lie". The President spoke like one of us in this House during his Address. Is it in order to use such unparliamentary language? Should he not be asked to withdraw the word "lie" and apologise?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Parpai, the language you have used is unparliamentary.

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, I will not spend even a single minute on that issue.

The Temporary Deputy Speaker (Mr. Imanyara): Did you use the word "lie", Mr. Parpai?

Mr. Parpai: Mr. Temporary Deputy Speaker, Sir, I do not even remember the word I used. If I used that word, I would like to withdraw it and apologise.

Mr. Temporary Deputy Speaker, Sir, I would like to state that it is not right for one to tell Kenyans things he does not believe in. It is, in fact, immoral to do so. I would even go further to say that leaders in this country, some of us here included, like belittling Kenyans. They say that Kenyans do not understand them. I would say that such leaders are the ones who do not understand Kenyans.

School enrolment in my constituency has gone down. There are no adequate teachers, chalk, pens or anything else. The same is the case in hospitals. During the rainy season, I cannot even go home due to bad roads. So, who understands who? Kenyans would want to know the person responsible for all these problems. Is it Members of Parliament or the Government? The Government must come out clean on this and tell us where the tax money collected from Kenyans goes to. Is the tax money collected from the public not sufficient for the funding of road repair works, teacher employment and buying of drugs for our hospitals? If that happens, we will understand our leaders in the Government.

Mr. Temporary Deputy Speaker, Sir, I would now like to talk about local authorities. What is required in this country, first and foremost, is to give autonomy to local authorities. Today, employees of local authorities are employees of the Public Service Commission. They are not under the councillors. The budget for local authorities have to be approved by the Minister for Local Government. Subdivision of land, change of users and allocation of plots are done by the Government. Where do the councillors come in? In fact, if I were a councillor today, I would just resign and wait for that time when that autonomy will be there. The local authorities are being run by the Ministry. There is nothing the councillors do there and even their simple proposals have to go to the Ministry and they will be only approved if they conform to what the system wants. I am saying this because blame has been apportioned to local authorities.

I have worked with a local authority for 22 years and I know what it means to do that. There was a time when local authorities were local authorities, but today they are not. They are just a department of the Ministry of Local Government. When I was working with a local authority, I was an employee of that local authority. Today, nobody is an employee of the Council: Everybody is an employee of the Public Service Commission. So, who is to blame? If the Government has failed, it should come out clean and say that it has failed, and give autonomy to the local authorities. It is then that we can gauge the local authorities' competence. Today, when we look at the local authorities, we see the Minister as the one running them. This is why day in, day out, the Minister gives directives that do not work.

Mr. Temporary Deputy Speaker, Sir, I want to talk about eradication of poverty, especially in pastoralist

areas. When we talk of eradicating poverty in pastoralist areas, what are we talking **[Mr. Parpai]** about? The Kenya Meat Commission (KMC), which would have assisted us during the drought when our animals were dying and being grazed even in Parliament grounds, is inactive and yet we say that we have a Government that takes care of everybody equally. To date, nothing has happened to KMC. The Minister keeps on giving statements that the KMC will be opened on this or that date. During national days, we hear of dates when the KMC will be in operation. Two weeks ago, the Minister said that Kshs400 million had been given. This Kshs400 million was given to the KMC five years ago. Why does he mislead Kenyans? The Kshs400 million that was stated to have been given by Mitsubishi Corporation to KMC, was actually disbursed five years ago. Without KMC, livestock farmers will never come out of the problem they are facing now. Now that the number of our animals has diminished, what is the Government doing? We want the Government to re-stock the pastoralist areas. We should assist the livestock farmers, and if we do not, we shall, day in, day out, be asking for relief food. Unless we do that, nothing will assist these poor livestock farmers.

Mr. Temporary Deputy Speaker, Sir, now that the Agricultural Finance Corporation (AFC) is no more, we have Stabex funds. There is a cake there that everybody wants to get a share of.

With those few remarks, I beg to support.

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, thank you for this opportunity.

I want to say that I am happy about the Presidential Address in that it contained a conciliatory tone. I have always advocated that it is high time we showed unity among ourselves in this House. We should get rid of this mistrust amongst ourselves. When Motions are brought to this House, they should be seen as national issues rather than party issues or a single hon. Member's issues. With that tone, we should now forge ahead to bring back the dignity of this House by looking at each subject brought to this House as a national issue rather than a party's or a single hon. Member's issue.

The Presidential Address touched on a number of issues which I would want to concur with, especially when it comes to donor funding by IMF and the World Bank. Funding from these institutions has been a burden on the part of our country. It is high time that we, as Kenyans, prepared a home-grown Budget and projection for whatever we will get locally, rather than depending on external funding. There will come a time when we will not need these people. I am so bitter about that because we collect a lot of money quarterly, but we still do not bring down our expenditure to a level which we can accommodate. This burden from the World Bank and IMF is too heavy for us. It is high time that we budgeted according to our revenue so that we off-load this burden from IMF and the World Bank. They give us so many conditions which, as a young country, we cannot meet. Whether we wrote the conditions ourselves, or did so with their assistance, we put a rope around our necks, and, therefore, we cannot come out of it.

Mr. Temporary Deputy Speaker, Sir, we retrenched many civil servants, but we did not take care of what they would do when they got back home. The President is very much concerned about the welfare of Kenyans, but what are we doing about that? I would want to see this Government putting a lot of money in its Budget for rural electrification programmes in this country. I am of the opinion that we had better stop all the infrastructure programmes and other projects that are not income-generating in this country, so that we can put all our efforts and resources into rural electrification programmes. This will assist the retrenched people to do some welding works in their respective rural areas. They can also do any other mechanical job, for example, panel beating, in the rural areas. But if we do not supply electricity to the rural areas, we will be doing injustice to the retirees of this country. We will be doing injustice to those who qualify from polytechnics and those who would want to start their own enterprises, so that they can be self-sustaining. The next Budget should focus more on rural electrification programmes.

The President is so much concerned about corruption and lack of commitment to duty by some Government officers. This is pulling us back. In my constituency, there is a complaint. Moi Hospital in Voi was given Kshs5 million for sewerage rehabilitation. Unfortunately, the consultant in the *El Nino* office, who was awarded the tender to do the job, never visited that hospital to see what was happening. The contractor was supposed to instal new plastic cistern tanks, but he brought five old steel cistern tanks to be installed and they never even worked for one day. This contractor later on brought a certificate of completion for the doctor to sign for payment, and I would like to congratulate the Government officer on the ground, Dr. Katingima, who refused to sign the document. I have complained and I am still complaining, but you can see that the funds get drained through fraudulent means. This is what the President keeps on saying now and then. If the Kshs5 million was paid and the work was not done, people of that area, including the Member of Parliament, who happens to be me, would still be complaining that they want the services. This is very unfortunate, taking into consideration that Moi Hospital in Voi is on the Mombasa Highway. I would like to say that so many accidents occur along that road and that is the only **[Mr. M.M. Galgalo]** hospital which could cater for accident victims and casualties. I have complained and I will keep on complaining.

Mr. Temporary Deputy Speaker, Sir, now that the tourism industry has picked up, it is high time hon.

Members of Parliament and other leaders in this country preached peace wherever they go. Personally, I believe that if you have nothing to say in a public rally, please, do not say anything. Just stand up, collect the funds, if you went for *Harambee* and let that be the end, rather than say something which will scare off tourists who come into this country.

(Applause)

I strongly believe in that. If I have nothing to say, let me not say it in public. Let us not raise issues which are not related to the day's function; let us not go to funerals and talk about politics in that function; let us not go to *Harambees*, churches and schools and talk about politics, because the students of that area will not understand what is being said because it is above them. That is where we make a mistake, as leaders; we say things which are not related to the day's function and they scare off investors from investing in this country. I would like to point out that I have been embarrassed by many people; I have been embarrassed by what leaders speak. This is bad.

I would like to say that cattle rustling and all these activities affect the economy of this country. Let us stop cattle rustling once and for all. This should not be a song to be sung day in, day out. This is something which used to happen in the last millennium. Why should it continue into this millennium? What are we doing? I would like to say that insecurity is causing a lot of harm to this country. As much as the President has good ideas for this country, if the officers on the ground cannot implement what he says, then we are doomed and we will remain in that state. The Eighth Parliament should rise up and change the destiny of this country by curbing insecurity and we will be counted as people who made a change in this country.

Mr. Temporary Deputy Speaker, Sir, on the poverty eradication programme which is going on, I attended a seminar which was held at Voi Municipal Hall, which is in my district, but I was not in favour of it being held there. The leaders you see day in, day out are the same ones you see in the poverty eradication workshops. I would like to say that these are the same leaders who have always let down people. If the Poverty Eradication Programme has to work, let those workshops be held at the village level, so that the local people can say what they have in mind, instead of holding them in urban areas. I would like to say that this does not make any impact at all. We are wasting a lot of funds by hosting people in big hotels, such as Voi Safari Lodge, because we do not make any impact at all. Let the workshops be held at the village level, just like we have Sub-Local and Locational Development Committees. That should be the way these funds should be used when it comes to poverty eradication. I would like to say that two or three projects, put forward for funding under the Poverty Eradication Programme, have been rejected because the people there do not own title deeds.

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

Mr. M.M. Galgalo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues to comment on this policy exposition Speech by His Excellency the President. If what the President said is what he meant, then the Speech was good; it called for national unity and working together of Kenyans. But this Government is known to say one thing and do the opposite of what is normally said in public and in their policy books.

I would like to say that this nation is now in economic doldrums and the President has requested the House, both the Opposition and the ruling party, to work together to ensure that the nation comes out of this doldrums. I would like to say that this requires creation of facilities that are geared towards boosting production. The hon. Member who spoke before me, hon. Parpai, said that in the pastoral areas, the mainstay of the economy is livestock and the farmers rear animals. I would like to say that we cannot be expected to be economically self-sustaining when we have no market for these animals. I would like to point out that this Government has no policy for livestock farmers. I would like to say that the Kenya Meat Commission (KMC) has been closed down for almost two or three years. One time, we even made a visit to the present Deputy Leader of Government Business, when he was the Minister for Agriculture, Livestock and Rural Development and he promised us that the KMC would be revived. I would like to inform this House that up to day, the Government makes promises every other month. It says that it will put some amount of money into the revival of the KMC, and yet, it is selling or giving out the KMC land to some looters. This nation cannot be expected to come out of this economic problem when facilities such as the KMC are not being revived and instead they are being torn apart. We appeal to the Government to do something about this situation so that the pastoralists can also survive on their own instead of asking the Government to provide them with famine relief food now and then.

Mr. Temporary Deputy Speaker, Sir, roads [Mr. M.M. Galgalo] do not exist in many parts of this country. Whereas other people are asking for tarmac roads, some of us have been asking for all-weather roads. We have lost the all-weather roads which were built in the earlier days of Independence of this country by Kenyans. We do not have them any more. For example, the Nairobi-Addis Ababa Road was built

to all-weather standards and used to serve the people of Moyale very nicely because you could travel in a day from Moyale to Nairobi. Today, we take three days to reach Nairobi from Moyale because there is no road. In 1984, when I was a Member of Parliament, I used to take 12 hours only from Moyale to Nairobi. Today, I take three days.

Mr. Temporary Deputy Speaker, Sir, how does the President expect the economy of this nation to be revived when important infrastructure like roads, which could promote our economy, are in such situations? Poor roads mean importation of spare parts over and over again because of breakage. We need to build these roads. Due to corruption, road contractors build very poor roads which do not last. Some road projects which are only four to five kilometres long, like the Jogoo Road here, are incomplete. Those of us who stay in the Eastlands cannot reach our homes every day without breakages of parts of our vehicles because the contractor could not finish the road. I appeal to this Government to fulfil its moral duties to this nation by ensuring that the work which is purported to be done is done.

Mr. Temporary Deputy Speaker, Sir, the economy cannot improve in the absence of security. Insecurity in this nation today, even here in Nairobi, is so terrible that every day and night, police exchange fire with armed robbers in the streets. The Government should take this constitutional responsibility seriously. In early January this year, ten people, seven of whom were members of the Police Force which falls under the Office of the President, were killed by Ethiopians in Kiltipe in Moyale District and the Minister of State, Office of the President, in charge of Internal Security, gave four contradictory statements to various media groups in this nation and outside. They were all conflicting and misleading. This is just an indication that the left hand of this Government does not know what the right hand is doing. The DC said we were attacked by Ethiopians, which I also concur with. But the Minister denied that it was Ethiopians who killed those members of the Police Force, Administration Police, one Kenya Police Reservist (KPR) and two other civilians. He said that it was not Ethiopians, but OLF. Could the Minister give evidence that it was OLF? The Ethiopian Government kidnapped one of the APs and took six guns including one machine gun. That kidnapped AP and guns were returned on 17th January. This Minister should be sacked by His Excellency the President because he does not know what he is doing! He is compromised! He is unpatriotic!

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Do you want to be informed?

Mr. M.M. Galgalo: I do not need any information from him, Mr. Temporary Deputy Speaker, Sir. It is very unfortunate that such people like this Minister are left in such offices and yet, they do not know what they are doing. They are demoralising the security forces working for this nation. It appears to me that the Office of the President is trading with our lives because of friendship between another nation and this country. We are Kenyan Oromos and not Ethiopian Oromos. We are not OLF. If our people are killed and if this Government thinks that we are OLF, then we will be prepared to take measures to defend ourselves. I appeal to the Government to ensure that security is beefed up in northern Kenya.

Thank you.

The Assistant Minister for Energy (Mr. Chanzu): Thank you, Mr. Temporary Deputy Sir, for giving me this opportunity to speak on this important Motion. The Address which His Excellency the President gave yesterday is commendable. It was meant to give us direction as leaders and as a country. It was also meant to help us to realign ourselves, so that we can manage the affairs of this country in the best interests of our people.

Mr. Temporary Deputy Speaker, Sir, in the Speech, the Head of State stressed unity. There is no way we can run a Government like this one, or you can run the affairs of any institution, if there is no unity among the participants. That is what we all as leaders need to observe. As we heard, and as we all know, we have got many political parties in the country. But I do not think the idea of having many parties is to divide Kenyans. One of the most important objectives of multipartism is to provide competitiveness, so that by the end of the day, we have the best out of what we strive to achieve. If we allow the division that has taken place in this country due to party politics since the era of multipartism, we are in danger because by the end of the day, we could end up fragmenting the whole country. We will move away from ethnic to clan politics. So, this should be discouraged at every cost.

Mr. Temporary Deputy Speaker, Sir, the slow growth that we have experienced could as well be attributed to the kind of politics that has been played in the country. That is why we should avoid, at every cost, divisive politics that has been practised during the era of multipartism in this country. There has been low productivity against very high growth [**The Assistant Minister for Energy**]
rate of population. The high rate of growth of population could be an asset only if our leaders sat together and planned how best we could put to use the numbers of people we have.

Mr. Temporary Deputy Speaker, Sir, I have said it here before, that a country like Britain, small as she is, is a net exporter of technology to other countries. Kenya could as well benefit from that, bearing in mind that we have got a large market that is opening up. Most of the countries around us do not have the kind of trained personnel that we have, and that can only succeed if we are operating in a peaceful environment. The technology around the

world has also advanced greatly. We also need to work in such a way that we are not left behind. I am sure that, that is another way we could use to help the economy recover from the slow growth that we have experienced over the last three years.

Mr. Temporary Deputy Speaker, Sir, on the part of the Government, there is need to create an enabling environment so that the economy grows, and the small businesses and the farming community that we have, can produce for export. As we forge ahead, the aspect of industrialisation is something that we cannot forget if the economy has to grow. Therefore, we need to invest more in the Rural Electrification Programme, so that the small-scale industries in the rural areas can grow - such as *Jua Kali* projects and agro-based industries.

Regarding education, I think we have achieved a lot as a country, in terms of the numbers that we have trained. But we need to look at aspects which we can use to improve on the quality of education. There is also need for us to improve on the physical facilities in our schools in the rural areas and so on. This cannot be done if we are operating in a divided atmosphere.

On health services, I would now like to take this opportunity to thank the Government, particularly the Ministry of Health, because in Vihiga District, the Government has put in money and the Vihiga District Hospital is nearing completion. But I request for a little more money to be put in so that the hospital can now be put to use. Finally, if we have also to achieve growth, I think we need to address the problem of infrastructure. We have got poor roads and, in some cases, the little money that we have received from our development partners and from the Government--- In some areas, there has been a lot of duplication. For example, there are people who are working for the *El Nino* Emergency Project. Then, there is money allocated from the Fuel Levy Fund and officials from the Ministry of Roads and Public Works, would want to go and do the same work before they give an account of what was done. I think these are some of the areas that need to be looked into. Then, an issue which cannot go without being addressed is the quality of water. At the moment, we have got problems with contaminated water in some parts of the country. I think that needs to be addressed because we need a healthy nation, if we are to achieve growth in our economy.

With those few remarks, I beg to support.

Mr. Wambua: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. I would like to start off by saying that the President has given guidelines to this House but still, we have a lot of questions to ask the Government on various incidents which are taking place. It is very surprising to find that we are promoting the tourism industry within the country, but those who come to Nairobi and other cities like Mombasa cannot walk freely on our roads because of the threat posed by grown-up street children who are going round carrying faeces. They are threatening tourists and if a tourist sees a grown-up person who is said to be a *Chokora* holding faeces and pointing at him, that person will give the country a very bad name, when he or she goes back to where he or she comes from. Even our young ladies who are in Nairobi cannot walk freely. Imagine of a situation like in the early morning, when a lady is dressed well and going to work and then, she is smeared with faeces if she cannot give out Kshs5 or Kshs10 to street children. I am asking the Government: What is going to be done about that matter because it has become a serious problem now? These street children are now grown-up people and they are just like families staying in the streets of Nairobi. If these young people are kept well in a certain institution, they can do very well. I can give an example of Muli Children's Home. Muli Children's Home started collecting street children from the streets and now, Mr. Muli has a school in my constituency, Yatta and another one in Eldoret. During last year's KCPE results, Muli Children's Home scored the best marks within Machakos District, which proves that if these street children are taken to institutions, they can become good citizens. They can, at least, learn like others. But what is the Government doing about these street children? This is because they will eventually become a threat to the residents of this country, Nairobi City and other towns. For instance, we understand that at one time, they raided the Central Police Station when one of their members was beaten up by a police officer. The Central Police Station officers could not control them, which means that if they are allowed to continue that way, they will be a threat to this country. Something has to be done about this issue.

Mr. Temporary Deputy Speaker, Sir, the other issue that I would like to touch on is the one on poverty reduction. It is surprising that we are talking of poverty reduction while we are spending, in hotel seminars, most of the money which can go **[Mr. Wambua]**

to the poor. There was an example of one seminar which was held in Embu, whereby all hon. Members from Eastern Province and Government officials were invited. They were booked in a hotel for three nights and each night, they were paying for each bed Kshs4,500. Hon. Members were told that each one of them would be given Kshs6,000. There were Government vehicles which came from Moyale, Machakos, Kitui and other districts to Embu. The total expenditure for that particular seminar was over Kshs7 million. What if the Kshs7 million was used in the construction of boreholes? This money could build 21 boreholes which could directly benefit people. That would be a poverty reduction measure, if this money was re-channelled and used to drill boreholes in our districts in Eastern

Province rather than calling people to Embu to spend all this money. Is that poverty reduction? Why is it that the Government is not planning well? This is because even if what our Head of State says--- What are the public officers and Ministers doing? They are the ones who should, at least, plan well so that the money is not spent unwisely.

Mr. Temporary Deputy Speaker, Sir, in Ukambani for instance, we do not now have the problem of food shortage. It only exists in a few areas. We have some food which can sustain us for about six months. Could the money which the Government spends on providing the Kamba people with relief food now be spent on providing us with water resources so that we can irrigate our shambas? Since I came to this Parliament I have never seen a water budget specifically for Ukambani. Why is that not done? So, we have a lot of questions on some programmes which are being carried out.

Mr. Temporary Deputy Speaker, Sir, we have retrenched our people, but it is only here in this House where you can retrench somebody and then not pay him or her. We have retrenchees who are suffering. They have gone home with no benefits and when they go and ask their former employer, who is the Government, he does not have any answers for them. How do you expect these people to live if they have worked for you, you have sent them home and you have never paid them their money? That is ridiculous!

Mr. Temporary Deputy Speaker, Sir, the other thing is that we are very surprised to hear the Government asking Kenyans to bring their money back which they have in foreign countries. The issue here is that after a certain patriotic Kenyan brought his money here, he was charged with money laundering. The question is: Who is the complainant in the case of the Kshs2 billion laundering case? The second question is: Which country has complained that Kshs2 billion has been stolen from their country by a Kenyan? The third question is: What proof does the Government have to show that this money originated from drug sales? In fact, the Government does not come up and tell us who sold those drugs, to which country did he sell the drugs, who bought the drugs and at how much. This is so that we can, at least, make sense out of what the Government is saying. It is wrong to discriminate against people. We know the reason for this false accusation! It is because, behind it, there are some people who want to frustrate the owner of this Kshs2 billion so that he can open up negotiations to share it. How can the Government frustrate a Kenyan who has brought back the money? There is no complainant and there is nothing that links that person to drugs. It is ridiculous! Let us be very honest and see to it that we serve our people equally. I urge the Government, and even the Ministers who have money in foreign countries, to bring it back.

Thank you.

The Assistant Minister for Finance and Planning (Mr. Lomada): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to also join my colleagues and say something about His Excellency's Speech which was so beautiful and rich in whatever issues he told this House and Kenyans. The President's Speech yesterday was one of the best speeches I have ever heard. Therefore, I would suggest that hon. Members should really take seriously everything His Excellency the President said yesterday in this House because it is not only a big piece of advice to us but it is something that is going to help us develop this country and help us mind the welfare of our people.

Mr. Temporary Deputy Speaker, Sir, when you look at what he said about security, you will notice that security is a very important, sensitive and delicate issue that should actually be taken seriously by each person, especially the leaders and more so the Members of this House. We have had problems especially in the northern part of this country. Recently, we had a problem between Pokots and Marakwets which led to several people losing their lives just because of something which they had resolved would not have occurred. It is up to us as the leaders to really direct and talk to our people to make sure that they value human life especially those of children, old people and women. In our customs and traditions, we never used to kill women, children and old people. I do not know what has really happened today, that such people are just killed like that. There must be something wrong and we need to go and talk to the young men so that they may come back and emulate the old. We have got a lot to say as far as insecurity is concerned and I would just say that it is the responsibility of all of us to come, sit and discuss about it. We really must [**The Assistant Minister for Finance and Planning**] discuss this particular issue. Insecurity does not occur only in those areas, but also here in Nairobi where lives are being lost everyday in a very careless manner. I do not think it is impossible to curb insecurity in Nairobi and in our major towns. This must be looked into seriously.

Mr. Temporary Deputy Speaker, Sir, I want, at this point to thank our Government especially for coming to help the Pokots, Turkhanas and other people of North Eastern Province and so many other areas. This is because, for the last year two years, we did not produce food simply because there was a prolonged drought. I really thank our Government for coming up with assistance and giving our people food because a number of people would have died if that food was not provided. I think our country has really developed so much; to an extent that we should not be relying on relief food all the time. It is just a matter of technology that we lack. We have people who have gone to school and learnt certain technologies and these are the people who should be used properly to invent something

that would benefit this country. We have scientists who should actually do some research in places like Turkana and West Pokot. Actually, we are wasting these minds. We are not making proper use of these people and, therefore, I would suggest that our Government comes up and uses these people. The army men are just there. We need to use these people. They have got the talent and they can even make beautiful roads. Instead of using contractors we should use the army people to build roads so that they can earn money they are paid.

We thank God for the peace in our country. Therefore, we can comfortably use army men to build roads and bridges instead of hiring contractors. Hiring of contractors is ruining our economy because we pay them a lot of money for shoddy work. I think it is high time that each individual in this country contributed to the growth of our economy to the best of his or her ability. We should all strive to improve our living standards. By so doing, we will improve the economy of our communities and the country at large. We will not be talking of poverty eradication because everybody would be doing something that will boost our economy in one way or another. Therefore, we should begin by educating our people on the need to work hard. The Government should not always be providing them with relief food, among other things. They must be able to provide for themselves through self-employment. It is high time we told secondary school, colleges and university graduates to learn how to provide for themselves and they should not waste time waiting for the Government to employ them. Each person should do something that will sustain him or her.

Mr. Temporary Deputy Speaker, Sir, on the utilisation of our natural resources in our economy, I would urge the Government to harvest waters from rivers and lakes instead of letting it flow into the oceans. For example, there are a number of rivers in West Pokot District that can be used for irrigation and enable wananchi in those areas to produce food for their own subsistence. This water can also be utilised in the generation of electricity.

Mr. Temporary Deputy Speaker, Sir, in the same breath, I would also urge the Government to take care of our natural resources, especially forests. We should jealously guard our forests against any encroachment because most of our rivers have their sources there. If we destroy our forests, we will experience acute shortage of water. It is true we have people who are genuinely landless, but we cannot allow them to encroach on our forests. We should not excise forests in order to settle them because we will not have enough water for our needs. Water is a very crucial component in our life. Therefore, it is up to us to educate our people on the importance of water, so that they do not destroy our forests.

Mr. Temporary Deputy Speaker, Sir, I am pleading with the Government to give people of Sigor Constituency free seed maize so that they can grow enough food and stop relying on relief food from the Government. His Excellency the President has always been telling us to be mindful of our peoples' welfare. He has said this several times and he has even shown it himself through actions. Therefore, it is up to us now to emulate the same spirit of being mindful of the welfare of our people.

I am happy that the Minister for Agriculture is here and he is listening to me as I talk about these people in Sigor Constituency, who live in a dry land. I would also ask him to consider giving seed maize to those farmers who do not have much. They have the farms, but they have had nothing to do because of the prolonged drought that was there about two years ago. I would suggest that they are given seeds so that they can produce food for themselves and leave this cattle rustling business. My people have totally agreed to do away with this behaviour. I would also ask the Ministry, which is dealing with the distribution of the *El Nino* funds, to send some money to West Pokot because it was also hard hit.

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

Mr. Kuria: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I support the hon. Members who have commended the Presidential Speech. This Speech was good. It contained fatherly advice and it was balanced. I do not know what is wrong with the Government. Whereas His Excellency the President makes such a good Speech and gives us guidance, we fail to **[Mr. Kuria]**

understand what happens with the Ministries which work with this Government. The Government is making all efforts to give the direction on how the problem of HIV/AIDS should be tackled, but there are no funds. We have been telling the people that funds are available, but no funds have been remitted to the Constituency Aids Committees (CACs) over which hon. Members are in charge. We launched this committee in my constituency and we were promised money. I personally spent about Kshs40,000 to launch the committee, but there are no funds here at the National Aids Council (NAC) to even refund what we have spent. The other day the Minister made a statement saying that those committees headed by Members of Parliament will not get funds. Our Chairman gave a contradictory statement saying that we can hand over to somebody else. This should be rectified, to ensure that funds are available for tackling this problem of HIV/AIDS.

I concur with the other hon. Members who are saying that the meetings on poverty eradication are

held in headquarters and a lot of money is spent on these. The real poverty is faced by the *mwananchi* who has got problems in education, health and all other aspects of his life. He is unable to even meet the basic needs of his family. We should uplift the living standards of our people through the Ministry of Education. However, this Ministry is not doing anything. There is a lot of corruption going on in that Ministry. When you look at the Parents/Teachers Associations, the Boards of Governors and the head teachers in these schools, you will find that there are a lot of---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. The House stands adjourned until tomorrow, 22nd March, at 2.30 p.m.

The House rose at 6.30 p.m.

NATIONAL ASSEMBLY

OFFICIAL REPORT**Thursday, 22nd March, 2001**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]***PRAYERS****COMMUNICATION FROM THE CHAIR****ASSENT TO BILLS**

Mr. Speaker: Hon Members, pursuant to Section 46(2) of the Constitution of Kenya, His Excellency the President has assented to the following Bills:-

No.	Title	Date of Third Reading	Date of Assent
1.	The Supplementary Appropriation Bill	18.4.2000	27.4.2000
2.	The Treaty for the Establishment of East African Community Bill	7.6.2000	11.7.2000
3.	The Capital Markets Authority (Amendment) Bill	13.6.2000	1.8.2000
4.	The Central Depositories Bill	13.6.2000	1.8.2000
5.	The Constitution of Kenya Review (Amendment) Bill	25.7.2000	3.10.2000
6.	The Constitutional Offices Remuneration (Amendment) Bill	14.11.2000	11.12.2000
7.	The Maseno University Bill	15.11.2000	11.12.2000
8.	The Appropriation Bill	7.11.2000	16.11.2000
9.	The Parliamentary Service Bill	28.11.2000	29.12.2000
10.	The Finance Bill	21.11.2000	29.12.2000

In exercise of his powers under Section 46(4) of the Constitution of Kenya, His Excellency the President has declined to give assent to the Central Bank of Kenya (Amendment) Bill 2000 and has required the House to reconsider the same in accordance with Section 46(5). The proposed amendments submitted by the President for reconsideration are as follows, and I quote:-

Clause 2

"Under Clause 2, the Bill does not specify the extent of application of the proposed law, particularly in relation to existing loans or advances. Accordingly, I recommend that the Bill be amended to clarify that the proposed law shall only apply to new or renewed contracts for loans. This is a very fundamental provision which requires to be explicitly stated in the Bill to avoid legal disputes relating to interpretation on the extent of application of the proposed law."

Clause 3

Under Clause 3, the proposed Section 39A contradicts Section 4 of the Central Bank of Kenya Act which vests the responsibility of formulating and implementing monetary policy in the Central

Bank of Kenya. This engenders the appropriate macro-economic environment for enhancing price stability and is consistent with the practice worldwide. Further, the proposed transfer of the monetary formulation function to the Monetary Policy Committee would render Section 4B and 4C of the Act anomalous. Section 4B provides for the submission to the Minister of a monetary policy by the Monetary Policy Committee of the Central Bank at intervals of not more than six months while Section 4C provides for regular consultations on monetary policy between the Minister and the Bank. The latter Section also empowers the Minister to intervene and direct the bank in writing to adopt such monetary policy as the Minister may specify for a period of six months.

In view of the foregoing:-

(1) I recommend that subclause (4)(a) of Section 39A which proposes to vest the power to formulate monetary policy in the Monetary Policy Committee be deleted and the following subclause inserted:-

(4)(a) to advise the Bank on the formulations and implementation of monetary policy including the levels of Treasury Bill rates referred to in Section 39.

This will ensure that the Monetary Policy Committee is not seen as taking away the Central Bank's primary role of formulation and implementation of monetary policy.

(2) I further recommend that the membership of the proposed Committee under subclause 39A(2) comprises the following:-

- (a) The Governor of the Central Bank who shall be the Chairman;
- (b) The Deputy Governor of the Central Bank;
- (c) Chief Economist of the Central Bank;
- (d) The Director of Financial Markets of the Central Bank;
- (e) The Economic Secretary and Financial Secretary, Ministry of Finance who shall be *ex-officio* members; and,
- (f) Five other members, of whom at least two shall be women, being persons with knowledge or expertise in matters relating to monetary policy appointed by the Minister."

These amendments will be reproduced as a Notice in the Orders of the Day for hon. Members to consider. The House shall accordingly be required to proceed in accordance with the provisions of Section 46(5) of the Constitution and the Standing Orders.

In simple terms, Section 46 enjoins this House - in fact commands this House to either accept the recommendations of the President with or without amendment or order that the President do assent to the Bill as it was originally presented. If you take that latter action under the Constitution, that must be supported by a resolution of not less than 65 per cent of the total membership of this House, excluding the Attorney-General and the Speaker.

Thank you.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(The Vice-President on 21.3.2001)

(Resumption of Debate interrupted on 21.03.2001)

Mr. Speaker: Who was on the Floor? Mr. Kuria, you still have seven minutes to your credit. Proceed!

Mr. Kuria: Mr. Speaker, Sir, I would like to reiterate that the Ministry of Education, Science and Technology has been responsible for the poverty being experienced in this country. The officers in charge of this Ministry do not assist parents in making headteachers accountable for the money they collect. There are schools in this country which collect between Kshs2 million and Kshs3 million in a year, which is left entirely to headteachers of such schools. Some of the headteachers do not recognise the members of the Board of Governors. They spend the money without a budget or approval from the Board of Governors. They behave like executive officers in those schools.

Mr. Speaker, Sir, the Ministry of Education, Science and Technology should audit the monies paid by parents to secondary schools. It is a fact that all monies to run secondary schools, except teachers' salaries, are paid by the parents. Those who audit this money are other teachers who have been promoted to the rank of Inspector of

Schools. They are not accountants, hence they have no knowledge of the accounting system. School headteachers are supposed to prepare the books of accounts. But they only prepare a balance sheet detailing expenditure and income. These books are not checked by any auditors. If this Ministry was serious, it should have appointed accountants to look into the accounts of secondary schools. As a result of this, we have had so many strikes because these teachers spend money anyhowly. Some do not even purchase enough food for the students or buy books and at the end of the year, all the students who sit for the Kenya Certificate of Secondary Education (KCSE) get "Es" and "Ds" because there are no teaching materials. When asked about the poor results, headteachers complain that there was not enough money to buy books. The Minister was trying to regulate and put levels of school fees in order, but was unable, because he was defeated by these executive teachers. Some of those teachers travel all the way from upcountry to Nairobi to talk directly to the Ministry officials at the Headquarters. They do not even go through the Education Officers or District Education Officers. They have godfathers in Nairobi. Some of those teachers have been in one school for the last ten years, and they have never been transferred. Nobody can query their performance because their godfathers in Nairobi cannot let them be transferred. Parents have cried for a long time without any assistance from the Ministry.

Mr. Speaker, Sir, the other Ministry which has brought poverty into the country, is the Ministry of Water Development. This Ministry has officers who do not have the interests of the country at heart. They are only there to wait for the salaries, but do nothing. We were promised that by 2000, we shall have piped water in every household. We are now in 2001, but we have not achieved that. Those officers, including the Minister have done nothing. In fact, they only talk of having no money. But if you looked at the Printed Estimates, the money voted for this Ministry is enough to tap water and supply it to *wananchi*. They will even be able to drill boreholes in dry areas for irrigation. They have been coming up with policy papers without results.

Mr. Speaker, Sir, engineers and other people who have been assigned these duties are not helping the Government. In the first paragraph of the President's Speech, he talked of education and health. If you go to the Ministry of Health, you would notice that there is practically nothing going on. The doctors simply write prescriptions on papers and give them patients to go and buy the drugs elsewhere. In my area, there are about four health centres in operation, but they have not received any drugs this year. We only received AIDS kits which have been used on other patients. When we request for drugs, we are told that they are supplied from the headquarters. I am happy that the President sacked the Minister for Medical Services who had been telling us that there was a lot of money and medicine would be availed, and yet nothing has happened up to now.

We would like this Ministry to also consider the rural areas where we have no medicine, because the people in the rural areas pay taxes like others. What is really happening in this Ministry, when we have the money in the Vote for the medicine? My area has been marginalised by this Government, simply because it is a constituency where there are so many Government critics. But to criticise is to say that we do not have anything. We do not criticise for the sake of it.

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

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Thank you Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I commend the Presidential Speech which was well delivered. There are many things we must address, because the Presidential Speech cannot include everything. I personally wish to appeal to leaders, both in the Opposition and KANU, that when contributing, they should be pragmatic and tell us what could be done, for instance, to alleviate poverty. Mere condemnation will not take this country anywhere or help anybody.

Mr. Speaker, Sir, we have talked a lot about famine in this country, and we know that we have experienced famine almost every ten years, but we have done nothing about it. The money that is donated for famine relief is in excess of Kshs10 billion. That Kshs10 billion could be used to irrigate the dry areas. If we irrigate an area like North Eastern Province, it would be a net producer of food. We could even export food from there, especially fruits. That area is fertile. It is only water which is lacking. For how long shall we continue giving people relief food with funds that are in excess of what could have eliminated poverty completely? We should stop relying on rain water and put money where it is required. We should even ask the donors to give us money to irrigate the areas in the country that can produce food. We could even lease those areas to farmers who are serious, even from outside the country. They could irrigate those areas and produce food.

Mr. Speaker, Sir, we must also strengthen agriculture. How do we do it? We could only do it by supporting the farmer. That is why I am happy that the STABEX funds will be released to the farmers. That will help them a lot. If we do not protect the farmer, we are simply paying lip service to poverty reduction or eradication. If we continue to import sugar, the sugar farmer will fold up. He will not be able to educate his children, and will remain poor. I do not know why we must blindly support liberalization. We are only allowed to export commodities that can be cheaply made in Africa to America. They do not open their market to everything that we produce. Why should

we open our market to everything that the developed countries want to sell to us? We must think carefully before we accept everything the West is telling us to do.

Mr. Speaker, Sir, I would like to support the fact that education is one of the causes of poverty in this country. I know I am an Assistant Minister in the Ministry of Education, Science and Technology, but there is nothing I can do alone. Leaders must discuss these issues and agree to reduce the cost of education in this country. We should have education that we can afford. For instance, why should we allow schools to put up churches in the school compound which cost them as much as Kshs20 million at the expense of the parents? It is as if those children cannot go to churches near the schools or they cannot attend masses in the dining hall or assembly halls. Why must we have those extra expenses? Boards of governors and parents associations are allowing this to happen. The poor parent cannot take his or her child to some of the national schools because of those unnecessary costs which have nothing to do with education. That for instance, why should a school have so many buses as if the children are on the road every day. It is sufficient to ask children - when there is a trip - to contribute even Kshs100. Why must parents be asked to buy so many buses for a school? Why a school should own a bus and a church in the compound.

Mr. Speaker, Sir, there is also something else which I find very curious, and that is why I said that leaders must discuss these issues and agree. That is, children in schools are told to buy blazers. Not many children under the age of 20 years want to wear jackets or blazers. Some blazers are quite expensive. In some schools, uniform alone that includes the blazer, shirt, socks, pair of shorts, shoes, hockey sticks and the rest costs about Kshs40,000 in addition to the fees. Parents have sold their land, cows and anything they can think of, to educate their children. They have been rendered poor. Why must we build monuments for education? Provided there is a blackboard, a good teacher, and the basic facilities, our children will just learn. Leaders must discuss and resolve these issues so that our people are not rendered poor by unnecessary education needs. I always hold the view that we do not even need school uniform in primary schools. Children at that age can go without shoes and uniform and be taught. In turn, parents will not be punished.

Mr. Speaker, Sir, many roads in this country are very bad. It is unfortunate that Members of Parliament were told not to sit in the Roads Board Committees. There is nothing wrong with Members of Parliament sitting in those Roads Board Committees. When this decision was made in court, I read the Constitution three times. In this country, an elected Member of Parliament becomes a Minister in charge of a Ministry. What would stop another Member of Parliament from chairing a small committee? Where is the contradiction? The Minister for Roads and Public Works is an elected Member of Parliament, controlling all the money that is meant for roads in this country. He is not a signatory. Now, what would stop an ordinary Member of Parliament, like hon. Munyasia, who has not been made a Minister, to be the Chairman of the Roads Board Committee. This matter must be reviewed because this Parliament enacted that Bill to ensure that money reaches the district level, so that the District Roads Engineer is not ordered from the headquarters to return the money. When hon. Members out there, they would act as watchdogs for the people and they would ensure that this money is properly utilised. This can only be so, if hon. Members of Parliament are not signatories to those accounts. This is just like a Minister who is controlling Kshs20 billion in his Ministry, but is not a signatory. I can assure you he gives direction on how much money should be spent on what, and how it should be utilised. He is also an elected Member of Parliament.

Mr. Speaker, Sir, I am happy about the new direction in the District Development Committees. We have always complained about DDCs prioritising projects in the district. For instance, a District Commissioner in any district does not come from that district. All the heads of departments come from elsewhere. Now, those are the people who have been sitting in the DDC to prioritise development projects for that district. Now that it has been changed that the Chairman of the DDC can be a local person, there will be change. This is because the local people will have a voice in the DDC and will pinpoint their problems and give priorities for funding by the Government. In order to eradicate poverty in this country, we must all swear to fight corruption. There should be no lip-service about it. Let us fight it and ensure that these corrupt people are jailed. That is the only way. People learn by example so, they will not emulate people who have done wrong things.

Mr. Speaker, Sir, I beg to support.

Dr. Kituyi: Thank you, Mr. Speaker, Sir. There was something I liked about the contribution by the Assistant Minister who has just been on the Floor; that we should not just criticise, but we should also suggest the way forward. I will do that: I will criticise and then suggest the way forward.

The Presidential Speech affords us an opportunity to say things that we think are urgent, many of which he may not have said. I looked at that Speech again and I think that the most important things were not said at all. First, the President of Kenya said that we must be accommodative. He said we must listen to reason, regardless of which side of the House it is coming from. Those were very nice words. I remember during the last KANU PG the Press reported that the President said that KANU Members should only vote for Motions originating from the Government and I was very worried. I am glad that he did not say that on Tuesday. I hope that his latest statement represents his

latest wisdom and that we will not have this ping-pong between what is said in certain enclaves and what is said before all of us, representing contradictions in statements by the same person.

I was waiting to see the President reflect on matters that are urgent on Kenyans' minds right now. These are three things: Insecurity, HIV/AIDS and forests. I was listening and waiting and I am still waiting. We might say that you cannot say everything, but that is not an excuse not to say the most important thing. His Excellency said, in his wisdom, that he has to reflect the most urgent pleas of the citizens of this country and that he has seen what we have suffered because of the destruction of our rain catchment areas. He would have said as a gift to these citizens, he is reversing the decision to excise 167,000 acres from Government forests. This matter will not go away. It cannot be partisan. It cannot be excused. It is a crime against posterity if this generation, out of their greed for land and their misguided assumption that settling squatters is solving the unemployment problem, will sacrifice 10 percent of our limited forest resources. It was a blunder made, but it is a blunder that can be reversed. It is not too late. It would help if the President could appoint as Minister for Environment, a Minister who does not act as the Minister for Settlement; that the dominant logic in his statement is about settling squatters and not about protecting our ecosystem.

I fear that our country is facing a major crisis of insecurity. Apart from the problems we are seeing in the Northern Rift, among the Pokots and the Marakwets, there are other problems in other areas which have not been brought to the limelight. We have very many less dramatic crises which we are not paying attention to. The long-term conflict of a declining eco-system and the competition between agriculture and pastoralism is a major engine of crisis of insecurity that cannot be addressed purely on the basis of some elders sitting with other elders and saying: "Let us make peace." Certainly, ecological mistakes that were made have to be reversed if a balance is to be found for lasting peace between pastoralists and cultivators. Increasingly, when you see the development of urban residences in this country, we are all turning our residences into forts with wire grills, alarm systems and guards. We are all threatened by each other because we are busy slaughtering each other. When the UN statistics suggested that we have become a very insecure town, instead of addressing the problem as ours, we want to say that: "They are cheating! We are not as bad as that. We are not among the worst."

The challenge to us as leaders is to ask ourselves if we could be better than what we are and what is going wrong that we must address. How do we resolve the poverty problem as a cardinal step in resolving the insecurity problem in this country? How do we go beyond lip service to find a lasting solution to the proliferation of illegal small arms among petty thieves and robbers? This is what collective responsibility entails. What is more worrisome to me is that we are not addressing the way forward that other societies are addressing today. We are looking back to the primary production sector which is important. There is insufficient attention in our dialogue about the way forward on the new economy. Let us consider what has been rejuvenating the Western economies over the past decade. At the core of the engine for manufacturing millionaires in the rest of the world over the past ten years, is the information technology **[Dr. Kituyi]** revolution; how to get hooked on to the internet. The super highway has left us behind. It is time for us to start thinking even on matters of education. We should make it compulsory that every school that has electricity must introduce the study of information technology. This should not be introduced as an examinable subject, but as a compulsory exposure subject.

If we turn our backs on the new engine of the world economy, we can do all manner of micro-politics, but settling squatters will not reverse the economic rot of this country. It should become necessary. We should not just sympathise with poor parents and decide that the way forward is to say that since the parents are poor, children will go to school without shoes. The important issues are: Can we, under these circumstances, find out how those people with old shoes can know something about computer skills? Can we find a structure and facility for retrenched persons to learn new skills for the economy? These are challenges for the way forward and I do not think we are paying enough attention to them.

It is good that the hon. Minister talked about the African Growth Opportunity Act (AGOA). It is a very important initiative. It may be insufficient for our purposes, but it is a very important step forward in America opening up a fraction of its market to us. I have two fundamental problems in our country about that. First of all, I want to appreciate and acknowledge the speedy role that the Minister for Tourism and Trade has played to ensure that, that opportunity is utilised by this country. However, there are two fundamental problems. In this country there is sufficient domestic potential to generate the textile resources to satisfy Kenya's quota in the AGOA possibility. I do not find it acceptable or even good for the country's interest that we should try to encourage investors from South Asia to come here and make Kenya a commercial ship of Bangladesh, off the shore of Africa, to export textiles assembled from here to America. We should look at ways of reviving the collapsed textile industry in Kenya as a basis of exploiting the opportunity offered by AGOA.

There is a second problem I have concerning this issue. Kenya runs a serious risk of even losing the

possibilities of AGOA today. Whereas we have satisfied most of the procedural requirements, we are sliding further on governance conditionalities because AGOA also comes into this. Our inability to respect our own Constitution and the citizen rights of persons whose views you may not share, is not just ugly to us, but even to those who want to offer us opportunities. It becomes such a shame for us as a nation that the incentive for us to disabuse ourselves of boasting around as leaders; the incentive for us not to send anti-riot police to beat up people because you do not like them and to chase hon. Kirwa from his constituency because you do not like him, does not come out of our own belief that good manners is good for us. It comes out of an attitude that, if you do not do it, those who potentially give us an opportunity might deny us that opportunity.

If at this turn of the 21st Century, as a country, we cannot tell ourselves that the days of bad manners, abuse of public office, using office to make it uncomfortable for those whose views we do not like belong to a past generation, no amount of goading by the IMF and the World Bank or intimidation by the possibility of losing our quota in AGOA will be sufficient in teaching us good manners. This generation will live to regret the lost opportunity due to that conduct. As we start a new Session I wish us to take this opportunity to genuinely commit ourselves to the expansion of democratic space and the demolition of the very popular bad manners that have characterised our conduct and diminished our standing in civilised society.

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion on the Presidential Address.

Mr. Speaker, Sir, I will direct my contribution straightaway to the issue of insecurity in this country. I do not have strength as I am talking now, because of what happened on that fateful day; the 12th of March, 2001, when my people were massacred. As I speak now, over 10,000 people have been rendered homeless and are living in the cold in their home areas just due to cattle rustlers. Who are these cattle rustlers? As hon. Members of the august House, we need to discuss the issue of security in this country. Let us not take it lightly because those who were massacred are Kenyan citizens and are children of this land who have the right to live and do what other Kenyans are doing.

Mr. Speaker, Sir, in Murkutwo Location, 45 people including children, teachers and women, who have nothing to do with cattle rustling, were massacred. Let us be serious about this issue of insecurity. I am requesting the Minister concerned to try and tackle this issue of insecurity in Marakwet East Constituency and Marakwet District as a whole. We should also look at what the Constitution says about the rights of Kenyans and what the laws of this land say about cattle rustling. This is because we should not take the question of massacring people in my constituency as a mere act of cattle rustling. These are groups of gangsters who should be followed. We should also establish where they come from and where they live. Moreover, we should find out where they get dangerous firearms from which can overrun a full police station. This is a very serious matter which should not be taken lightly. Cattle rustling in Marakwet East Constituency has economically reduced my people to beggars. It is unfortunate that some of us who are agriculturalists and semi-pastoralists are facing a lot of problems and we need to look at this issue of insecurity seriously. Sometimes people talk and say many things, but here we are dealing with human life which is being lost.

Mr. Speaker, we need to control incidents caused by cattle rustlers and we should not take the matter lightly. For instance, when over 2,000 people are regrouping, where are those people responsible for the maintenance of security, like the assistant chiefs and the chiefs? I am at a loss!

An hon. Member: You should resign!

The Assistant Minister for Finance and Planning (Mr. Marrirmoi) Mr. Speaker, the issue of resigning does not even arise here. Let us tackle this issue of cattle rustling and establish what exactly should be done. It is not a laughing matter! Some of you might have lost your uncles and sisters because we are generous, developed and we have married from all areas of this Republic. So, it is not a laughing matter, but a very serious one which needs to be tackled with a lot of care. Even the Departmental Committee responsible for security in this country should sit down and---

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to keep mourning and mourning over incidents occasioned by people from his own Government?

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Mr. Speaker, Sir, I knew what Mr. Gatabaki was going to say because he sounds like a madman. When he talks that way, I disagree with him and I may ask the Chair to go and check to establish whether his conscience is really okay.

Mr. Speaker, Sir, hon. Gatabaki, the Member of Parliament for Githunguri Constituency, should not play around with the issue of security in this country. This is a very serious matter and we have to tackle it. These are the kind of people who wish to see such calamities happen so that they can have something to come here and talk about. As Members of Parliament, we need to sit down and eradicate this insecurity in this country completely so that Kenyans can be free to move around and do development activities. You can imagine a situation where over 2,000

pupils are not going to school. Let us not politicise this matter, but instead we should try to tackle it. It is my concern as a Member of Parliament for that community to defend those who were affected. This matter should be looked into. We should even re-visit the cattle rustling issue so that we do reach a situation whereby we should be saying that, "a cattle rustler has just passed nearby driving animals away". This is not the issue of mere cattle rustling. These people might be commercial businessmen who sat somewhere, and decided to use the same loopholes used by cattle rustlers.

Mr. Speaker, Sir, I am really requesting this august House to look at this matter very seriously and come to the aid of our people because they are living in the cold now. I am happy that the Minister in charge of internal security visited the area and saw for himself what happened and I am sure he is doing something about this issue of cattle rustling. I do not have much to say about this issue now, because I am just waiting to see what action the Minister in-charge of internal security is going to do with regard to the killings of these innocent Kenyans.

Mr. Speaker, Sir, Kerio Valley is a very good destination for tourists because and it has rich tourists attractions, but this issue of cattle rustling has rendered this area useless and the people have deserted their homes. For how long are we going to wait and see schools and institutions remaining closed due to insecurity in the area?

Mr. Speaker, Sir, right now I am confused because of what happened in Kerio Valley. I am very serious and I need the support of the entire House so that we can eradicate insecurity in this country. We want to discuss this issue and bring it into its logical conclusion. We cannot accept to lose life just because of some people practising cattle rustling. I need to be told who these people are; where they come from; where they sleep, and where they keep the sophisticated weapons, which they use. Do they have a right to massacre people?

Mr. Speaker, Sir, I wish to hear contributions from hon. Members of Parliament from those areas condemning these activities of insecurity in the region so that we can join hands together to eradicate such activities in the area in order for it to develop like other parts of Kenyan.

Mr. Mwenje: There is insecurity in Embakasi also!

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Hon. Mwenje may talk about insecurity in his constituency, but what we are experiencing in Marakwet East Constituency is a very serious thing.

Mr. Speaker, Sir, I am really concerned about this issue and I request the Government to pursue those culprits and bring them to book. We need to hear that somebody has been taken to a court of law regarding the killings in Murkutwo Location and charged with murder. This is the way forward. I am happy because the Minister in charge of internal security visited the area and was concerned about the killings of the children and I hope this should end in forthwith.

Mr. Speaker, Sir, my request to Members of Parliament who are really concerned over this matter should come out with something to offer to these people who are suffering, like a blanket or anything, instead of just talking about the matter. Let us really show that we are concerned about this matter because we have lost our people through these activities.

With those few remarks, I support the Motion.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir, for giving me an opportunity to contribute to the Presidential Address.

Today's Motion is about thanking the President for the exposition of public policy. I have no quarrel with the previous speaker who dwelt at length on cattle rustling in this august House, while responding to the Address by the President. I wish the President listened to one of his Assistant Ministers who rose up severally on the issue of cattle rustling and he would be ashamed to have that hon. Member as one of his Assistant Ministers.

However, for the first time, I listened to the President throughout his Address. I did not walk out. I respected the President because I wanted to hear what he would say about the 22 years of his bad Presidency. When the President departed from his written Address and spoke from his heart, his intention was very clear. I listened to him throughout and, thereafter, I had the opportunity of repeating the words of the President to hon. Nassir and hon. Biwott. I told them that the President said that he would retire. Therefore, I told them that this idea of telling him that he should continue ruling into eternity is their own. They are inciting the President of the Republic of Kenya. There is no reason for him continuing beyond the year 2002. However, the President should have been categorical in indicating that, come the year 2002, he will quit and go back to his Kabarak home and look after his sheep and goats.

Mr. Speaker, Sir, I say this because of the kind of uncertainty created by the succession talk. During lunch time, I had the opportunity of telling hon. Raila Odinga that my daughters keep listening to one o'clock news to hear whether the hon. Raila Odinga has been named the Vice-President of the Republic of Kenya. When I came here to listen to the Presidential Address, I did not expect the Benches behind me to be occupied by these National Development Party's (NDP's) characters. I expected them to be Back-Benchers on the KANU side.

Mr. Achola: On a point of order, Mr. Speaker, Sir. Is hon. Gatabaki in order to refer to NDP's Members of Parliament as "characters" when we are hon. Members?

Mr. Speaker: Order! That is totally out of order. Mr. Gatabaki! You must respect your friends and colleagues and refer to them in dignified and honourable terms. I, therefore, order that you withdraw immediately, and apologise, the use of the term "these NDP characters".

Mr. Gatabaki: Mr. Speaker, Sir, considering that they sit in the Opposition side and tell the President that they want their party to merge with the ruling party, they do not qualify to be---

Mr. Speaker: Order! Mr. Gatabaki, you have no choice in this matter. It is an order and thou shall comply with that order before you utter any further word! Proceed and apologise!

Mr. Gatabaki: Mr. Speaker, Sir, because of time, I regret calling my colleagues "characters", when they are distinguished hon. Members of Parliament from NDP.

However, the issue in this country is political stability. No country on earth can ever hope to go forward unless the political institutions and the systems of Government are secure, and the leadership of that country provides the political leadership and stability. As I speak, nobody knows for certain the future of our nation, when the President will leave office and the fate of the Vice-President of the Republic of Kenya. Nobody knows for certain whether there will be Ministers tomorrow or not, why the President has not replaced the late hon. Lotodo and hon. Anangwe, and whether we are going forward.

Mr. Raila: On a point of order, Mr. Speaker, Sir. Is hon. Gatabaki in order to talk about respect for institutions in this country, when he himself, does not respect his party, the Social Democratic Party (SDP)? Is he, therefore, speaking as an hon. Member of GEMA? Is he in order to deceive the House?

Mr. Gatabaki: Mr. Speaker, Sir, the hon. Member is talking about GEMA, but GEMA is a political system on its own and it controls 70 per cent of the economy of this nation.

However, I am talking about the political stability. Nobody knows for certain, the fate of the "Dream Team". Nobody knows whether Dr. Richard Leakey will continue in office and where we are going to. Even when the representatives of the World Bank and the International Monetary Fund (IMF), come to Nairobi, they come to ask the President of Kenya to provide the political stability this nation deserves.

I do not think the Presidential Address requires any exposition because it is not an exposition of public policy. It is a litany of what the President has failed to do. We have no business being politically and collectively involved in the misdeeds of this system. Ours is to retrench this system. The duty of the President is to present the failures of his system and what he intends to do to put an economy that has collapsed back on track. Our economy is growing at 0.3 per cent. This is almost negative growth rate. President Moi is responsible for that. Twenty two years of his leadership is what has brought this country to its knees. He has no business looking to us for sympathy. He does not require sympathy; he needs to come and tell us what former President Yelsin told the people of Russia on the eve of 1999, that he was quitting the Presidency of the Russia in order to give a new person a chance. President Moi should have that capacity instead of taking this country again and again to the quagmire of political instability and economic paralysis. Above all, I wish to say how angry I am about this system. You can look at the person who has squandered the opportunity of leadership.

We are looking at a country which has 60 per cent of its people living in absolute poverty. If there are violations of human rights, is there greater violation than that? Please, you should not forgive this system for the mess it has created for Kenyans. Here it is wanting to have another five-year-term in power. It wants to have another five-year-term to reduce its people to that kind of impoverishment.

I wish we could use the next few months to try to convince this system and President Moi that time for him to quit, and for KANU to recognise the evils it has committed, has come. He should stand up and do what the late Mwalimu Julius Nyerere did. He stood up and told his people: "My dear citizens, I have failed; forgive me and I have quit the office of the President of Tanzania". This is what leadership and greatness are all about. They are not about hanging on in office until a country "dies" because of bad management.

Mr. Speaker, Sir, with those few remarks, I wish to categorically condemn President Moi's Address in the strongest language possible.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Thank you, Mr. Speaker, Sir, for giving me this opportunity, to say a few words about the Presidential Speech. From the outset, I think the President covered almost all the aspects that affect our communities. I would like to echo the sentiments expressed by hon. Marrirmoi, and condemn in the strongest terms possible, the attack that took place in Marakwet the other day, where so many Marakwets were killed by their neighbours; the Pokots. We must find a lasting solution to the perennial cattle rustling problem in those areas. The reasons why that area has not developed is because the people are engaged in the game of cattle rustling, and other practices that should have gone with civilisation. There are gangsters who are not cattle rustlers, who buy guns from the neighbouring countries, and from within our country.

Mr. Speaker, Sir, still on the subject of insecurity, I would like to request the Government to establish a

Police Commission. I have said that before on the Floor of this House, and I would like to repeat it. It should be established to look into the terms and conditions of work for our policemen. The policemen earn very meagre salaries. Their salaries are not enough to educate their children. They even sleep in one room! The salary that a policeman gets is almost equivalent to that of a watchman. It is a very serious issue. If we want to have security in this country--- For example, Nairobi Province is inhabited by so many foreigners. If we want to keep our good name, we must look after those people. The only people who can look after them are the security people. So, their remuneration, education for their children and transport needs to be looked into.

Mr. Speaker, Sir, when we talk about the alleviation of poverty--- We have held so many meetings and seminars in this country, and came up with ways and means of alleviating poverty. But I think it is high time we went into action. We should put in practice what we have discussed. We should construct dams because in our country, we have a lot of rain water. If we harvest that water, and stop it from flowing into the Indian Ocean or Lake Victoria and into the River Nile, we will be able to alleviate poverty. We have many rivers in this country. Those rivers need to be harnessed so that we could have water in the dry areas; that is, North Eastern Province, Samburu, Turkana and parts of Keiyo. The land is very arable and suitable for the growing of cash crops, grains and other crops. I know Dr. Omamo could be a witness to that because he was once a Minister for Agriculture, and he knows those areas. Those areas have potential and could produce enough food for our people, and even have a surplus for export. But that can only be achieved if we are serious!

Mr. Speaker, Sir, our officers in the field are very hardworking. But we have others who are corrupt! We must get rid of corrupt public servants. We should not hide or keep people who are enriching themselves by stealing from the public coffers.

Mr. Speaker, Sir, with regard to farm inputs, they are very expensive. Rains have now come but the price of seed maize, with is our staple food, is beyond the reach of an ordinary farmer. Right now, a bag of seed maize weighing 25 kilograms costs Kshs3,300. No farmer can afford to buy a bag of seed maize to go and plant! Equally, the price of fertiliser is very high. A bag of fertiliser costs Kshs1,350. We should help our farmers. If we do that, we can reduce the level of poverty in this country.

Mr. Speaker, Sir, with regard to the Agricultural Finance Corporation (AFC), we need to re-introduce the loans to farmers. Loans that have been advanced to farmers and have not been re-paid should be written off. If we cannot write off the whole amount, we can write off the principal amount, so that our people can plant enough grains to feed the nation. The cotton industry, which was almost dead, is being revived. I am happy that the Ministry of Agriculture, Livestock and Rural Development is working round the clock to rehabilitate that sector.

Mr. Speaker, Sir, our country could earn a lot of money by encouraging tourism. I would like to congratulate the Minister for Tourism, Trade and Industry for working very hard to publicise tourism in this country. As we speak now, I am sure there are many tourists who are coming to our country. If we can improve our security, tourism could flourish and we could get a lot of money.

Mr. Speaker, Sir, I would now like to speak on the issue of importation of grains. I think we should penalise people importing maize, sugar and wheat from countries which are not members of the Common Market for Eastern and Southern Africa (COMESA). I am sure that we have not exhausted our stocks of maize and wheat from the recent harvest. Some unscrupulous traders are using the COMESA arrangement to bring in sugar from other countries, purporting to have imported it from the COMESA region. So, we must be watchful. The Kenya Bureau of Standards should also be very careful and ensure that commodities being imported into this country are fit for human consumption. Some of the commodities being brought into the country are not fit for human consumption.

With those few remarks, I beg to support.

Mr. Ngunjiri: Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Motion.

Mr. Speaker, Sir, I would like to associate myself with part of the President's Address, and also highlight its shortcomings, especially its failure to address some of the country's natural resources that have not been tapped appropriately. But, first of all, although hon. Gatabaki is not in at the moment, allow me to appreciate his sentiments that the quality of the leadership of the National Development Party (NDP) does not only impress him, but has also impressed his wife and moved his daughter. I would advise the hon. Member that the road to NDP is open even for his daughter, and that the leadership of the NDP in this country is clearly defined. So, he should not have sleepless nights over it.

Mr. Speaker, Sir, I come from a fish producing area. In his Address, the President paid tribute to the fact that the European Union (EU) now accepts the exportation of fish from Lake Victoria to its member countries. He noted that we are now going to enjoy exporting fish to the EU. But are we prepared to exploit that natural resources? How are we going to reach the EU market if we do not have roads leading to the beaches, or electricity in those areas, and if our people have no access to money to enable them develop fish production? I would like to see a situation where the fisherman feeds fish from lake into the factory and onto the aeroplane that takes it to Europe. Although

the EU now accepts our fish, the indigenous fisherman will remain poor due to exploitation by middlemen, who do not even know how to fish. The fisherman spends sleepless nights in the lake, but when he brings his catch to the beach, the price for his fish is determined by somebody who did not spend even a minute to catch the fish. We can only arrest this situation by introducing electricity and access roads to the beaches, to enable the fisherman to bargain for good prices.

While addressing the issue of the drought, the President said that we have been endowed with rain and that we can now grow food crops. However, I would like to point out that some people, and particularly those in my constituency, did not benefit from the *El Nino* Fund despite the fact that they were as affected as those who benefited massively from that Fund. Those people did not benefit from that Fund because any of their produce was destroyed, but rather because streams in their areas overflowed their banks and they did not know how to swim. So, they could not move around normally. Those people lost absolutely nothing to the *El Nino* floods, but they gained enormously from the *El Nino* Fund. So, I would like to take this opportunity to appeal to the Government to consider Bondo, my home district, when it distributes the "residue" of the *El Nino* Fund.

Besides that, although we have planted, following the recent rains, we have not yet reaped any produce from those farms. So, the exercise of relief food distribution in that area should not have stopped just because the rains have fallen. We do not eat rain. When you see that rain has fallen in my constituency, you should not stop the distribution of famine relief food. That supply was meant to replace what we lost during the drought. So, when we consider some of these things we wonder why our areas have not been considered as arid and semi-arid areas. I know that I do not look like somebody who comes from an arid area. However, I have, in me, the potentiality of leadership; that is why I look like this. But my people live in very unproductive areas. I would, therefore, appeal to the Government to consider my district whenever it allocates funds for relief food supplies to arid and semi-arid areas.

Mr. Speaker, Sir, as I speak here, Muhoroni and Miwani Sugar Factories are collapsing. Why should the sugar industry collapse? Sugar-cane farmers are owed enormous amounts of money. The farmers grew cane, harvested and delivered it to the factories. The cane was crushed, sugar produced and the stores of those factories are empty. Why have the farmers not been paid? Next time, we might bring to this House a Bill for enactment into a law that will require factories to only charge farmers for crushing their cane and hand over the sugar to the farmers to sell.

Factories cannot claim not to have made money when it crushed farmers' cane, produced and sold sugar. We are appealing to the Government, particularly when we still have the Kenya Sugar Authority (KSA) in place, to look into ways and means of reviving the sugar industry, particularly Muhoroni and Miwani Sugar Factories. Those factories can do that, simply, by converting what they owe to the Government and the farmers into equity, raising money afresh, repairing the factories and letting them to be, once again, productive. Those factories are the life-line for cane production. Even if we shout ourselves hoarse and continue to succumb to the demands of the World Bank and the International Monetary Fund (IMF), the sugar industry will not be revived. We cannot rely on the Bretton Woods institutions. The two institutions will only dictate to us the terms and type of Government we should have. The person who becomes the President of this Republic will not make any sense to us, because he will be furthering the interests of the World Bank and the IMF. Those are the fellows who always want to dictate to the poor.

Mr. Speaker, Sir, the road network has been talked about. We have talked about African Growth Opportunities Act (AGOA) and there is no need of talking about it, if we cannot revive the cotton industry. We cannot talk about AGOA when the KICOMI has collapsed; we cannot talk about AGOA when we think that our quota will be fulfilled by some (Ceylonese ?), as investors. What we should do is to develop the cotton industry. We must ensure that the cotton farmer is paid for his cotton when he delivers it. When the farmer will know that he will get money for his cotton when he delivers it, first of all, he will grow it and he will not inter-grow it with maize. At the moment, the farmer inter-grows cotton with maize because he wants to guarantee himself food, because he is not sure whether he will be paid for the cotton. That is what brought about the collapse of the cotton industry which is the backbone of the economy of many parts of this country. To some of us, it is the whole mark of our wealth.

Mr. Speaker, Sir, I beg to support this Motion, but the Government should look at the country in total and not sectionally.

Thank you, Mr. Speaker, Sir.

Mr. Achuka: Thank you, Mr. Speaker, Sir, for giving me this chance to contribute to this Motion about the Presidential Address. What the President recommended in the Speech was reasonable and beneficial to the country, if it is implemented.

I would like to touch on the security in the country. We will all agree that security is life and development. I would like to say that we cannot move from one place to another and do anything without security. The security situation in the country is worrying and the wananchi of this country are afraid and worried. This is because security has deteriorated. I would like to say that people live in fear because there is insecurity all over the country. The Chair

must have heard of skirmishes some time back in Tana River, Isiolo, Wajir and Marakwet, where more than 60 families were massacred. This is a major problem facing the country.

(Laughter)

This is not a laughing matter. It is very shameful for a blessed country to be destroyed in this manner. I would like to give an example of Turkana South Constituency, which I represent in Parliament. Within three months, the Pokot living in Kenya in collaboration with those living in Uganda, have made more than 20 raids and killed more than 68 families.

An hon. Member: They are here!

Mr. Achuka: Mr. Speaker, Sir, these people injured many people and drove away all the goats.

*(Mr. Poghismo moved from his place
to sit next to Mr. Nyachae)*

Mr. Shidiye: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Achuka to threaten his Pokot colleagues in the House? I can see hon. Poghismo almost running away.

Mr. Speaker: Mr. Achuka, did you threaten hon. Poghismo?

Hon. Members: No!

Mr. Speaker: I thought you were---

Mr. Achuka: Mr. Speaker, Sir, I think hon. Shidiye is ignorant of what I am saying.

(Laughter)

Mr. Poghismo: On a point of order, Mr. Speaker, Sir. It will not be in good faith for my colleague, hon. Achuka, to refer to the Pokot as having killed the Turkanas. Those are thugs and they [Mr. Poghismo] must have been bandits who did that and not the Pokot. Would it, therefore, not be in order for him to just spare the Pokot and use the words "thugs" and "bandits"?

Mr. Achuka: Mr. Speaker, Sir, I expect hon. Poghismo to accept the truth.

(Applause)

Hon. Members: Yes!

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

Mr. Speaker: Order! Let him say his piece and I promise that I will give hon. Poghismo the next chance. Proceed, hon. Achuka.

Mr. Achuka: Mr. Speaker, Sir, hon. Poghismo is the one who manoeuvres and he is responsible for these raids.

(Laughter)

Mr. Speaker: Order! Order! Mr. Achuka, I have given you an opportunity to express your views but you must do so in conformity with the Standing Orders, which bar you from discussing the conduct of an individual hon. Member without a Substantive Motion. I will not allow you to discuss Mr. Poghismo. Talk about the problem of the people of Turkana. That is why I said on Tuesday, I will give every hon. Member a chance to speak about the problems of his people. Proceed, hon. Achuka!

Mr. Achuka: Thank you, Mr. Speaker, Sir, for advising me. I would like to say that when all these animals were taken away and the families were killed, the security personnel were there. What is wrong with the security system in this country? Do they not mind beefing up security or are they ignorant? Are they "insecurity promoters"?

(Laughter)

I am saying this because we have all the security personnel who have the capacity to contain that problem, but they are reluctant and do not plan to look after the property of wananchi and their lives. In my constituency, the areas where raids constantly take place are Nakwamoruk in Kainuk Division and Lokori in Lukwamosi, where 14 women were killed by our neighbours; the Pokot. This is a very serious issue.

Mr. Speaker: Order! Order, Mr. Achuka!

Mr. Poghisio: On a point of order, Mr. Speaker, Sir. I have reasons to believe Mr. Achuka is misleading this House. The Pokot could not have moved to the villages in his constituency and killed people. There are bad people in that community who may have moved there. I think it is misleading to think that the Pokot in their totality moved into that village. I think the word "Pokot" should not be used here.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Who are you informing?

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): I am informing Mr. Poghisio, Mr. Speaker, Sir.

Mr. Speaker: Would you like to be informed, Mr. Poghisio?

Mr. Poghisio: Not by that hon. Member!

(Laughter)

Mr. Speaker: Have you accepted?

An hon. Member: Yes!

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Thank you, Mr. Speaker, Sir. How else do you explain when the Pokot are attacking Marakwet, Samburu, Turkana and other people, as if we are at war?

Mr. Speaker: Order! Order all of you! One thing that will not happen here is tribal warfare. So, I warn all of you! I am not going to be accused in the same way as the police by the hon. Achuka; that I have promoted warlike activities in this Chamber. It will not happen. So, all of you are going to be disciplined. Listen to each other and reply to each other. Much more important, go back home and reconcile the people. Proceed.

Mr. Achuka: Mr. Speaker, Sir, the issue of insecurity in the country is very serious. The Government should take measures to address the problem before it becomes dangerous! If the security personnel have failed in their responsibilities, let the Government appoint another body and the security services be privatised. Let every community mobilise its resources to have security systems in place since the security personnel have failed. We cannot continue to be frustrated and killed because of lack of security.

With those few remarks, I support the Motion.

Mr. Poghisio: I want to thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion. I would like to congratulate His Excellency the President for the Speech that was very well balanced and one that focused on the state of the nation. If the Speech covered the state of the nation, there is no way anybody can argue that it is not a good speech because it did cover what the nation is like at that moment. The President is entitled to that kind of [Mr. Poghisio] Speech. I agree that was a very well balanced Speech.

Mr. Speaker, Sir, the issues touched in that Speech, the ones that come to the fore right now and those that are very hot on the Floor, have to do with insecurity. Therefore, I would begin with that. The job of a politician, especially Members of Parliament of these days, must be a tough one. A person who is a Member of Parliament must be working and if he is not working, he has to be seen to be working. I find that is what my colleagues from Turkana are doing, trying to prove that they are working. The truth of the matter is that cattle rustling is an age-old practice. By the turn of the 20th Century, the Turkana were already armed to the teeth with modern weapons when other pastoralists did not even have guns. So, they are more experienced in ownership and handling of guns than any of the other pastoralists put together. In fact, that is why my colleague, hon. Achuka, left the Army to come to this House.

Mr. Achuka: On a point of order, Mr. Speaker, Sir. I think hon. Poghisio is insisting and misleading the House by referring to cattle rustling as a very old system.

(Laughter)

Mr. Poghisio: Mr. Speaker, Sir, because Standing Order No.1 gives you the power to make the final decision on certain issues, I would advise in future that my colleague actually tries to communicate in the other language allowed in this House. The reason I stand today and speak to Kenyans as a nationalist---

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Each one of us must be proficient in two languages before we come to the House. Is it in order for any one of us to restrict another on which language of the two he

should use when he contributes?

Mr. Speaker: Order! Order! He is totally out of order! I think Mr. Achuka was clearly understood by the House. Proceed!

(Laughter)

Mr. Poghisio: Mr. Speaker, Sir, I agree with you. I think the HANSARD staff will have a hard time writing his speech.

Mr. Shidiye: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Poghisio to mislead the House? Hon. Achuka passed the proficiency examination to come to this House. He is equally a competent person.

Mr. Speaker: Order! Order! Mr. Shidiye, who told you to help me? You are out of order! Proceed!

Mr. Poghisio: Thank you, Mr. Speaker, Sir. When I hear Kenyans speak as if they are trying to create animosity and hatred for a people called the Pokot, I have to stand up and speak. I think what has been going on in this House since yesterday, including the speech by the Leader of the Official Opposition, is to put the blame squarely in the place where it does not belong. Cattle rustling is done by bandits or wrongdoers or criminals who should be isolated from any community and sent to jail. It is not the community that must be condemned. I think they are spending a lot of time misleading the world that the Pokot are bad people. Generally, the Pokot are ideally good people except for the few bandits. The Marakwet, if the world must know, started by killing Pokot children.

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): On a point of order, Mr. Speaker, Sir. Is he in order to mislead this House that the Marakwet killed children? I am not aware of that!

Mr. Speaker: Order! Order! Order, hon. Members! You must give Mr. Poghisio a chance to be heard.

Mr. Poghisio: Thank you, Mr. Speaker, Sir. For the same reason that it is painful when I said that the Marakwet killed children, it is the same reason that it is painful to say the Pokot did this and that. It is not the Pokot or the Marakwet, it is the criminals in those societies who have committed those crimes. We cannot allow them to govern or rule us. We cannot glorify them and that is what we seem to be doing here. When I listened to KBC Radio and Television, saying that the Pokot raided these people and killed so many; the same people who are supposed to be the sources of information do not know how to classify the good citizens from the bad ones. Those people belong in jail and we condemn their activities. They should be isolated and not glorified. I heard the Minister of State, Office of the President, live on television, comparing those people who carried out the raid with animals. It is possible that he was quite emotional about it, but at least, he had time to think about what he was going to say. When he comes, he should take the earliest opportunity to apologise over those remarks. Human beings are human beings, and there are bad and good ones. If we go by what is in the recorded tape of his speech where he says that the Pokots are animals, then, hon. Members from those areas must be "barking" here. This is because as it was said, they are representing animals, but the truth is that they are representing human beings. I think they are hon. Members who represent honourable members of the society.

I would like again, to come to the remarks I read in a newspaper which were attributed to my colleague from Turkana Central.

Mr. Achuka: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Mr. Poghisio, would you like to be informed?

Mr. Poghisio: Mr. Speaker, Sir, in which language?

Mr. Speaker: Any language!

Mr. Poghisio: Mr. Achuka, try Kiswahili!

Mr. Achuka: Bw. Spika, acha niseme yafuatayo. Ikiwa wavamizi 600 wamevamia watu wengine, ni nani ambaye amehusika? Ni mtu mmoja au ni jamii yote?

Mr. Poghisio: Mr. Speaker, Sir, that information was not necessary as you can tell. My colleague from Turkana Central was saying yesterday, that the Government has armed the Pokots against the other communities. That is an insult, and an insult goes either way. It is an insult to the intelligence of any person in this country because it raises this question: Who has armed the Turkanas and Marakwets who are fighting each other? Those are the kind of questions one should be asking himself or herself. If the Pokots have been armed by the Government, then, the Marakwets and Turkanas have been armed by the Government. So, what is the big deal? I think some of the utterances are akin to what I said; people trying to prove to their people that they are working through their utterances and cheap publicity. I would like---

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of order, Mr. Speaker, Sir. I think you overruled hon. Achuka; that he cannot discuss hon. Poghisio. Hon. Poghisio says that we cannot discuss about the Pokot community and goes ahead to mention Marakwets as a community. Then, he went ahead to discuss me; that I am trying to prove to my people that I am working. I do this job with a lot of pleasure.

I do not need to prove to anybody and at least, not to hon. Poghisio.

Mr. Speaker: Very well. Order! I think I have given hon. Members from the warring communities enough time to ventilate over that issue, but I think that if we proceed further on this line, we will be promoting war-like activities from the Floor of the House. I think it is the duty of this National Assembly to temper everybody and we must stop that now. I think enough is enough, and let us now talk about something else!

(Several hon. Members stood up in their places)

Mr. Speaker: Hon. Poghisio has not finished yet!

Mr. Poghisio: Mr. Speaker, Sir, I want to suggest something here; that the leaders from these communities must get together and get their acts together. Nobody condones cattle rustling. We should do away with it, but the Government has a hand in that. The Government must invest in the interests of these groups so that they can be pacified, in order for them to live in peace.

Mr. Speaker: I think the person who has been standing longest is hon. Mwenje!

Mr. Mwenje: Mr. Speaker, Sir, the Presidential Speech must be read together with other speeches which the President has made elsewhere, since it is meant for all of us to consume it. If you read it together with what has been said elsewhere, the President was almost clear that it has come--- Indeed, he referred to a Government which is coming and which is not his. He said that when the other Government comes, he would expect that both sides of the House would be working together. Towards the end of Kenyatta's era, if you said that Kenyatta was old or if you dreamt that Kenyatta was old and might be dying, you could have been charged with treason. Equally, now that the President has made his position clear, it should be the same; that any person seen or giving an indication of inciting the President to continue to rule this country should be charged with incitement. I think it is time that some people were charged with inciting the President to continue ruling this country. Let it be very clear that, even if the Government does not take them to court, we shall provide for private prosecution of those who are inciting the President to continue ruling this country and they will be charged with incitement. They are known, and they know themselves.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, after all, regarding an incitement charge, I was recently charged with inciting some people to attack the Minister for Local Government, hon. Kamotho. If you can incite a Minister, then, there is no reason why somebody should not be charged with inciting the President. The President was quite clear here that even if we have divergent views, we should tolerate one another. If that is the case, why is it then that those expressing divergent views, like the Mageuzi Group, are being beaten thoroughly by the police for simply expressing their divergent views? Is that a sign of tolerance? Are they being tolerated? What is said here should be practised outside and, therefore, if anybody gives a divergent view, he or she should be tolerated.

A number of hon. Members have been reduced to cripples and their hands have been broken. They have been beaten by the police for simply expressing divergent views. If what the

[Mr. Mwenje]

President said here is being practised, why are they then being beaten by the police? Why is it that when hon. Kirwa expresses divergent views in his area, he is being stopped from holding a public meeting or even a Harambee in his own constituency? Let us practise what we are saying here, but not just say it by mouth, and then we do not practise it. When a situation of that nature arises, you will find many police officers going to such meetings in three lorries. The other day, I was taken to Loitokitok by ten police officers, and yet you cannot get police officers to sort out problems facing the Pokots, Turkanas and Marakwets. Where were the police officers when those things were happening? Were they simply taking hon. Mwenje to Loitokitok?

(Laughter)

Why must we waste public funds in doing such a small thing when we have a real problem that should be addressed? Why is somebody getting scared of a few individuals? Why should I not be arraigned before a court in the City? That shows how mighty I am! And let it be so.

We would have expected to be told here that "we are still waiting---" This is because we have been talking about poverty eradication and yet, a lot of money is being used to conduct seminars. At the same time, the

Government continues to hold Kshs6 billion belonging to farmers in the form of STABEX funds. What poverty eradication plans are we discussing, when we cannot release the STABEX funds to the farmers? When the President went to Kandara, I expected that he would have carried with him a cheque of the STABEX funds and release it to the farmers. There is no point wooing a particular tribe to join you, and yet you are not helping them. That is why I said that we should read this Presidential Speech together with other speeches that the President has made elsewhere. This is because when you tell some people that they do not understand you, yes, I believe it is the other way round that you do not understand them. Somebody should understand a community and know why a particular community will not follow him. If I was a Marakwet Minister, I would have resigned today from this Government. This is in order to prove your position, that you are here because of your people and not because of your stomach. Why have we not seen that kind of situation? Who should have provided security to these people? It is the same Government we are talking about which has Ministers from the same community and they are not talking about it. Why and what are we here for? If I know that I do not represent my people in Embakasi, I would rather resign. Why are they not doing it to prove what we are saying by action and not just by word of mouth?

Mr. Deputy Speaker, Sir, we are reaching a time where everybody will carry his own cross. There will be no Simon of Cyrene, here where some people will carry other people's crosses. It is time everybody carried his responsibility. We are now going to the succession era and that is why we have all agreed to the merger because we all want to reach a situation where we all agree. However, we should not forget that we have responsibilities towards the people who actually elected us here. The police should not be misused to harass some people. In any case, when you harass a Member of Parliament you make him more popular. In fact, as I stand here today, I can get over 80,000 votes not because I have played my part, but because of that harassment. Others are being "known". By harassing hon. Orenge and the rest, you are simply making him more popular. Let the Government understand this, and you as a politician should know this.

Mr. Deputy Speaker, Sir, I agree with those who said that the District Roads Committee (DRC) should continue working irrespective of those court orders. This is because if orders do not serve our people, we can simply ignore them and my DRC in Nairobi will continue working. This is because I believe whatever was happening there is not in agreement with what they passed there. If it is a question of amendments, we can amend. We do not have to sign, but I agree with hon. Karuri that the DRCs should continue working.

Mr. Deputy Speaker, Sir, on the question of forests, let it be known that we will not allow anybody to excise them. If it is a question of settling squatters, like I have always personally advocated, let it just be the squatters, and let us be told who and how many they are. However, that should not be used as an excuse to destroy 167,000 hectares of forests so that we can now make other areas deserts. For whatever reason, whoever wants to do this, we know why. This will not be allowed, and as we protected Karura Forest, we are going to protect the rest of the forests. We will not allow it even if it means physical confrontation. We will be ready to stop it; we are not going to allow the forests to be destroyed. Let this be clearly known.

Mr. Deputy Speaker, Sir, we have been having a big problem with those children who are studying abroad. The Ministry of Education must now come out clear and tell us why is it that we voted Kshs3 billion here for bursaries for our children who are studying abroad and yet the money is never sent to the universities? Several universities are complaining that they have never received this money which we voted here and which was sent to the respective embassies abroad. I happen to be in the Foreign Affairs Committee. We will have to find out why the embassies are holding funds which

[Mr. Mwenje]

should go to the universities. For the last two to three years, the Ministry of Education has not been sending the money, and yet we voted for the money here for bursaries for our children studying abroad. These things are showing inefficiency on the Government of the day, and it is time the Government came up clearly and admitted that it is now inefficient, tired and cannot continue ruling, and it is time they let some other people now govern. This is because the governed are tired of having a Government that is not giving them service, and yet the governed are giving it money through paying taxes. We vote for the money here, and yet we receive no services. This is obtaining money by false pretence and the Government should be taken to court for obtaining money by false pretence.

I support.

Mr. Nyachae: Thank you, Mr. Deputy Speaker, Sir. I will take this opportunity for a very short time just to say that the Speech by His Excellency the President is commendable because if you go through the whole of it, there is nothing you can disagree with. The issue is what actually happens in practice. What the President said is acceptable, and that is how things should be happening. However, they are not happening that way on the ground.

Mr. Deputy Speaker, Sir, the President touched on the rule of law and the Constitution and, indeed, he is the right person to lead us on constitutional matters. Yes, we want to speed up the constitutional review, but what is happening with even the current Constitution? Even if we have the best Constitution and we abuse it, then it becomes

meaningless. Right now, there should be no dispute that the provisions of Chapter 5 of the Constitution, which gives every Kenyan his rights, is being abused left and right. Kenyans are not being allowed to move freely and express themselves the way they want in accordance with the existing Constitution. The people who are disrupting those provisions are the same people who took the oath to protect the same Constitution. So, really, if we take the oath and we do not follow it, it also means that whatever the President says here, we are not quite sure that it is going to be practised out there. This is the issue that concerns Kenyans. People are not free.

Mr. Deputy Speaker, Sir, going by the Constitution, there are certain amendments which took place here in 1997 before the elections, including amendments to certain provisions of laws to facilitate freedom of holding meetings. Procedures were agreed upon and the law was amended. The Attorney-General is the adviser and interpreter of the laws of this country. Is he advising the Commissioner of Police and the Administration of what is required in law? This is because the rule of law means we follow what is in the books of law and not practising the rule of the jungle. This is because what is going on right now is that we are not following the rule of law, but the rule of the jungle. A policeman wakes up one morning and interprets his own law and goes ahead and stops a meeting. He tells a Member of Parliament or any other leader: "You are not going to hold a meeting since you never notified me". The law does not require him to be notified when people are going to do Harambees. This is misuse of positions. This must come to an end, and if we are going to take the Speech of the President seriously, then let us practise what we are commending him for in his Statement.

Mr. Deputy Speaker, Sir, the same Constitution talks of no discrimination among Kenyans. What is going on, on the air waves? Some Kenyans, particularly around Nairobi, have the advantage of listening to what the Nation Radio Station is saying and all other radio stations, while the rest are not given the opportunity to listen to what the other radio stations are saying; the alternative views. People in Nairobi enjoy listening to alternative views. However, people in the rest of the country are not allowed to enjoy the alternative view. This is discrimination and it is against the Constitution. Whoever is in charge of KBC must know that fair reporting was what was agreed upon during the IPPG resolutions. It is sad that KBC has become a propaganda machine for a few fellows in this country. In fact, it is one of the broadcasting stations in Africa which thrive on propaganda. I have been doing my own calculation and I can tell you that three-quarters of what they report is propaganda and lies. This must come to an end. If the Government wants us to take them seriously about what they say here, then they must comply with the IPPG resolutions in practice.

Mr. Deputy Speaker, Sir, let us not blame one another about what has happened to our economy and our relationship with the World Bank and IMF. Let us open ourselves to one another. Some people accuse us of not supporting this nation to get aid. However, we would like to be clear on what was signed between the IMF and our Government. Allow the Finance, Planning and Trade Committee to scrutinise the document which was signed by the Minister and the officials of the World Bank and IMF. I know for certain that what I said recently was a fact; that we agreed to meet those conditions. Therefore, we are the ones who should come forward and say we will not implement those conditions because of reasons "a", "b" and "c". There is no harm in reversing whatever was signed. It is human to continue reviewing our approach in the management of our affairs. There is no point of saying that the World Bank and IMF are shifting goal posts because we signed to meet those

[Mr. Nyachae]

conditions. If there is something that we signed to meet, but which in practice, is proving to be difficult, let us say so and review our positions. Let us not throw stones against one another when, in fact, the conditions are very clear to those money lenders.

Mr. Deputy Speaker, Sir, I am very worried about the way we are addressing the living conditions of our people. For example, right now, we are talking politics. We have been told that there will be a shortage of about 18 million bags of maize. Nobody is telling us what we should do about this shortage. Should we wait until our people start starving and then our Ministers appeal for food aid through the radio? For how long are we going to appeal for food aid? Last year, both the private sector and the Government spent over Kshs9 billion to import food. That money has gone to farmers in foreign countries. I am a farmer and I know that if we spent just Kshs3 billion, or a third of what we spent last year to import food, as credit to our farmers, then our food shortage problems will be over. The only problem we will face will be the storage of that food. Why can we not learn from the mistakes we make? God has given us good land and so, let us make use of it. Let us not have the excuses of drought because other countries of the world face droughts as well. It is not just Kenya which experiences droughts. For example, Tanzanians have enough food despite the fact that they experienced drought just like us. Let us admit that there is something wrong with the way we manage our food production in this country. Let us agree that we have not supported our farmers in the way we are supposed to.

Mr. Deputy Speaker, Sir, during the last one year, Maasai people lost over 100,000 of their livestock. Their water dams dried up. They could not get water. Could we not even involve the army men with their scooping units

and dig dams for the Maasai people? What about residents of the North Eastern Province? We have listened to our friends talking and attacking each other. What is happening in North Eastern Province? Poverty is the major cause of cattle rustling in some parts of this country.

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

Mr. Maitha: Bw. Naibu Spika, niruhusu kutumia Lugha ya Kiswahili katika Bunge hili kwa manufaa ya wananchi ambao wangetaka kuielewa vyema. Kwanza kabisa, ninakushukuru kwa kunipa nafasi hii ili nizungumze machache juu ya Hoja hii. Hoja hii ni juu ya kuunga mkono Hotuba ya Rais wa nchi hii.

Bw. Naibu Spika, ni muhimu sana kwa wananchi wetu na Bunge hili kuwakumbuka watu mashuhuri wanaokufa wakipigania haki za watu fulani. Ni vizuri kuyataja majina yao na kuwakumbuka kila mara. Hivi juzi, Katibu Mkuu wa KNUT, Bw. Ambrose Adongo, aliaga dunia. Katika uhai wake alipigania haki za walimu wote. Ni vizuri Bunge hili kuwakumbuka shujaa ambao wametumikia nchi hii kwa dhati na kutetea haki za wananchi wetu. Ninawapa pole walimu wote waliofiwa na katibu wao.

Jambo la pili, ningependa kuzungumza machache juu ya Hotuba ya Rais wa nchi hii. Hotuba hii ilikusudiwa kutuliza nyoyo za wananchi wetu juu ya matatizo yao. Waswahili husema, "Alalaye na mgonjwa aijua miono yake." Ningependa kuikosoa Hotuba hii, hasa ukurasa wa kwanza, aya ya tatu, mstari wa sita. Rais aliwahakikishia Wabunge kinagaubaga kuwa angefuata mambo yote yanayohusiana na usimamizi wa uchumi wetu. Sentensi hii ni muhimu sana kwa sababu Rais alikuwa anatahakikishia sisi sote kuwa yeye au Serikali yake inazingatia kwa makini vilinda uchumi vyetu. Lakini sikubaliani naye kwa sababu katika Mkoa wa Pwani, mambo haya yote hayazingatiwi kamwe. Mkoa wa Pwani kuna wilaya sita. Ukizuru Wilaya ya Lamu utaona ya kuwa Serikali imewakataza wananchi wa Lamu kuvuna mikoko ambayo Mwenyezi Mungu aliwapa miaka nenda, miaka rudi, na kuipeleka nchi za ng'ambo ili wapate pesa. Jambo hili limechangia umaskini katika wilaya hiyo. Wananchi hao wanapolalamika kupitia kwa viongozi wao, Serikali hunyamaza ndii. Hotuba hii inasema Serikali imechangia kuona ya kuwa kila sehemu nchini imeendelea kiuchumi. Ukienda Wilaya ya Tana River utaona ya kwamba Serikali "imeua" mradi wa unyunyiziaji maji ambao ulitumia pesa nyingi. Mradi huu haupo tena. Wananchi wa Tana River wamekaa kama watu wasiokuwa na baba na mama na Serikali imekaa kitako ikiwaona watu wale wakiumia na hawana lolote. Katika Wilaya ya Malindi kuna Mananasi na Maembe mengi kushinda pahali popote katika Jamuhuri yetu ya Kenya, lakini Wizara ya Ukulima imeshindwa kufikiria ni nchi gani inaweza kutusaidia. Ingawa Shirika la Fedha Duniani lilisifiwa katika kitabu kilichoandikwa kwa ufasaha sana, kwa nini Serikali isifikirie kuwaleta wataalamu ambao wanaweza kutupa mtambo ili watu wa Wilaya ya Malindi wafaidike na vita vya uchumi kama hivi? Ukiziangalia Wilaya zingine kama Kilifi, Mombasa na Kwale, Serikali, kupitia mtu wao---

Mr. Achola: On a point of order, Mr. Deputy Speaker, Sir. Is there a way of reducing the volume of that microphone because it is too loud for our ears? Can he turn the amplifier down, please?

Mr. Maitha: Kupitia mtu wao wa Serikali, mtambo wa korosho uliuawa huko Kilifi. Mpaka sasa wakulima wa korosho hawana pahali popote pa kuuza korosho au bixa na machungwa kule Kwale. Serikali imekataa kabisa kuangalia matatizo ya watu [Mr. Maitha]

wa Kwale. Hata huko Taita-Taveta, ambako tunakuza mboga kwa wingi, Serikali pia imeshindwa kuona vile wakulima wangepeleka mboga zao kufika soko la Mombasa. Ikiwa hotuba hii inataja kwamba Wabunge tujue kwamba Serikali imesimamia mambo yote ya usimamizi wa uchumi, huu ni uongo kwa sababu Mkoa wa Pwani haujaona mambo haya. Watu wa Pwani wameumia. Serikali imewaruhusu watu kutoka nje kuchuma mazao yetu ya kiasili yalioletwa na Mwenyezi Mungu yaani, Titanium huko Kwale. Viongozi wamelia na kulalamika kuwa Serikali inaona kama hawakuchaguliwa na wananchi. Bado wanapendekeza kwamba madini yale yaondelewe na yaende kusafishwa katika nchi nyingine huku sisi watu wa Pwani tukiendelea kuumia. Tunapoisoma Hotuba hii, tunaona kuwa nia yake ni kuwafanya wananchi watulie na wajisikie wako sawa sawa.

Kule Pwani tuna mchezo ambao huchezwa kama baba au mama amekosa kibaba cha kuwapa watoto wake. Mama hutia mawe katika chungu na kuwaambia watoto: "Ngojeni, tunapika" na chungu kinatokota na huku kimezibwa. Punde, watoto hungoja mpaka wakalala na haya ndio mambo tunayoyaona katika Hotuba hii, sisi watu wa Pwani. Juji, watu wa kule Tana River waliuana wenyewe kwa wenyewe na hakuna mambo yoyote tunayoyaona kwa wakati huu yakiwa ya umuhimu kama kuzuia wananchi kutomwaga damu bila sababu. Mambo yale yaliyozungumzwa, kwamba utalii umeleta pesa nyingi ni uongo mkubwa. Walitulaumu wakati wa vita vya Likoni na mambo mengi. Sisi Wabunge wa Pwani tumefanya bidii. Walitaka tuwaondoe beach boys. Tumefanya bidii na kuwaondoa. Tumeleta amani katika Mkoa wa Pwani. Juji watalii walipojiandikisha kwa wingi nchi za ng'ambo kuja hapa na huko Pwani, Serikali imeleta sheria ya viza. Utapata Mzungu amepanga safari yake kuja Kenya ambayo itagharimu US\$500. Hataki kuambiwa siku ya kusafiri kuwa ameongezewa US\$100. Afadhali aende nchi nyingine. Kule Uingereza Mzungu ambaye ana pauni moja anaruhusiwa kukaa huko Florida, Marekani, kwa mwezi mmoja bila kulipa viza yoyote. Marekani na nchi zingine hazilipishi ushuru wowote unaoitwa viza ya kuingilia.

Utapata kwamba katika nchi hii ya Kenya watu wanakaa vikundi vichache na wanaona kwamba hiyo ni

kazi kidogo kusema kwamba Wazungu wote walipe viza. Wazungu wengi wamekataa kuja Kenya. Juzi, katika maonyesho ya biashara katika Berlin, Waziri wa Utalii alitukanwa na kuzomewa na Wazungu kwa kuleta mambo ya viza. Kama sisi watu wa Pwani tunaonewa huruma, kwa nini sisi---

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that the Minister for Tourism, Trade and Industry was actually abused by people during the Berlin Trade Fair?

Mr. Deputy Speaker: Order, hon. Ekirapa! That is not a point of order. You are arguing. Proceed.

Mr. Maitha: Bw. Naibu Spika, niko tayari kuyaleta magazeti na video za Ulaya kuonyesha vile Waziri wa Utalii alivyoulizwa kwa nini alianzisha sheria ya viza katika nchi yake. Nimetumia neno "kuzomewa". Ni lazima uelewe Kiswahili. Kutukanwa na kuzomewa ni tofauti.

Ikiwa tunataka nchi hii iendeleo ni lazima tuwaambie wananchi ukweli. Mimi ndio waziri wa kifinyo katika serikali za wilaya. Utakuta ya kwamba kuna Wabunge wengine wanaokuja hapa kulalamika juu ya madiwani wa Nairobi City Council na huku vyama vyao vina madiwani pahali kwingine ambapo wanaharibu zaidi ya wale wa Nairobi. Ikiwa mtu ana malamiko juu ya Nairobi anafaa aje kwangu, waziri wa kifinyo, na nitamwambia vile ambavyo ingeendelea. Kule Mombasa utapata ya kwamba KANU haitekelezi mambo yake sawa sawa.

Kwa hayo machache, naunga mkono.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. J.D. Lotodo): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Address on the occasion of the State Opening of the Fifth Session of the Eighth Parliament. That speech was well balanced and full of wisdom. Over the last three years we have realised economic growth which has affected our economy. He touched on infrastructure, insecurity, health and education. He also touched on unemployment and poverty reduction strategy. There is no way we can develop if we do not become united in facing some of our problems. Recently, we have had drought and famine in this country. I would like to thank the Government and the World Food Programme for providing our people with food. Today, were it not for that intervention I am sure we would not be in this august House because most of our people could have died.

Mr. Deputy Speaker, Sir, this is a good measure because the Government has shown that it minds about the welfare of its people. In spite of the drawbacks, we have to face the reality. Most economies in the world are in recession and our economy has not been spared. Therefore, looking at some of the areas, as I have noted, there is conflict over resources whereby pastoralists struggle for water and pasture, and in so doing, they have been so much animosity. Nevertheless, we have also experienced a lot of crop failures in our farming industry.

We would also talk about the livestock

[The Assistant Minister for Agriculture, Livestock and Rural Development]

industry which has also been wiped out by the current drought. It is in this respect that we should put our heads together and come out with resolutions which will bring our economy back on track. It should not be left to one person to do it. Many things have been said here, that the Government is plundering the economy, while we know very well that each and every Kenyan has a role to play in the improvement of the economy in this country.

Mr. Deputy Speaker, Sir, pastoralists have suffered just because the Kenya Meat Commission (KMC) ground to halt. If we had the KMC in place, thousands of livestock which died as a result of drought could have been taken to the KMC, slaughtered and processed into canned meat to be used locally or exported to other countries.

Mr. Deputy Speaker, last year we had power rationing which affected our industries and especially the textile industry which we are trying to develop. When we talk about food production, we cannot forget to talk about the fishing industry as one of the industries which are coming up. It was unfortunate that the European Union banned the export of fish products from Kenya for some years, but we thank God that they have accepted to lift that ban. Therefore, this is one of the industries which we should exploit to the maximum. As a pastoralist, I have realised that the fishing industry is a more promising industry than the livestock industry. Therefore, we should put all our efforts into fishing because I am sure that you cannot rustle fish as hon. Members have been talking about cattle rustling. I do not think that you can rustle fish in the lake. That is why there is an option of turning to the fishing industry. We had better leave the livestock industry and go to the fishing industry. I think it would be a worthwhile resolution.

Mr. Deputy Speaker, Sir, we have heard about the East African Community and the Common Market for East and South African states. This is a very important leeway where liberalisation and globalization of our economy could be exploited and because of this free trade, it is now up to us as Kenyans to exploit this important facility.

Mr. Deputy Speaker, Sir, I would also like to talk about the Constitutional Review Process. I am very happy that the Ufungamano Forum agreed to sign the document for the merger. I know that most of those leaders who voted for the merger have shown us that they care about Kenya, and Kenyans are happy that we have come together in reviewing our Constitution. I know that there are some people who were not after the merger just because, probably,

they would lose whatever they were getting on a daily basis, and they were resisting the merger because of their selfish interests. So, I would like to thank them all for what they did, and also thank Prof. Yash Pal Ghai for initiating that merger.

One of the issues that I want to talk about is the issue of insecurity in this country. You cannot blame insecurity on one ethnic group or any other person. We have had insecurity in countries like Bosnia, Yugoslavia and others, but we have to look at the problems that bedeviled these communities and address them accordingly.

Mr. Deputy Speaker, Sir, during the colonial days, we were left behind and when people were going to school, we were not accorded the opportunity to go to school. The only thing that our people were doing was to look after animals, and now with the little animals that we have, people have been scampering for the limited resources. It is unfortunate that our people have continued butchering one another. We need an intervention and it is high time we called upon the Government to make sure that we are, at least, provided with free education, especially the pastoralist communities in the Arid and Semi-Arid Lands (ASAL). Let us not adopt one educational system which emphasizes cost-sharing.

Right now, if our communities depend on relief food, how do we cost-share in education? We need a proper policy on education. When the new Constitution will be put in place, we will come forth and request for part of the funds from the Budget to develop the ASAL region.

It is so sad that in the recent past, the Marakwet and Pokot people butchered themselves. But I would like to go in tune with what my brother, hon. Poghismo, said. If a criminal does an activity, it does not mean that it is the community he comes from which has done that activity. We have had bank robberies in Nairobi and we do not say that the Kikuyus do it because they are the majority, but we just say "robbers robbed the bank". We have carjackers here in Nairobi, but we do not say that all Kikuyus are involved in this activity because they are the majority in the City. So, what hon. Poghismo was alluding to was that, we should call them bandits because they carried their cross as bandits.

Mr. Deputy Speaker, Sir, hon. Moroto, hon. Poghismo, hon. Lomada and I are here and we did not go to stop cattle rustling. This is the argument behind the whole issue and it was unfortunate that the cattle rustling incident occurred and we are really very sorrowful because our people could butcher themselves. That is why I would like to call upon the military personnel to change their strategy on security provision.

Recently, it was announced that, Maj. Kibwana was opening a school in Lamu. I would [**The Assistant Minister for Agriculture, Livestock and Rural Development**] like the same approach to be applied in Korowa Division, where they could construct three nomadic primary schools for the Marakwets, Pokots and the Turkanas in order for them to go to school as opposed to seeing them in uniform running here, and chasing and kicking anybody they come across. I think this could have been a better intervention.

Mr. Deputy Speaker, I would like to touch on the issue of conflict resolutions. Whenever an incident of that nature occurs, you cannot condemn the whole community. Let us just go for the criminals. As leaders, we have agreed that we are going to condemn those people who were doing that act, which is very bad to this country, especially when some people start killing other human beings. We have condemned it in the media and I do not think that any leader worth his salt will ever support such criminal act.

Mr. Deputy Speaker, Sir, unless these people are provided with the resources, I am sure these activities will continue, and we will be going round in a vicious circle. I know that the Marakwets and Pokots are almost the same people and there is no reason why they should kill each other. Therefore, I am urging the Government, through this Parliament, to allow hon. Members to come together and find a way of resolving these conflicts. We hear that there are conflicts in Tana River and other parts of the country. I hope that, with this kind of intervention, we would be able to stay in this country peacefully like other Kenyans.

Mr. Deputy Speaker, like this issue of conflict, we had just agreed to go together with other hon. Members. We went to West Pokot to raise funds for a school, and we equally went to Baringo East to raise funds for the Bursary Fund so that children can go to school. We were just planning to go to Marakwet when the incident occurred, just because three weeks before that incident, there were some animals that had been stolen from Baringo and were taken across to Marakwet, and it was the Provincial Administration which intervened. We were also told to wait for three weeks to be given back the animals.

With these remarks, I beg to support.

Mr. Mboko: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Presidential Address.

Mr. Deputy Speaker, Sir, it is unfortunate that this Government has got a habit of giving us very good speeches and programmes, but when it comes to their implementation, nothing is done. I have analyzed the Presidential Address. It has touched on the economy, co-operation, Bills to be brought to this House and agriculture. All these things have been talked about time and again in this House. It is a fact that the agricultural sector is the

backbone of the economy of this country. This Government has killed the livestock industry by killing the Kenya Meat Commission (KMC). The KMC has been killed by this Government intentionally to impoverish the pastoralists. The Government has also killed the Kenya Co-operative Creameries (KCC) where the dairy farmer had access to sell his milk. How many people depended on KCC and KMC?

The Government is talking of poverty eradication when it is the same Government that has created this poverty. When the Government allocated land meant to be the holding ground for KMC, where did it think it would have the holding ground for KMC? It must, first of all, revoke the land allocations which it has made to politically-correct individuals. After the calamity has been seen, the Government is now talking about poverty eradication. Holding seminars will not change this economy. As we talk now, the amount of money allocated towards the poverty eradication programme is Kshs400 million. Why can the Government not give that money to the dairy farmers or the tea farmers to revive these industries? How can you eradicate poverty when you are killing the industries which create the wealth of this country? How do you eradicate poverty when you are sacking the people who pay taxes to run this country? The Government has sacked 22,000 civil servants whose total salary is equivalent to the salary of the Head of the Public Service. How much were these people contributing to the economy? They were supporting the industries of this nation. Whether you pay an individual Kshs10 million, he will not eat more than he requires. When you employ 30,000 people, they will eat more and the food industry will be supported. What is the logic? This Government has failed.

Mr. Deputy Speaker, Sir, when we were deliberating about the World Bank and the IMF in this House, the Leader of Government Business moved the Motion of Adjournment. When the hon. Members of this House opposed the Adjournment, he vehemently campaigned for the adjournment when he knew that there were Bills to be discussed before the disbursement of aid. We are going round in circles. This Government must come to its senses and tell Kenyans the truth. You cannot run a Government as if you are running your kitchen. This Government belongs to all of us and a mistake by any member of the Government affects all Kenyans. This is something that we must think about.

Mr. Deputy Speaker, Sir, we talk of very good ideas. We talk of high interest rates. We condemn hon. Donde's Bill and refuse to give assent to it. The Government must cut down its appetite for local borrowing. If it continues borrowing locally, the interest rates will continue rising. Now, we have only a balance of Kshs65 billion in the market which the Government can borrow. If it borrows that amount, what shall we do? This is the balance in the money market which can support our economy. After total Government domestic borrowing and borrowing by commercial entrepreneurs, what remains in the economy is Kshs65 billion. Our Budget support requirement is about Kshs65 billion. So, if we borrow that amount, it means that we will have no alternative. Today, as we are talking, the exchange rate of the Dollar to the Kenya Shilling has stabilised at about Kshs77 because of the Kshs2 billion which came in. When somebody brings Kshs2 billion in, you harass him, but when the Kamleshes of this world take Kshs54 billion outside the country, they become heroes. Where are we as a Government? How do you create a climate under which you cannot invest in this country? If the money was not brought in by a Mr. Kariuki but by a Mr. Wilson, nobody would have talked about it. But simply because the money came in, in the name of an African, it became questionable. We have come to a situation where we do not trust ourselves, but we trust foreigners.

A few years ago, the Head of the Public Service was whipped by the same Government. Do you think he has got good intentions towards this Government? After being whipped by the same people, he will work in every way possible to make sure that this Government falls down. We shall take our own medicine. The same measure that the Government gave him, he will give to Kenyans. We must take ourselves seriously. I am sure that some of my colleagues on the other side know it, but they cannot speak lest they be removed from high offices. I want to tell them that there is good news on this side, in that from this side, one can talk freely and represent his people properly. But when you are on the other side, you are as frightened as your small chicken at home. This House must rise up and discuss issues affecting Kenyans.

The STABEX funds were given to this Government by the European Union in the early 1980s, but because the Government wanted to fight certain communities which are opposed to its governance, the money was withheld. Money that was meant to revitalise the tea and coffee industries was withheld. The cotton industry in Ukambani was killed, yet you want to tell the Kamba to support this Government.

My constituents are all squatters. The Government has not thought it wise to give the Kamba from my constituency title deeds. We are hard-working Kenyans and the maize that we have produced in Kibwezi is a lot. The same Government has impoverished the Kamba and it does not want to release funds to the National Cereals and Produce Board (NCPB) to enable it to buy our maize. The NCPB has a shortfall. Instead, the Government is waiting for that maize to go to waste so that the Kamba can again, during the year 2002, be given two kilograms of maize as relief food, so that they can vote for KANU. The Government should use the money which it intends to use to buy relief food in 2002 to buy our maize now. When it buys our maize and issues us with title deeds, we shall be

productive.

Mr. Deputy Speaker, Sir, when there was drought, some communities were given preferential treatment. They could graze their animals right in the centre of Nairobi while communities living near Nairobi cannot have access to the same facilities. Why should we have this discrimination? The people who border Chulu Hills could come to Nairobi at three o'clock under the pretext of grazing cattle. Grazing is not the only issue in this country. We need farmers, both agricultural and horticultural, to be protected by this Government. We want this Government to come out and see Kenya as a country.

With those few remarks, I beg to support.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute. I would like to congratulate His Excellency the President for a Speech that was well read. I congratulate him for the substance and vision entailed in the Speech. I do not believe that it is the President's job to implement Government policies. We have the Civil Service. I will come to that later, but in terms of general direction and broad policy environment within which the Fifth Parliament should operate, I think the issues were well highlighted. I would like to encourage all Members of this House to take the wise counsel embodied in the Speech very seriously. But, unfortunately, Members from the Turkana and Pokot communities have started by wrangling amongst themselves! That is what the President discouraged in his Speech. He said that hon. Members should desist from wrangles.

Mr. Deputy Speaker, Sir, I would like to start by applauding and saying that the Pokots as a community - unfortunately, none of them is here and I will not be interrupted - are *bona fide* Kenyans. At no one time have we said that the Pokots as a community are bad people. But I would like them to share with the communities of Turkana, Samburu and Marakwets. When you have a community that is almost everywhere all the time, those are not bandits! Those are not just a few thugs. That was an orchestrated, community initiative to drive the others out of existence. In fact, the people of Turkana are really worried. They have nowhere to hide. Even the Turkanas who live in Samburu were attacked by the Pokots. They were not satisfied with the Turkanas in Turkana District. We are getting worried that even if we fled to the United States of America (USA), they would come for us there! That is the understanding that I would like us to have. We have nothing against the Pokots as a community. We have a lot of respect for the people of Pokot as a community. But something somewhere has gone terribly wrong!

Mr. Deputy Speaker, Sir, we are talking about communities because of failure of certain things. Today is the World Water Day and yet, the pastoralists are still fighting over the limited water resources. Water and pasture are very important resources for the pastoral communities. If we had enough water and pasture, we could not be talking about cattle rustling. We could not be talking about where we came from in terms of our military background. If the Minister for Water Development could assure us that we could have water in Turkana, Pokot, Samburu and the rest of the pastoral areas, we will have no problem.

Mr. Deputy Speaker, Sir, we would like to condemn certain actions by the police, for failing to take action, when there were over 500 people moving around. What is happening to the intelligence network? Is that a foreign commodity in Northern Kenya? Is it a commodity for the urban areas in this country? I think the people of the North Rift are entitled to certain services. They are entitled to information and protection.

Mr. Deputy Speaker, Sir, cattle rustling will continue to be an issue, as long as poverty is not tackled. But what some good civil servants have done is that even in some pilot cases, a district like Turkana is not included, when Government statistics indicate that, Marsabit District is the poorest, followed by Turkana District. I imagine that we should be able to prioritise our problems. We should be able to prioritise our intervention, so that we can help Kenyans to address the real issues that affect them.

Mr. Deputy Speaker, Sir, the President talked about the infrastructure. If you travel from Mandera to Wajir, you will talk of a road that used to be there. The tarmac disappeared. In the mid-70s, there was a tarmac road from Kapenguria to Lake Turkana. There is a stretch from Kainuk to Lokichar, where hon. Achuka has his headquarters. That section of the road has disappeared! Mr. Deputy Speaker, Sir, you had the occasion to visit that area and we were very happy. You saw that even the official vehicle could not navigate those roads. We would like people to visit those areas. We would like the rest of Kenyans to visit us. We are happy that the Departmental Committee on Education, Research and Technology visited Turkana and saw what obtains in those areas. Unless hon. Members visit those areas, they will not be able to appreciate what we are talking about. For them now, what I am talking about is purely academic! They think it is a movie out of Africa! They think it is another movie similar to the one entitled: "Gods Must Be Crazy." But that is for real! There is a part of the great Republic of Kenya that requires concerted efforts of all men and women of goodwill.

Mr. Deputy Speaker, Sir, our friends will talk about numbers. They will say that there are no people there. But during the recess period, I had the occasion to visit the area and, believe me, most of our people do not even have the national identity cards. Due to the prevalent famine, the people have lost livestock. Their purchasing power

is completely zero. So, when you ask them for Kshs50 for a new identity card, they do not even understand. They ask: "Why should we be registered? Why should we pay to be registered as Kenyans and yet, we were born Kenyans?" I think we need to waive some of those fees. As hon. Maitha said about the visas for tourism, I think we should not demand that Kenyans should pay in order to be identified as Kenyans! It should be their right as *bona fide* Kenyans who are born here. By all means, the Turkana cannot be mistaken. They should just be given the identity cards as a matter of urgency and priority, so that in the next general elections, they can register as voters and vote back the KANU Government to this House. I know that my friends may not like that, but that is the reality.

Mr. Deputy Speaker, Sir, when we talk about coming back to this House, it is not just a matter of coming back to the House. I would like to tell my colleagues that we need to be very serious. I think the Eighth Parliament has made a mark as a very assertive Parliament. We would like to increase the democratic space. But we should not play politics with the lives of Kenyans. I would like us to be serious. I would like hon. Members of this House to support us on the Kenya Meat Commission (KMC). The KMC is not just a pastoralists' issue. It is beef for all Kenyans. I know all Kenyans like eating "nyama choma". If the pastoralists cannot get market outlets, where will you get your meat from? I know that I am in the Government and hon. Mwenje challenged us to resign. It is not a Government policy for cattle rustling to be there. Cattle rustling is one of the archaic cultural things that we are all trying to eradicate. Even the Government sometimes does not understand what is happening. It is a community issue and hon. Members must realise that. That is why we are not resigning. The problem is beyond just mere intervention. The problem is that of livelihood and socio-cultural significance, and it needs to be addressed. Part of the failure to eradicate the problem stems from some civil servants who do not believe that the North Rift is part of Kenya. You cannot bring the Government to account for that. It is a matter of preference by the civil servants all the time, immediately after our Independence and in the present time. We need to have literate people from those communities who can be able to bring out issues that affect our people.

Mr. Deputy Speaker, Sir, some people talk about discrimination on the basis of information. They say that three-quarters of the Kenya Broadcasting Corporation (KBC) airtime is mere propaganda, and the rest are lies! But does this House know that Turkana District cannot receive the KBC's TV signals? If the rest of the Republic does not want that propaganda, we want it! Why cannot this House vote overwhelmingly that all areas in the country need to be covered by the KBC? Our people have the right to information. That is how they can get new ideas, develop and prosper. But when those areas are still closed, and we are complaining that the Nation FM only sticks to Nairobi, we are not serious! Let us start with those basic frameworks.

Mr. Deputy Speaker, Sir, as long as the road network remains collapsed, we cannot talk of any meaningful development in this country. As long as water is not provided to everybody, we will remain below the surface. Until we actually come to the surface and remain there, problems related to its unavailability will persist. Nevertheless, given the limited resources at its disposal, I think the Government has tried to address these problems. I think the Government will continue trying to solve these problems.

Another problem is that, you will find that the police are enthusiastic about harassing Members of Parliament, but not pursuing cattle rustlers.

With those few remarks, I beg to support.

Mr. Njakwe: Mr. Deputy Speaker, Sir, it is very interesting that we spend so much time talking about the Presidential Address, to which every hon. Member contributes. Unfortunately, at the end of it all, you find that all that we do is cry about problems that never end. I would like to be a bit technical.

Mr. Deputy Speaker, Sir, if you look at way back from 1978, when President Kenyatta died, you will find that this country has been on a declining trend.

An hon. Member: Correct!

Mr. Njakwe: If you look at things very keenly, you will realise that this Government has been existing on the momentum of the Government of the late President Kenyatta. There has never been a Government in place as such. In my contribution to this Motion, I would like to be a bit technical and point out the truth. This country's economic growth rate in 1978 was 7 per cent. Over the years, the growth rate declined to negative 0.3 per cent. Is that not true?

An hon. Member: It is true!

Mr. Njakwe: So, honestly, the economy has been on a declining trend. Not a single time this Government has changed the country's economy to register positive growth. Over the years, the economy has been progressing downwards from 5 per cent sometime back to 4 per cent the following year, to 2 per cent in the year that followed, and to negative 0.3 per cent this year. Going by that trend, possibly, next year, the growth rate will go further down to negative 1 per cent. The matter is a bit funny. Surely, the same Government knows its performance, but it still wants to continue with its business. Are those in this Government not ashamed of their performance? Unfortunately, those in the Government spend their time, not thinking about how they are going to govern, but rather on the drawing

board, planning how to loot the economy further. If there was a provision to reward this Government, we would give it a doctorate degree in looting.

At this juncture, I would like to point out that some of the things the Government is supposed to do for its people include marketing, providing credit facilities, security and developing the infrastructure such as roads, electricity and water. Further to that, the Government is supposed to provide health care services as well as quality education for its people. Is there any record of those in Government having provided any of these services to its people? It is very sad that the same Government continues to govern this country to date, and that it wants to continue governing in future. As my colleague, hon. Gatabaki said, if I were in this Government, I would say: "I am tired. I cannot do it". There is nothing wrong in accepting that you cannot do a certain job. It is honourable to accept that you cannot.

Mr. Deputy Speaker, Sir, wrong things are few and very precise. In this Government, there is something called "lack of complete honesty". Those in the Government are never honest on any issue. They are completely insincere.

An hon. Member: That is their culture!

Mr. Njakwe: That is a very bad culture.

Mr. Deputy Speaker, Sir, above all, the Government recruits unqualified people to serve in the public service. Those in the Government are very good at recruiting people with the qualities of stealing.

Mr. Deputy Speaker: It is wrong to call other people thieves, Mr. Njakwe.

Mr. Njakwe: Mr. Deputy Speaker, Sir, it is not wrong. You can even cry for this Government. [Mr. Njakwe]

It is unfortunate that we are part of this country. Those of us who travel overseas used to be very proud. When we went to countries such as Great Britain, we used to be accorded VIP treatment even though we were not VIPs. At that country's airports, Kenyans used to be treated well because the authorities there knew that Kenyans were able people. Everybody knew that we never used to go to the United Kingdom to beg or to be employed as house-helpers and watchmen. That is no longer the case today.

Mr. Deputy Speaker, Sir, if you go to that country today, you will be surprised by the kind of treatment that you will be accorded by the authorities. Some hon. Members may not have had any bad experience, but I can assure you that, if you go there today, the authorities will want to know whether you have gone to stay or work in that country. We have been made to be accorded that kind of treatment by this same Government. We would like to be people of honour. So, we are asking those in Government to allow us to enjoy that honour by governing this country well during the short time that is remaining for them. Although we cannot see any signs of changes to come, they should let us be treated as respectable people by other people.

I would say that this country has a problem of vindictiveness. Somebody in my home district, Murang'a, for instance, will always ensure that new Members of Parliament like myself are branded "non-performers". He will go behind the scene and incite the councillors against you. You may find that councillors in, say, Central Province, are given express permission to spend local authority money to fight, say, hon. Kariuki. But whenever the President addresses Kenyans, he calls for honesty, so that people can work together. Unfortunately, some of the people he appoints to some offices cannot deliver. In all honesty, therefore, I would say that if this country continues to rely on this Government, it will collapse. Therefore, we would like this Government to retire and rest, because it cannot perform.

Thank you.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, I beg to support this Motion. When we argue and debate about the Speech of the President, it is also very interesting to know the response of the Official Opposition to the Speech. This is because the Official Opposition is the alternative Government. If you would like to know where Kenya would go, if it were not here, it is good to listen to the Leader of the Official Opposition. The Chair should have heard him yesterday lamenting from "A" to "Z". I wanted to write a passage called; "The Lamentations of hon. Mwai Kibaki". This is because there is no alternative policy. One wonders what the Opposition would have said if President Moi did not speak. Actually, if he were not there, what would be the speech of the Opposition? In 1992, when we came here, the Opposition, when the President read the first Speech, said that there was no public policy in it. The second Speech was written and they said that it was not good enough, and this time round, they are saying that it is nice but there is no implementation.

I would like to compare my colleagues in the Opposition to the man who murdered his mother and father and when he was found guilty of murder and asked for mitigation, he said that he was an orphan. If there is no implementation, it is because the Opposition makes it so difficult for the Government to implement its policies. I have heard my colleagues lament that people from other countries do not like Kenyans. Who told those people that Kenyans are bad? It is the Opposition that told them. These are the people who go out of the country and say that

their motherland is this and that.

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

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, that is not a point of order. He will have his time.

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. I was taken to detention by this Government and that is not an act of the Opposition, but an act of the Government. Can he deny that?

Mr. Deputy Speaker: Order, hon. Kihoro! You must not stand on a point of order and then argue.

Proceed, hon. Sunkuli.

The Minister of State, Office of the President (Mr. ole Sunkuli): I think we had better put the things that we are talking about in context.

I have heard it being said that during the days of the late President Mzee Jomo Kenyatta, Kenya was a very good country and he was a great President. I would like to say that sometimes the Government "travels" like a plane and we have to ask ourselves whether it had a tail or a head wind. What were the advantages of the late Mzee Jomo Kenyatta's days? During those days, we were the blue-eyed boys of the West because we stood against communism. Actually, many hon. Members of the Opposition at that time were also sympathizers of Karl Marx. When we stood in favour of what was the free world that time, we got all the advantages and Kenya did, in fact, prosper. Those who ran Kenya at that time made sure that the *piki pikis* only faced the other side. Those good old days, when the roads were good, they were only good there, and when everything was good, it was only good there. By the way, we got our first road to Kilgoris in 1980. Even today, I hear people lamenting about Marakwet. These people spent all their days in the Government, holding senior positions and not thinking that Marakwet was part of Kenya. But today, because they find something for which to criticise the Government, you see them actually talking about Marakwet, which, of course, was not a member of this favoured group that they ran. But that was not the reason why I rose. I rose in order to support this Speech. Hon. Members have commented about democracy and I think that it is absolutely crucial that we nurture our democratic culture, which we have had as Kenyans.

Mr. Deputy Speaker, Sir, the democratic culture demands that we have separation of power, which means that there must be an Executive, Legislature and Judiciary. I would like to say that each one of this, by the way, is independent of the other. There is independence of the Legislature, Judiciary and the Executive.

Somebody said that at one time there used to be three arms of Government, namely, the Executive, the Executive and the Executive, and today, we have three arms of the Government, namely, the Legislature, the Legislature and the Legislature. I must stand here and say that when we create democracy in this country, let us be aware today because you are there and you are hoping to be here; that if we centralise all the powers in the Legislature, it is equally dangerous. This is because, today, hon. Members of Parliament are no longer contented with making the law here, but they also want to be the implementors. Who will, therefore, come and audit hon. Members of Parliament if they move their duties away from legislating laws to actually operating as the Executive? That is running a Government with only one wing, and that is why we want to insist that the Constitution of Kenya be operative properly so that we start to debate about other things, because other people want to talk about succession. I would like to say that the majority of those people who are aspiring to be the next President have been Ministers for Finance and they made no difference. I would like to say that some of them have run every arm of the Civil Service and they made no difference. These people still say that Kenya should be given "fresh air". I insist that when the time comes for President Moi to retire, it is time for that entire generation to go.

(Applause)

There is simply no fresh air when a man who has been Vice-President and Minister for Finance wants to be the next President. Another man who has been the Chief Secretary still wants to be the President in his old age, and says that, that amounts to change. I would like to say that, that does not amount to change.

Somebody even comes here and says that the Kenya Broadcasting Corporation (KBC) is full of propaganda. I would like to urge him to listen to a programme called "The Daily Dilemma" in the Nation FM, and listen to a lady called Jenipher and try to compare her voice with the one of Prof. Wangari Mathai. I would also like him to listen to the voice of a man called Njoroge and try to compare it with the voice of Dr. Gitari. What do you hear throughout that programme? If you have ever heard lies, then that is the meaning of the word "lies".

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to emit personal vendetta and ethnic problems that he seems to have with a certain group of people for no apparent reason?

Mr. Deputy Speaker: Order, hon. Kariuki! You must not stand on a point of order and start arguing with the hon. Member on the Floor. But if you want to raise a point of order, make sure that it is on the procedure or conduct of the hon. Member.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, we have heard a lot about the ills of the Government. Is it now not time that we heard about the ills of the Opposition? Should somebody also not talk about that because this country deserves good leadership? When the country is having good leadership and others spend time saying that, that is not good leadership, and that what is already a bad Opposition actually can be a good Government, is that justice? That is why I am saying that if you vote for your right to be heard, please, insist that I have mine too because there are always two sides of this story.

Somebody said that STABEX money was kept because it was supposed to go to the Opposition side. In the first instance, who is he to say that the STABEX money should only go to the Opposition side? Who is he, because if it is tea, it is grown in Kericho and if it is coffee, it is grown everywhere? They do not want to tell us why the money, in the first place, had been "freezed".

Hon. Members: Frozen!

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Deputy Speaker, Sir, "had been frozen" is the proper English, but you know, I do not speak exactly the same English as hon. Wamalwa. But thank you for the correction.

Mr. Deputy Speaker, Sir, I support this Motion.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I must commend my dear friend, hon. ole Sunkuli. He is always a very prolific defender of the Government. I think that is credible. But, usually, the defence is not based on facts that can stand the test of time. One of the things that are important in a speech that talks about public policy is that, it must be public policy. You cannot really deliver to the Republic of Kenya a public policy that has not substantially touched on the economy. The issue that the SDP takes with the Presidential Speech that has been given this week is that it never really addressed itself to the fundamental issues facing the Kenyan economy, which touch the common man. We cannot talk about constitutions and all that; that is what we talk, in political economy, as the superstructure. You must go down to the structure of society, where life is touched in a fundamental way.

In this regard, Mr. Deputy Speaker, Sir, we do realise that we are fast becoming a consuming nation. The productive capacity of this nation is being destroyed by poor policies. Surely, we did consent to become members of COMESA and that is very good. But, we must prepare ourselves to be competitive in the COMESA market. At the moment, it is cheaper to print a newspaper in Cairo and import it to Kenya and sell it here. Very soon, our daily newspapers, given the technology that is available, may find themselves, under the COMESA rules, being printed in Cairo and imported here. Already, the printing industry is being ruined by imports from Egypt under the COMESA rules. We know that Kenya has been leading in this region in the printing industry. But today, companies, banks and so on, prefer to order the printing of their calendars in Cairo and import them here rather than give the job to the printing industry here. That means that we are losing jobs, and all those sons and daughters of Kenyan workers and peasants who are looking for jobs in the printing industry are losing those jobs. These are the fundamental questions that should be faced by Mr. President when he is issuing a speech called public policy, an Address to the State.

Mr. Deputy Speaker, Sir, even if we move from COMESA, this country could have taken a leading position in Eastern and Central Africa as a service economy. The service centre of Eastern and Central Africa could have been Kenya. Today, as I speak, the Republic of South Africa is coming out with an extremely progressive policy on higher education, which is meant to attract lecturers and professors from the rest of Africa to go and teach in South Africa. It is also meant to attract students going to college and graduate school to go to South Africa. South Africa realizes that if it develops itself as a service centre in Africa, it is going to earn a lot of money. Kenya could have done this 20 years ago when South Africa was still being harassed by apartheid. But as I stand here today, South Africa is going to overtake us as a service economy in Eastern and Southern Africa, taking advantage of the COMESA rules that we are talking about. If only we could develop our airports; Jomo Kenya International Airport, Moi International Airport, Mombasa, Malindi Airport, Moi international Airport, Eldoret, and Kisumu to be regional airports whereby if somebody wants to organize an international conference in Eastern and Southern Africa, you fly to Eldoret, you offer services like a supermarket and faxes; you do all that and you fly out, you would have left a lot of foreign exchange in this country. That is what I mean by a service economy.

Singapore has done it. If you fly to Singapore Airport, you can buy a car, or send a fax; you have hotels and supermarkets. Singapore earns about 8 per cent of its GDP. Imagine what we could do if we earned 8 per cent of our GDP just by offering conference facilities in this country. A country that is so beautiful, a country that is given such good weather, a country whose various regions offered so much tourist facilities although some have been neglected; a country that is known to have the highest development of human resource in Eastern and Southern Africa; this is the country that we have small minds in the Government. I urge these people to think big. Rather than hon. ole Sunkuli thinking about the Jeniphers of the Nation FM, he should think big of the economy of Kenya and come here to tell us something which is big and which uplifts our hearts. That is the kind of leadership Kenyans want. We do not want to come here and talk about trivialities; we want to come here and talk about the big issues of

the day.

Mr. Deputy Speaker, Sir, my dear friend---

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Prof. Anyang'-Nyong'o to mislead the House that this Government has small brains and that they are thinking small? Hon. ole Sunkuli only gave us an example to illustrate a point on what life is all about.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, if the Government was not thinking small, it would not have employed a "Dream Team" for 18 months to help it think. July is coming to an end and this "Dream Team" has not been allowed even to dream, let alone to sleep! These are the issues that Kenyans are asking. If, indeed, we have great minds over there, why hire the "Dream Team" at Kshs12 million per month, which is paid for by the same foreign masters they are always arguing about? This is lamentable. So, we, here in the Opposition, contrary to what my dear friend, hon. ole Sunkuli thinks, do have greater ideas for this country but we are patient. It was once said that resoluteness is the essence of struggle. You must be resolute and persistent. I could say it in Dholuo; it sounds even better: "*Kinda e teko, sinani e lweny*". It is a beautiful language and if you could understand it, it is the essence of what we are talking about. You must be resolute and persistent to achieve what we want. That is why we are patient. We shall come there one day.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Of course, I have no problem with his lifetime patience, but is Dholuo a language of this House? If it cannot be translated, we are losing so much wisdom in what he has said.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I translated it.

Mr. Deputy Speaker: He translated what he said in Dholuo. Proceed.

Prof. Anyang'-Nyong'o: We have a problem on the other side, Mr. Deputy Speaker, Sir, of what I once called the slow growth of medulla oblongata!

(Laughter)

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. I think he is breaching the Standing Orders. When he says that there is a slow growth of medulla oblongata, he actually means I have no brain. That is not right.

Mr. Deputy Speaker: Order! Order!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I did not say the hon. Member has no brain. That is really biologically wrong. I only said that there is a slow growth of medulla oblongata, which is a correct biological observation, given what we have been listening to today.

But on a more serious note, the cost of education in this country is hurting Kenyans. First of all, when we went to school, the only thing that a parent was expected to do was to provide us with uniform. We went to school and presented ourselves and if you were in uniform and neat, you were accepted into the classroom. When we went to the classroom, everything was provided. The whole idea of having a uniform was because the Government did not want class distinction in a class. The uniform we wore on our bodies meant that we had uniform access to facilities in the classroom. That was the meaning of the uniform. Today, wearing uniforms in Kenyan schools does not make sense because that uniform does not correspond to the facilities available to every child in that class. If you do not pay some levies like cost-sharing, you are sent home. According to the records held by those who do research, 20 per cent of Kenyan school-going children miss classes every day for being sent home for not contributing something to the school; cost-sharing money, building fund, activity fund and so on. So, the uniform no longer makes sense in Kenyan public schools. Those who have realised this have voted with their feet. They have sent their children to private schools. But private schools are capitalising on the Kenyan love for education by super-exploiting Kenyans. Imagine a child goes to a kindergarten and pays Kshs26,000 a term, or even Kshs30,000. A student goes to Kabaa High School, which is a boarding school, and pays about Kshs7,000 a term. Tell me; what is so mysterious about kindergartens that a little boy or girl should pay Kshs30,000 a month a term for kindergarten education? In private schools in Nairobi - the primary and the high school levels - you will find that you pay as much as Kshs76,000 a term, or even ksh150,000. We need an Education Bill in this House that controls the amount of money private schools should charge parents. Now, we are spending Kshs15 billion in sending our children abroad for education. That Kshs15 billion represents 8 per cent of our national Budget. Supposing that money was spent locally here; how much would it provide positively to the growth of our economy rather than to the growth of other economies in Australia, New Zealand and USA?

Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Wamalwa: Thank you, Mr. Deputy Speaker, Sir. I do thank you for giving me the opportunity to make

a few comments and reservations on the Presidential Speech on the occasion of the State Opening of the Fifth Session of this Eighth Parliament. I wish to observe, as I did, at exactly the same period last year, that the President seems to have acquired a very excellent speech writer. In the first place, the speech is always short, concise and full of material. It was said a long time ago, that a good speech should be as short as a woman's skirt. It should not be too short to show too much, and it should not be too long to cover too much. I would like to say that the Presidential Speech on Tuesday conformed to those standards in a very excellent manner.

Mr. Deputy Speaker, Sir, I would want to touch upon two or three points contained in the Presidential Speech. The President talked about the importance of the constitutional review process. The venerable Prof. Anyang'-Nyong'o said that the economy should take precedence over constitutionalism and all that. While I agree with him, I believe that constitutionalism is also equally important. The President urged Parliament to move with speed as soon as the two processes have merged - the People's Commission of Kenya (PCK) and the Constitution of Kenya Review Commission (CKRC). Once they have merged, Parliament should move with speed to effect the necessary amendments to the Constitution of Kenya Review Act, so that the Constitution of Kenya Review Commission can be put in place to begin work immediately. Kenyans are crying out for a new Constitution and reasons for that demand have been made amply clear. Even the Wanjiku's of this world will tell you that this country needs a new Constitution. It is, therefore, incumbent upon us in this august House, once this Bill comes before us, to effect the necessary amendments immediately and get this show on the road, so that Kenya can have a new Constitution in place before the next general elections.

Speaking as a member of the Ufungamano Initiative, I would like to observe that constitution-making the world over is a very difficult task. In our own country particularly, it is beset by a number of problems. First among these problems is one of suspicion - real or imaginary. There are those who suspect that there is one ethnic community or a conglomeration of ethnic communities in this country, who plan to hijack the constitutional review process for their own gain. There are others who suspect that President Moi intends to hijack the constitutional review process to create an extra term for himself in office.

"Mr. President---" "Mr. Chairman----" "Mr. Speaker, Sir," these are all suspicions.

(Laughter)

Mr. Deputy Speaker, Sir, I am sorry for addressing you as "Mr. President." I have been addressing many meetings where there are Presidents and Speakers.

Mr. Deputy Speaker: The Chair is all of those.

Mr. Wamalwa: Thank you, Mr. Deputy Speaker, Sir. I do not believe for one moment that any ethnic group or conglomeration of ethnic groups can unite to hijack this process. In the first place, they would not have the figures to achieve it. Secondly, Kenyans would not accept it, and thirdly there are enough check-points in this process to make such a move impossible. When you come to the suspicion as to the Presidency, again, I do not think that this suspicion is properly founded or true. I happen to believe that President Moi has the sagacity, which he has displayed on many occasions, to realise when to call it a day. I think when that time comes, he will have the integrity to call it a day. In his off the cuff remarks, the President himself, in my opinion for the first time in this House, alluded to the time when he will be retiring. I think he alluded to it positively. He did not allude to it in a manner of somebody who is afraid or who wants to hang on. I think this House should encourage the President to retire honourably, and I am quite sure that President Moi will have other things to do within the Eastern African region. He might even rise to become the first President of the East African Federation. So, I think what the Kenyan community and this Parliament need to start doing is to start putting measures in place, for the President's comfortable retirement, and also for the security and safety of the President's persons and those other people whom we deem to need that security and safety.

If we are able to do these things, and President Moi retires peacefully, he will join the ranks of the great sons of Africa, like Mr. Nelson Mandela and Mwalimu Julius Nyerere, who have retired and continued to serve the African Continent on a different level, in an even more meaningful manner. I do not believe for one moment that the President's retirement is contingent upon the coming into operation of a new Constitution. I believe that the President's retirement would be in conformity with the provisions of the current Constitution. Therefore, nobody should try to link the President's retirement with the promulgation of a new Constitution. That will be holding the current Constitution hostage to the unborn Constitution. I believe that Kenyans are one nation and they can speak, work and reason together and come up with a Constitution that will satisfy the exigencies of current day politics. I would like to encourage that very much.

Mr. Deputy Speaker, Sir, the second point that I would like to touch upon in the Presidential Speech is where he mentioned that in the course of this Session, there shall be debate and legislation on the Sugar Bill 2001. I believe, when that Bill comes before this House, it will deserve the support of all of us. At the moment, a great

number of our nationals depend for their daily bread and economic sustenance upon the growing of sugar-cane and selling of the same product. I do appreciate the fact that we are members of COMESA and several other economic organisations. But a country establishes industry not just to produce goods as an import substitution. In a developing country, an industry is established to provide work and livelihood for the thousands of citizens of that country. Today, sugar-cane growers in the sugarbelt have almost been reduced to serfs. They have not been paid for their sugar-cane for a very long time. Some sugar-cane has not been harvested. It is drying in the farms like firewood, yet those people have obligations to meet, even in these most difficult economic times, and they are not receiving their money. Kenya is now awash with cheap so-called COMESA sugar - I am not even sure that it is all COMESA sugar - which has made it impossible for the sugar factories in this country to sell or off-load their stock. So, they are stockpiling sugar, and since they are not selling, they are not able to pay the farmers.

The trickle-down effects of the benefits of the sugar industry are not reaching the sugar-cane farmers. I think, if we are to survive as a nation, we must put in place measures that will protect our local producers and our farmers. Countries like France and Italy are members of the European Union. They subscribe to various policies, but those policies that touch upon their farming industry have been robustly resisted by these countries, and were it not so, the farmers in France and Italy have their own way of driving that point home. Sometime last year, the French farmers barricaded every street in Paris and Lyon with cabbages that remained there for weeks until habitation in those areas was almost an impossibility. I can visualise a situation where sugar farmers would draw their tractors, lorries and dry sugar-cane and block all the major highways from Uganda to Kenya and from Kisumu to Nairobi and make it impossible for transport to operate in this country. I think let us make hay while the sun shines. Let us attend to this sugar-cane problem before it reaches the stage of KCC and other parastatals that have collapsed under mismanagement. All we need are proper policies now to save the sugar industry in this country.

With those few words, I beg to support.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to make some comments on the Presidential Speech. I believe that when the President makes a statement it is for us to formulate policies that are going to help this country and Kenyans to serve themselves and others.

Mr. Deputy Speaker, Sir, the President alluded to drought which was here last year. Some people last year when we experienced drought, sort of made statements that looked like the Government was the one that brought the drought and problems that affected Kenyans. The President, also in his Speech, said the drought ravaged about 3 million people and some of them, and also their livestock died. I want to tell this House through you, that with or without drought, this country is going to be in for a lot of problems with food shortages because we are now dealing with a population that has grown three to four times compared to that of Independence and yet the rain-fed area which is 18 per cent has remained fixed. Because of population growth, the economical viable units have reduced and we, therefore, cannot produce enough food, particularly the food crops, to feed the population that we have today. So, we must begin thinking of alternative methods of improving our agriculture, and that is the main essence of the Presidential Speech, so that this House can formulate policies that are going to change the agriculture policy of today to the one of tomorrow.

Mr. Deputy Speaker, Sir, before I make my suggestions, I want to inform the House that although we say agriculture is the backbone of the economy, we just say that as a cosmetic measure; I am sure we are not serious or we do not understand what we are talking about. In 1973, the budgetary provisions for the agricultural sector by the Government was 11 per cent. In 1990, it had reduced to 5 per cent. Now, it is only 3.5 per cent and you would be lucky to get that type of percentage because of Exchequer issues, liquidity problems and so on. In short, the agricultural sector is not being provided for to be able to produce enough food that can feed the population. If Members of this House would be looking at formulating policies that would reverse that trend, then I am sure we shall be doing ourselves and Kenyans a good service.

Mr. Deputy Speaker, Sir, in the rain-fed areas, we now have competition of cash crops and food crops. You will find that in a place like the sugar-belt which my colleagues have been alluding to, we are planting sugar-cane, maize and beans. The area we are talking about is, maybe, an acre or an acre-and-a-half because of population growth. One acre under cane and half an acre under maize cannot feed a family of four or six throughout the year. At the same time, the inputs in cane growing are very expensive and the payment from the factories is very low. That is why many Members of Parliament and farmers within the sugar belt areas are crying. Why do we have such a problem? It is because the technology that we are using to produce and manufacture sugar has remained archaic for a very long time, and yet the inputs keep spiralling, like the prices of fertiliser and other chemicals, and even the transportation of cane. In so saying, I mean that unless we re-look at the cash crop production; and it is not only sugar-cane, but I am also alluding to tea and coffee, we are going to have a lot of problems in the country.

Mr. Deputy Speaker, Sir, I also want to state here that if you have food on every Kenyan's table, there would

be no insecurity apart from insecurity where we have greedy people who are looking for more money by carjackings and so on. However, the people we are talking about in Marakwet, Pokot and Turkana would be peaceful and would not go out to rob others. What is happening in the areas that our colleagues are talking about is subsistence agriculture. These robberies and stock thefts are there because people want to re-distribute their wealth. I can assure you that the population of livestock in Turkana has gone down by 60 per cent; in Samburu by 45 per cent, and in North Eastern Province by almost 40 per cent. So, what do people do because they are dependent on livestock? They go out there and rob because they want food. If you gave them food, they would not be going out to rob the cattle. If you gave Kenyans food, there would be no need to worry about health because 90 per cent of their problems would have been solved. Just give them balanced food and they will be healthy, and only malaria and, maybe, AIDS would be our problem. However, we now have a lot of socio-economic problems because we do not have food. If we had food on every table in Kenya, then there would be no problem with school enrolment, participation and the retention rate of children in our schools. All I am saying is that whatever we discuss in this House should help our Government to formulate policies that will reverse the trend. About 82 per cent of our country is arable. In the past, we were using misnomers like "arable" and "non-arable". Therefore, if we formulate a policy to create irrigation programmes in the arable part of this country, I am sure we will produce enough food for our people. We will not even think of importing any food. Therefore, I am urging hon. Members to help the Government to formulate policies that will help our farmers, so that we produce enough food in this country.

Mr. Deputy Speaker, Sir, Kenyans and their leaders are enemies of themselves. This is because when we discuss ways and means of boosting the tourism industry in this country, it is us who issue inflammatory statements that are highlighted by the foreign mass media and the Internet. As a result, tourists are scared to come here. For example, there is the visa fee of US\$500. I think hon. Mwakiringo said it is only US\$30, but we make so much noise about it that it scares away tourists.

Mr. Deputy Speaker, Sir, on fisheries, I have visited factories in Coast Province and I have seen how Israelis like our fish. You will find that it is us who are enemies of ourselves because we use tranquilisers to trap the fish. That is making the fish unhealthy and unfit for human consumption. Therefore, we, as Kenyans, should work out ways of helping ourselves.

Mr. Deputy Speaker, Sir, this morning we spent a lot of time discussing information, communications and technology (ICT) and how it can be taught in primary schools. I think this will be introduced in primary schools.

Mr. Deputy Speaker, Sir, with those few remarks, I support the speech.

Mr. Munyao: Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to compliment his Excellency the President because of this beautiful speech which he delivered the other day.

Mr. Deputy Speaker, Sir, allow me to comment briefly on the statements attributed to hon. Sunkuli. I have tried to reply to those statements without much success. Now that he is directly looking at me, let me reply to those statements, and I hope this will bring his questions to rest. I have read and listened to statements made by hon. Sunkuli, implying that some people who want to become President of this country are as old as President Moi, and that they should retire together with him. Today, he was very eloquent on the same subject. Anybody, however stupid he or she may be, would know who are being referred to in his statements---

Mr. Deputy Speaker: Order! Hon. Sunkuli's speech is not the subject of the discussion.

Mr. Munyao: Mr. Deputy Speaker, Sir, I was trying to say this because the reason why many people have said that---

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

Mr. Deputy Speaker: Order! There is no such thing as a point of information.

Mr. Munyao: Mr. Deputy Speaker, Sir, the reason why we say it is now time for President Moi to retire is not because he has served very well and we admire him. It is not even because of his age, but because it is a constitutional requirement. The Constitution of Kenya demands that a President should serve for two terms of five years each. President Moi has already served two terms and he should retire. For example, President Bill Clinton served his two terms and retired according to the provisions of their Constitution. We also know of several heads of states who have served their terms and retired according to their constitutions. Therefore, we would like President Moi to retire, so that he will have time to attend to his own affairs.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Munyao in order to teach hon. Sunkuli the Greek language which he cannot understand?

Mr. Deputy Speaker: Order! Mr. Angwenyi, that will not be tolerated. One more time, and you will pay for it. That was not a point of order.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Could hon. Angwenyi declare his interest in this matter?

Mr. Deputy Speaker: Order! Hon. Members, as I said a few minutes ago, if you want to stand on a point

of order, you must be addressing a conduct issue of the Member on the Floor or procedure because he has broken one of our procedures. I will not allow hon. Members to stand on points of order when, in fact, they mean to engage in debates and ask questions.

Proceed, hon. Munyao.

Mr. Munyao: Mr. Deputy Speaker, Sir, thank you very much, and I hope the Chair will take care of my time.

However, I hope statements and misunderstandings attributed to the likes of hon. Sunkuli will come to an end. Let it be clear to all of us that it is the constitutional requirement that demands that our President must retire after two terms. There are several heads of states who were even older than hon. Kibaki. For example, Mao Tse Tung was elected President when he was over 90 years. Mr. Nelson Mandela was also over 90 years when he was elected President. They have all retired willingly despite the fact that their people wanted them to serve. Because of the constitutional requirement, they retired. Therefore, all hon. Ministers must obey and respect the constitutional requirements.

Mr. Deputy Speaker, Sir, this country needs an honourable Government that will be respected by all civil servants. This country is ours and we must come together to review our Constitution. We want to come up with a Constitution that will be respected by all Kenyans; a constitution that will serve all Kenyans and not a section or an individual. It is my appeal to all wananchi to be ready to give views on how they would like to be governed. God has blessed Kenya because it has never been dogged by problems like other countries in Africa. There is peace in this country. Sometimes you may think this country will be on fire, but all of a sudden, things take a different direction. We have to thank God for the peace in this country.

Mr. Deputy Speaker, Sir, I agree with hon. Members who have talked about the plight of farmers in this country. We must all support farmers if we will succeed in eradicating poverty. It is hypothetical to talk about poverty eradication without supporting our farmers. If we support the coffee, tea, cotton and pyrethrum farmers and pastoralists, then most Kenyans will opt to stay in the rural areas. This way, we will go far in fighting poverty in this country. In order to do well in agriculture, we will have to look at our land policy because it is difficult to invest in land. Since land is the only asset that we have, the cost of land has gone so high. A professional farmer cannot even buy land in Trans Mara - the land there had no value until recently - because that is the only land available. The cost of buying land in areas like Narok, Kajiado and Ukambani has gone up.

Mr. Deputy Speaker, Sir, there is one method this country can employ to encourage people to invest in agriculture. Today, if you go to Europe, you can buy land anywhere for farming purposes as long as you can manage to take care of it. This is because of the change in policies. We should encourage industrialisation in the urban areas. Let us come up with a policy which can industrialise areas like Nairobi, Mombasa, Kisumu and Nakuru. You will see people moving their territories to these areas. Once they move there, the land value will decrease and there will be enough land because nobody will be interested in staying in the areas where they have moved from. Farmers can then go to those areas and invest in that land.

I am happy about the commitment from the Ministers for Agriculture, Finance and Planning. I have talked to those Ministers separately and they are interested in supporting the farmers using the STABEX money. I am also happy that the Ministers for Finance and Planning have gone out of their way to negotiate for that money. It will not only be used in the coffee and tea sectors, but will also support the farmers in the other sectors, and in particular, cotton, dairy and sugar-cane farmers, because they are also important. This money should go towards stabilizing and supporting farmers in all the other sectors because most of these cash crops earn foreign exchange. Most of these crops had "died" and we need to revive them.

At one time, Makueni District had a cotton ginnery. It was under the Machakos Co-operative Union which was owned by many farmers. This ginnery was later sold and the money went into the pockets of an individual in the Treasury. Farmers in Makueni have been wondering where this money went to since the ginnery was sold because those who were members of the Co-operative would like to get back their money. They still have their membership chits. The Minister for Agriculture should tell us where this money went to. Now that we have got two months before the next financial year, the Minister for Finance - and we will support him - should give some money to support three individuals namely, Achieng Oneko, Bildad Kagia and hon. Ngei. These people should be paid at least Kshs200,000 per month so that they can stay in their own homes. That is the best thing we can do.

I support the Motion, Mr. Deputy Speaker, Sir.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. I will look at the President's Speech in light of the Motion by the hon. Vice-President, that the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address. The President's speech lacked very many things. He said a number of things, but there are other very important things to this country that he did not mention. The President should be guided by the needs and demands of this country at this particular time. A very important issue to Kenyans

today, this House and, maybe, more so to the Front Bench is the

[Mr. Kihoro]

question of succession. However, the President was not categorical about what will happen.

QUORUM

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

Mr. Deputy Speaker: Yes, you are right, hon. Angwenyi; there is no quorum. Ring the Division Bell.

(Mr. Angwenyi walked out of the Chamber)

An hon. Member: Mr. Deputy Speaker, Sir, why is hon. Angwenyi walking out when we need more hon. Members to form a quorum?

Mr. Deputy Speaker: Order! Hon. Angwenyi, you cannot say that there is no quorum in the House and then proceed to walk out! Are you awake?

(The Division Bell was rung)

Mr. Deputy Speaker: Order! We now have quorum.

Proceed, hon. Kihoro.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I was saying that a very important issue and which is of great concern in this country is the question of succession. That is an issue---

Mr. Deputy Speaker: Order! Hon. Kihoro, you will continue with the rest of your speech on Tuesday next week.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. This House is, therefore, adjourned until Tuesday, 27th March, 2001, at 2.30 p.m.

The House rose at 6.30 p.m.

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 27th March, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

DISBANDING OF KCB SUBSIDIARIES

Mr. Ojode: Mr. Deputy Speaker, Sir, I beg to ask

the Minister for Finance the following Question by Private Notice:-

(a) Is the Minister aware that the Managing Director of Kenya Commercial Bank has disbanded some KCB subsidiaries, for example, Savings and

Loans Kenya Limited, Kenya Commercial Finance Company, and is also intending to sell Kencom House?

(b) What economic/financial justification is there for taking such drastic measures in disposing of the resources of KCB Group of Companies?

Mr. Deputy Speaker: The Minister for Finance brought to my attention this morning the fact that he had not obtained all the information he requires to answer this Question satisfactorily. I think, in the interest of justice and fairness, because the House needs accurate information, I agreed that this Question be deferred up to Thursday afternoon.

(Question deferred)

TEA LEAF COLLECTION AT
TOMBE TEA FACTORY

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

(a) Is the Minister aware that since January 2001, Tombe Tea Factory and other tea factories in zones nine and ten in Kisii, Gucha and Nyamira Districts have faced serious problems of leaf collection from buying centres resulting in tea farmers spending nights at the buying centres for days and great loss of leaf due to long delays in collection?

(b) What are the causes of these problems of leaf collection at Tombe and the other tea factories?

(c) What urgent measures have been put in place to resolve the problems facing the farmers in these areas?

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, before I proceed, it is my understanding that hon. Anyona actually meant zones ten and 11.

If that is the case, I beg to reply.

[The Minister for Agriculture]

capacity, all that tea leaf was not able to be processed as required on time.

(c) The following are the urgent measures that have been put in place to resolve the problems facing the farmers in the areas in question:-

(i) Road repairs are under way, particularly in the bad spots where the roads are impassable.

(ii) Tombe Tea Factory has bought a new tipper truck to facilitate road patching in particularly bad spots with murrum.

(iii) Tendering for the construction of the proposed new factory at Rianjore is now in progress.

We hope that all those measures put together, will assist farmers to resolve the question of transportation and leaf collection in that area.

Mr. Anyona: Mr. Deputy Speaker, Sir, I am grateful to the Minister for the correction in the numbering of the zones. Before, it was nine and ten, but I learn now that they are ten and 11.

The Minister says that the road maintenance work is now under way. I was there last week, at least in the case of Tombe, because I did even go there during that congestion. I was told that the main problem was that the trucks had broken down. Indeed, the poor road condition compounded the problem. Is the Minister now saying that Tombe, for instance, where I went personally, has had all their vehicles repaired or have acquired new vehicles, and that the road construction and road maintenance exercise is going on there? If so, where? I was there, but I did not see it.

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, the directors responsible for Tombe, who were elected last year, have put plans in place to repair the bad spots. A new tipper lorry has been used to assist in transportation of

(a) I am aware of the problem in those two zones. However, I would like to inform the hon. Member for Kitutu Masaba that this problem has now been sorted out---

(Mr. Leshore was wheeled into the Chamber amid applause)

Mr. Deputy Speaker, Sir, I wish to associate myself with the sentiments of hon. Members in welcoming hon. Leshore to this House after a long period.

(Applause)

Mr. Deputy Speaker: Proceed with answering the Question!

The Minister for Agriculture (Mr. Obure): Mr. Deputy Speaker, Sir, I am aware that the problem has been sorted out to a large extent and operations in the two tea zones during the months of February and March have been smooth.

(b) The following were the causes of green tea leaf collection problems at Tombe, Kebirigo, Sang'anya, Kiamokama, Ogembo and Nyamache:-

(i) Impassable roads owing largely to the high amount of rainfall received in that area in the month of January.

(ii) The congestion in the factories due to limited capacity. There was a bumper crop realised during that period, resulting in very high production. Because of the limited processing

murrum to fill up the bad spots. In respect of tea collection vehicles, right now, my information is that Tombe has a total of 16 collection vehicles. I admit that quite a few of them were in bad shape in January and February because of the heavy volume of work they were doing passing through very bad roads. However, most of those have now been repaired and, out of the fleet of 15 vehicles, 13 are already operational, and we hope they will assist to reduce this congestion.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, as hon. Anyona has said, I was in my constituency over the weekend and there is no road being constructed right now and the tea leaves have not been collected for the last three months from Lower Manga. Is the Minister in order to mislead this House that the roads repair work is being done and the vehicles have been serviced? Could the Minister confirm from the factories that the road repair work is going to be undertaken quite soon, because people are not collecting their tea leaves?

Mr. Obure: Mr. Deputy Speaker, Sir, I did not talk of road construction; I talked of repairs being carried out at specific spots; road patching. I realised this cannot be done at the same time, to cover the entire area, but I am sure that the repair work has started and the directors have been requested to complete this as soon as possible.

Mr. Anyona: Mr. Speaker, Sir, this is a very serious issue in respect of Gusiiland and I do not think we are going to expect a way forward given the form in which it has presented itself. In the case of Tombe, for instance, it is true they are supposed to have 16 vehicles, but when I went to the yard and found that seven of them had been grounded, some of them for a year, others for six months, and there is no possibility of having them repaired in such a short time. I think someone is giving the Minister information that is not correct. I know the Minister is a serious person. I know he has deep interest in looking after the interests of farmers, but I fear that he is not being given the correct information.

In view of the serious problem this has caused to the farmers, including women sleeping in the buying centres, could the Minister make a point of making a tour of all the factories in Zone Nine and Zone 11 and, if possible, please involve the Members of Parliament from the areas. Let us tour the area together and see what is going on, on the ground. That is the only way we can restore the confidence of the farmers.

Mr. Obure: Mr. Deputy Speaker, Sir, I am prepared to do that, but I would like hon. Members to appreciate the fact that during the two months in question, there was a bumper crop as a result of the heavy rainfall. Now, that yields good fortune, but unfortunately, the rains that fell also damaged the roads. For example, in Tombe which hon. Anyona and hon. Angwenyi have raised questions about, the average monthly production is expected to be around 1.2 million kilogrammes of green leaf. But during the month in question, production at Tombe went up to between 1.5 million and 1.6 million kilogrammes of green leaf. So, it is this excess that caused the problem. The solution in the long run is to construct the new factory to relieve the congestion in the two factories. As I said, this is in progress. On the 5th of April, the new tenders will be awarded, and the construction will start in the course of next month. Once that construction starts, and the new factory is [Mr. Obure] in place, the congestion in the area will largely be resolved.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House, that once the factory in North Mugirango is constructed it will relieve the people of Kitutu because they will have a place to deliver their green leaf?

Mr. Deputy Speaker: You are out of order! Argue with him and ask a question!

Mr. Anyona: Mr. Deputy Speaker, Sir, I wanted to raise the same point of order in a different way. Maybe I should not, but ask a question. The Minister knows that there was supposed to be an expansion programme of all the factories in Gusiiland to take care of this problem which he is talking about. The construction of an extra factory was meant to encourage further development in tea production. Is the Minister now saying that, that expansion either has not been completed or it is not adequate? In which case, what is he going to do about it?

Mr. Obure: Mr. Deputy Speaker, Sir, I am not very familiar with the situation at Tombe in respect to the expansion hon. Anyona is talking about. But I am sure about certain other factories within the same zone which have already carried out the proposed expansion. Unfortunately, even after that expansion, they have not been able to cope with the big volume of green leaf. What I am talking about is the proposed new factory with the capacity to produce some 15 million kilogrammes of tea per year. That is a considerable capacity, indeed, and I am sure the problem of congestion, including the area of Kitutu Chache which the hon. Angwenyi represents, will be looked into.

Mr. Deputy Speaker: Next Question!

CANCELLATION OF KCSE RESULTS

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

(a) Is the Minister aware that there is hue and cry over the cancellation of the Kenya Certificate of Secondary

Education 2000 results in North Eastern Province?

(b) Under what circumstances were these results cancelled?

(c) Could the Minister rescind the decision and call for fresh remarking and investigation?

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

(a) I am aware that the results of the 2000 KCSE were cancelled for 100 centres involving 2,880 candidates. Some of the candidates and centres came from the North Eastern Province.

(b) The results for the candidates in question were cancelled because of the examination irregularities involving either the centre or the individual candidates. The examination irregularities committed by the candidates were in the following categories:-

(i) Candidates smuggling written information into the examination rooms and using it during examination when answering questions;

(ii) Candidates colluding with each other when answering questions or colluding with external agents like other students not taking the examination or teachers.

(Loud consultations)

Mr. Deputy Speaker, Sir, may I seek the protection of the Chair against my colleagues who are making it impossible for me to read my answer.

Mr. Deputy Speaker: Order, hon. Members!

The Minister for Education (Mr. Musyoka): Thank you very much, Mr. Deputy Speaker, Sir.

(iii) Candidates being impersonated during the examination.

(c) Mr. Deputy Speaker, Sir, regrettable as it may be, the hon. Member will understand that my Ministry has a duty to safeguard the quality of our education system and the respect it inspires both locally and internationally. Examination and certification are one of the major indicators of the quality of an education system.

The marking of examinations is done professionally and the Kenya National Examinations Council (KNEC) undertakes a thorough investigation to ensure that results are cancelled only when examination irregularities are beyond any shadow of doubt.

Mr. Deputy Speaker, Sir, since examination is a very sensitive issue that affects the future of individual candidates, cheating cannot be condoned because we are trying to develop these young people into honest, responsible and morally upright individuals. Any other irregular action is immoral and cannot be condoned by any right-thinking parent, society or individuals.

Mr. Deputy Speaker, Sir, we have made provisions for those whose results were cancelled---

Mr. Deputy Speaker: Mr. Minister, which Question are you answering?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I am answering part (c) of the Question.

Mr. Deputy Speaker, Sir, we have made provisions for those whose results were cancelled to re-register for examination this year and we are [**The Minister for Education**] going to advise them to follow the laid-down rules and examination process. Regrettably, the Minister cannot order for remarking of those examination papers.

Mr. Deputy Speaker, Sir, I would like to add that His Excellency the President has made a promise to appoint a commission that will have to look into the whole matter.

Mr. Shidiye: Mr. Deputy Speaker, Sir, I think the Minister has not answered this Question adequately. He has just been skirting around it by giving a lengthy speech. This is a serious matter because it involves 2,880 students and their parents. The parents of these students invested heavily in their education. It will be unfair for them to be told that they will not have any certificate. There were over 600 students affected by this cancellation of results in the North Eastern Province.

If there are people who should be put in, in relation to this scam, then they are the invigilators, supervisors and by extension the Ministry of Education. I have a letter written to me by---

Mr. Deputy Speaker: Order, Mr. Shidiye! You are now guilty of making a speech!

Mr. Shidiye: Mr. Deputy Speaker, Sir, I am building this matter up because of its seriousness! I have letters from my constituency that there are students who want to commit suicide. Other eight students have died in Ukambani because of the cancellation of examination results and the Minister is not giving us adequate answers. We would like the Minister to order that the examination papers for the affected students be remarked. The invigilators and the supervisors of the affected centres should be rendered *kaput* and apprehended.

Mr. Musyoka: Mr. Deputy Speaker, Sir, I am a bit lost. I do not know how to render anybody *kaput*. The Ministry takes a very serious view of this matter. For the benefit of this House, during the previous year, the number

of examination centres that were affected were 65. It is not as if this happened only during the 2000 KCSE examination. The number of candidates affected then was 985. During the 2000 KCSE examination, this figure has jumped to 2,880 out of 100 examination centres. This is why, in his wisdom, the President has had to comment on this matter.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to drag in the name of the President when the President has given him full responsibility? If this was happening during Kenyatta's regime, this Minister would have been sacked!

Mr. Deputy Speaker: Order, hon. Ndicho! You know very well that, that is not a point of order. You told me you are going somewhere in the evening; make use of it!

Mr. Kombo, proceed!

Mr. Kombo: Mr. Deputy Speaker, Sir, notwithstanding the sycophancy that the Minister is showing---

Mr. Musyoka: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Kombo to impute improper motive on the part of an hon. Member and say he is guilty of sycophancy? Could he prove that allegation? It is on record and if hon. Ndicho could sit back flat on---

Mr. Deputy Speaker: Order, hon. Members! You should desist from provoking each other by using language that is not ordinarily admissible in this House.

Mr. Kombo: Mr. Deputy Speaker, Sir, in his reply, the Minister talked about a big problem, moral issues and so on. One would have expected that, apart from cancelling the results of those students, the officers involved should have been punished. If we take, for instance, the case of Vihiga District, the District Education Officer (DEO) has been transferred to Bungoma District, instead of being punished, to spread the vice. Could the Minister tell the House what he is doing about the officers who were involved in this scam?

Mr. Musyoka: Mr. Deputy Speaker, Sir, for the benefit of hon. Kombo, the DEO Vihiga, was transferred to Bungoma District because it was that DEO who was able to point out the examination cheating that took place. It is not that we are spreading the vice. They should congratulate that officer for the good job he did. Secondly----

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Musyoka: Mr. Deputy Speaker, Sir, what I am saying happens to be factual. I had to be briefed on that matter because I knew that it was sensitive and that is exactly what happened. Because that particular DEO was able to unearth that scam, it was in his best interest to get transferred in order to be protected. I think hon. Kombo should appreciate that he has a very good DEO.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House that transferring the DEO Vihiga would solve that problem? Were the culprits arrested? Why is the Minister misleading the House?

Mr. Deputy Speaker: Order, hon. Sambu! That is a question!

Dr. Kituyi: Mr. Deputy Speaker, Sir, could the Minister explain to this House how many officers have been charged before a court of law on the basis of the good information from the good DEO in Vihiga and also explain to us when a [Dr. Kituyi] Presidential Commission meant anything other than buying time in this country?

Mr. Musyoka: Mr. Speaker, Sir, nobody has been charged as yet---

An hon. Member: Then you should resign! You have no business being here!

Mr. Musyoka: Mr. Deputy Speaker, Sir, I think it is only fair that hon. Members listen, even if they may not like what I am saying. They should respect my right to speak. We are taking a very serious view of this. The President, while addressing the first inaugural graduation ceremony at Maseno University, made recommendations which we are about to implement. Whoever is guilty of the malpractices will be dealt with in accordance with the laws of this country.

Mr. Otula: Mr. Deputy Speaker, Sir, could the Minister confirm or deny that there is a clause within the rules of KNEC, that if anybody wishes to have his or her papers remarked, he can do so at a fee?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I confirm that the provision does exist. So far, we have not had anybody making the necessary payment and the necessary application. I would prefer that to be done.

Mr. Shidiye: Mr. Deputy Speaker, Sir, now that the Minister has failed to give us satisfactory answers, would I be in order to request the Chair to ask the Minister to go back and come with a better answer? This is not what this House deserves!

Mr. Deputy Speaker: No, that is not possible. We have spent the last ten minutes dealing with this Question.

Mr. Raila: Mr. Deputy Speaker, Sir, according to the Minister's reply, there seem to be two types of offences; those that are centre-specific and those that are candidate-specific. Why should the candidate be punished for offences that have been committed by those who are running the centres? One year is a very long time for a candidate whose results have been nullified for a mistake that he did not commit. Could the Minister consider setting supplementary examinations for candidates so that they can re-sit the examination rather than waiting for a whole year?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I thank hon. Raila for those two questions. I wish I had the time to read through the problems affecting each of the 100 centres. You might find for instance that--- I hope I will have time to make a Ministerial Statement with regard to the incident at Kyanguli because there was an examination irregularity in that school. This has been highlighted by the Press since yesterday because of the tragedy in that school. In fact, 117 candidates were affected last year by examination cheating. In a majority of these cases, it is collusion between students, smuggled materials and in the majority of the cases, it was just collusion---

Mr. Kihoro: On a point of order, Mr. Deputy Speaker, Sir. The question asked by hon. Raila was very specific and it related to the students who are going to lose one year. The question was very clear and that is what the Minister should be answering.

Mr. Deputy Speaker: Order, Mr. Kihoro! It does not become a point of order merely because you want to repeat what another hon. Member had asked. But I will now order the Minister to answer the question asked by hon. Raila.

Mr. Musyoka: Mr. Deputy Speaker, Sir, I dealt with the first part of hon. Raila's question. He asked whether the Kenya National Examinations Council (KNEC) could set a supplementary examination for the affected students. I was unable to say yes because of the facts that I had highlighted before. We have to guard the integrity of our examination system. The moment you tamper with it, you kiss goodbye to the credibility of our examination system.

Dr. Ali: Mr. Deputy Speaker, Sir, in view of the various problems that have been affecting our schools and our education system as a whole; cheating in primary schools and universities; buying of fake certificates and so forth; what action has the Ministry taken? How many people have been sacked? How many Ministers and Vice-Chancellors have resigned? What action will be taken on those very serious issues?

Mr. Musyoka: Mr. Deputy Speaker, Sir, we have already started the process and God willing, in six months' time, I undertake to come back to this House and report progress.

Mr. Oremo: Mr. Deputy Speaker, Sir, the KNEC is a creature of a statute made by this House. Examinations systems all over the world depend on integrity. There are people in this country who still sit the Cambridge School Certificate, or do exams set by the Cambridge University because of their integrity. Once you lack integrity, you do not punish the students! You go back to the KNEC, which is a creature of this Parliament! What is the Minister doing to ensure that whenever there is cheating, he begins the process with those in the KNEC who are allowing the cheating to go on, instead of starting down with the students, who are being punished? In fact, if you start with the KNEC, you will save the President time of setting up commissions which have no time limit. You should do your job and let him do his!

Musyoka: Mr. Deputy Speaker, Sir, I thank hon. Oremo. I just want to agree with him. I hope he does agree with me that you cannot discriminate. I think we have to take a holistic approach in dealing with the problem. I agree that the KNEC is [Mr. Musyoka] a creature of a statute that this Parliament enacted. We are not sparing anybody. We are going full out! I do not know why hon. Members are allergic when I say: "We have received orders from His Excellency the President to proceed!"

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek guidance from the Chair, given the seriousness of the matter. The Minister has said that there was collusion. That means he has some evidence that there was collusion. Then, at the same time, he says: "Nobody has been arrested!" So, is there any evidence or not?

Mr. Deputy Speaker, Sir, are you really satisfied that this House is being treated seriously, on a matter that is very serious? If the Minister has evidence of collusion, he should take action! At what level was that collusion discovered? Was it discovered later on or at the time the exams were going on? I think the Chair should help the House!

Mr. Musyoka: Mr. Deputy Speaker, Sir, this Minister takes the business of this House very seriously! I would be the last person to mislead the House. We are dealing with all those issues. I referred to collusion because in the majority of the cases, there was collusion between the candidates themselves. What worse penalty can you think of, rather than cancelling the whole examination? That is what we mean by collusion. But if it was collusion involving the examination officials and others, we will deal with that! That is why we have put in place a commission to deal with that.

Mr. Shill: Mr. Deputy Speaker, Sir, because of the seriousness of that case, could the Minister exercise his power and ask the KNEC to re-mark the examinations to remove any doubts?

Mr. Musyoka: Mr. Deputy Speaker, Sir, the Minister cannot do that because it would compromise the education standards in this country. That is what hon. Orengo said. I plead with the hon. Members to understand that predicament.

Mr. Shidiye: On a point of order, Mr. Deputy Speaker, Sir. In 1968, a similar incident happened in Kisii. The President ordered the re-marking of an examination. But the Minister has told us that he cannot do that! Is the Minister---

Mr. Deputy Speaker: Order! Order! Proceed, hon. Obwocha!

Mr. Obwocha: Mr. Deputy Speaker, Sir, you will appreciate that, that is a very serious matter that needs national attention. The solution to that matter may not be the re-marking of the examinations. That is because the doubts are there. It is the question of the student having to wait for one year! Therefore, what is the Minister's response to the supplementary question asked by hon. Raila? The solution is to give the students a chance, within the first three or six months, to re-sit the supplementary examinations. I went to the school where there was the fire and one of the causes was the cancellation of the results!

Mr. Deputy Speaker: Order! Hon. Musyoka, they are asking you to respond accurately to hon. Raila's question!

Mr. Musyoka: Mr. Deputy Speaker, Sir, it is simply this: One of the basic rules of natural justice, and my learned colleagues here will agree with me, is that a man or a woman must be held responsible for the natural consequences of their own actions or omissions. It will be gross injustice to the rest of the candidates who sat those examinations properly, and were able to go through them successfully.

If we just allow those who were involved to re-sit the examinations, we are then, in effect, encouraging malpractices, and the Ministry cannot do that!

Col. Kiluta: Mr. Deputy Speaker, Sir, I am not sure whether you are happy with the answers that we are being given here! We have been told that there was collusion between the students. In every examination centre, there is an invigilator and an overall boss. What action has he taken against the invigilators who allowed the students to cheat?

Mr. Musyoka: Mr. Deputy Speaker, Sir, the hon. Member for Masinga will be pleased to know that we will deal with them firmly!

Mr. Gatabaki: Mr. Deputy Speaker, Sir, thank you for allowing the House to debate this issue for some time.

Mr. Deputy Speaker, Sir, considering the sentiments expressed by this House; considering the mess in our education system; considering the mourning and wailing in this nation because of what happened in Machakos, could the Minister rise up to the occasion, own up to the people of Kenya and do the honourable thing by resigning as the Minister for Education?

Mr. Musyoka: Mr. Deputy Speaker, Sir, the mess that the hon. Member for Githunguri refers to can only exist in his own mind, and not in the Ministry of Education!

Mr. Raila: Mr. Deputy Speaker, Sir, the question that is being asked is: The Minister, by his own admission, has said that an offence was committed, not only by the students who cheated, but by the invigilators themselves! That is a grave offence and it is not enough for the Minister to tell us that something will be done. What action is the Government contemplating to take against the invigilators who collude and make the students waste one full year of their valuable life?

Mr. Musyoka: Mr. Deputy Speaker, Sir, sincerely, I trust that Mr. Raila is not going to put [Mr. Musyoka]

words in my mouth. The document I have here makes reference to materials smuggled into the examination rooms and collusion, but does not contain any evidence to the effect that an invigilator was specifically involved. That is why we are putting in place the taskforce to try and establish the correct position. If we find that any invigilators were involved in the malpractice, they will be taken to court. It would, however, be too early for me to say that an invigilator was involved in the cheating.

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

Mr. Deputy Speaker: Order! Order! Hon. Sambu, you have now risen the third time on a point of order during this same Question, and all that you have raised does not amount to points of order. Proceed, Dr. Ochuodho!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the Minister said that there was collusion. However, he has not told us the other parties the students colluded with. Why are the students being punished as those other parties go scot-free? The Minister said that they are going to appoint a committee, through a Presidential, decree to inquire into the issue. You wonder whether it is the President or the Minister who is running the Ministry. Nevertheless,

could the Minister tell us when to expect that committee to commence its work?

Mr. Musyoka: Mr. Deputy Speaker, Sir, I will ignore the earlier posturing on the part of hon. Ochuodho and say that we intend to proceed with the exercise very seriously as soon as the committee is in place. I have personally taken very seriously the sentiments expressed by hon. Members of this House. As I said, I can even report the progress of the commission to this House.

Mr. Jirongo: Mr. Deputy Speaker, Sir, in order for the Ministry to take the action it has taken, it must have got concrete evidence as to the actual cheating. There is no way the Ministry could have concrete evidence and still fail to arrest those involved in the malpractice. This would mean that the Ministry cancelled the results for the said students without actual evidence, which is illegal and challengeable in court. If those involved in the cheating have not been arrested, could the Minister tell us the basis on which the said results were cancelled?

Mr. Musyoka: Mr. Deputy Speaker, Sir, probably, the Member for Lugari has just come into the House. I earlier on asked what harsher punishment the Kenya National Examinations Council (KNEC) could have meted out to the affected students than cancelling their examination results. I need not belabour the point.

Dr. Kulundu: Mr. Deputy Speaker, Sir, the Minister seems to suggest that there was collusion only between candidates. Even if that were to be true, it would have to take extreme laxity on the part of the invigilators for that collusion to have taken place. So, what specific action has the Ministry taken against those lax invigilators?

Mr. Musyoka: Mr. Deputy Speaker, Sir, the full weight of the investigation we are going to conduct will probably heavily descend on those invigilators. They will, probably, be found to have been the culprits.

Mr. Achola: Mr. Deputy Speaker, Sir, could the Minister tell us what he intends to do about fake certificates, which also originate from the KNEC? We have known of students who have been issued with fake Ordinary Level certificates. Some people even got non-existent degrees from Kenyatta University.

Mr. Musyoka: Mr. Deputy Speaker, Sir, despite the fact that, that is a completely different Question, let me say the following. Wherever there was evidence that fake certificates were issued to some people, the police moved in swiftly to apprehend the culprits. If the hon. Member is aware of the existence of such a racket, we will be very happy to know that.

Mr. Deputy Speaker: Hon. Members, I think we have given this Question a fair round. So, we will move to the next Question by Private Notice. Is Dr. Murungaru here?

(Mr. J. Nyagah stood up in his place)

Mr. Deputy Speaker: What is it, hon. J. Nyagah?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I have with me the written answer to the Question. Can I reply?

(Laughter)

Mr. Deputy Speaker: Order! The Question has not been asked. So, there is no Question for you to answer yet.

DOUBLE PLOT ALLOCATIONS AT THEGU FARM

(Dr. Murungaru) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that a grave risk of land clashes exists between various claimants to Thegu Farm of Ndathi Mugunda land buying company owing to allocation of plots to more than one person?

(b) What immediate steps

[Dr. Murungaru]

will the Minister take to avert the crisis?

Mr. Deputy Speaker: Hon. Members, since Dr. Murungaru is not here, the Question is dropped.

(Question dropped)

POINTS OF ORDER

DEFIANCE OF HIGH COURT ORDER BY GOVERNMENT

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. I arise on a point of order to request for a Ministerial Statement from the Attorney-General. The question of de-forestation is very close to the minds and hearts of Kenyans. Some time ago, the High Court issued an injunction, stopping any further excisions of our forests. Despite that court order, Government surveyors are going forth full steam to excise forests in Mount Kenya region. The surveyors are, in fact, being guarded by police. This is a very serious issue, where the Government of the day is blatantly acting in contempt of the High Court order.

Mr. Deputy Speaker, Sir, could the Attorney-General, in his capacity as the chief legal advisor to the Government, issue a Ministerial Statement in this House to explain why there has been defiance and contempt of the court order?

(Applause)

Mr. Deputy Speaker: Well, I hope that Members of the Front Bench on the Government side have taken note of that request and that they will convey the request by hon. Muite to the Attorney-General. The Ministerial Statement sought ought to be made in this House by Thursday, latest.

FIRE TRAGEDY AT KYANGULI
SECONDARY SCHOOL

The Minister for Education (Mr. Musyoka): On a point order, Mr. Deputy Speaker, Sir. I had asked for the Floor to make a Ministerial Statement on the tragedy that struck Kyanguli Secondary School in the early hours of yesterday morning. But my Permanent Secretary and other officers are working on a detailed Ministerial Statement. I, therefore, wish to seek the indulgence of the House that I be allowed to make the Ministerial Statement tomorrow. I could actually proceed and make the Statement but, because of the seriousness of the tragedy, I think it is important for me to have a written Ministerial Statement. I was able to be on the ground from about 10.00 a.m., or thereabout, yesterday, until later in the evening, when His Excellency the President visited the school and consoled the community at Kyanguli.

Mr. Deputy Speaker, Sir, I would also like to thank hon. N. Nyagah and other hon. Members, who found time to go there and console the community. I think this matter is so serious that I would want to make a detailed Statement, including an up-date.

Just before I came here, I called the Director of Kenyatta National Hospital, Dr. Waweru---

Mr. Deputy Speaker: Order, hon. Minister! You are either making the Statement now or are asking for permission to do so tomorrow. You cannot do both.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I will make the Statement tomorrow morning.

Mr. Deputy Speaker: Thank you.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. In view of the gravity of the matter, and the fact that the Minister is not able to make the Statement today - I am aware that the area Member of Parliament approached the Chair, under Standing Order No.20, to have this matter discussed later today - could the Chair reconsider allowing this matter to be discussed on the basis---

Mr. Deputy Speaker: Order! Dr. Ochuodho, you should always speak on your own behalf. I have already explained to the hon. Member that, as you already know, our own resolution says that we shall discuss the Presidential Address for seven days. If you look at the definition of the word "day", you will realise that there is no way we can take a Motion of Adjournment of the House while we are debating the Motion on the Presidential Address. So, I have advised the hon. Member on the course of action that, in my view, would be best for him to take. So, do not speak on his behalf, because I have already spoken to him, and I think he heard me.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. An impression is being created that a Ministerial Statement must be in written form. This is serious. If the Minister has the facts, and this is an important matter, then why can he not give the Statement orally? There is no requirement for it to be in written form.

Mr. Deputy Speaker: Order! I think the Minister made it quite clear that he needed to have accurate information to give to the House. So, let us give him the benefit of the doubt.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. In respect of that matter, does the House not have the power to grant leave of the House to take one hour or one-and-a-half hours to discuss this important matter instead of the Presidential Address? Do we not have that power?

Mr. Kikuyu: On a point of order. Mr. Deputy Speaker, Sir. I had talked to you and you had promised me that the Minister would issue a Ministerial Statement. Right now, he has retracted his promise and this shows that

the Government is taking this matter lightly. This is a national tragedy. What supersedes lives of people? I want to ask for the leave of the House so that this issue can be discussed for one hour after 6.30 p.m.

Mr. Deputy Speaker: Order! As I have told you, you should look at the definition of the word "day". If you start discussing another issue after 6.30 p.m., that will be another day. Debate on this Motion must go on for seven days uninterrupted.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. I am seeking the Chair's indulgence. I understand when the Chair says that the deaths of 68 students are not important, and the Ministerial Statement that we are asking for---

Mr. Deputy Speaker: Hon. Muchiri, you should not put words in my mouth. I am quite capable of using it myself. It is not that anybody in this House, or in this country, does not regret the tragedy that has occurred in Machakos. Hon. Members, we have had similar tragedies in the past. Where the rules have allowed the Chair to allow debate on them to take place, it has always been allowed. You change the rules so that there is no exemption and the Chair will comply. For the time being, I am merely telling you what the rules indicate. I remember that, in fact, in my first day in this Chair, there arose a question of adjournment of the House. Those of you who were here, will agree with me that there was a bit of a mess, but at the end of the day, we discovered that, in fact, quite apart from our own practice, in other jurisdictions, that is the practice. So, hon. Members, I am not in any way belittling the tragedy in Machakos, but I am saying that the rules tie my hands. We should now proceed.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. The relevant rule states that the Presidential Address must be debated for up to a maximum of seven days. It does not say that it must be debated for seven days.

Mr. Deputy Speaker: Order, hon. Ochuodho! I will not entertain any argument. I want to say this: I explained to the hon. Member, that should debate on this Motion end before those seven days expire, I will give the first opportunity for this Motion of Adjournment for the House to discuss the tragedy in Machakos.

CIRCUMSTANCES LEADING TO THE KILLING OF MR. F. K. KIBUGI

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister of State in the Office of the President, in charge of Internal Security. This is about a Mr. Francis Kihara Kibugi who was killed by guards of one of the Ministers on Saturday night. We want to know the circumstances leading to the killing of a very innocent Kenyan, who was driving on the highway and was not in any way interfering with the Minister's security. What are the circumstances which led to this killing?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will make that Ministerial Statement on Thursday.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(The Vice-President on 21.3.2001)

(Resumption of Debate interrupted on 22.03.2001)

Mr. Deputy Speaker: Hon. Wanyiri Kihoro, you were on the Floor. You have eight more minutes.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. My contribution on the Presidential Address will cover two very important areas, namely, the presidential succession in this country and the management of our economy.

I listened very keenly to the Presidential Address last Tuesday and I was very dissatisfied by the way the President avoided touching on a very important issue in this country. The President has got only 650 days to go. He has got less than 20 months to go and he did not tell us the procedure he has put in place for political succession in this country. We do not want a stand-off at the Office of the President and State House, but we want a clear line of succession to be defined by the President, so that 30 million Kenyans, who want peace, can be assured of peace. This is not a matter to play politics with. The outgoing President avoided the issue. He should have told us which way he will go, which way this country will go and how these Members of the Front Bench will sort out the matter. I know that many of them want to have the presidency. That was left out. The President said: "With my departure in future---".

He did not tell us when he will leave office; he did not tell us whether it will be tomorrow, at the end of his term or whether he will run for another term, and that is my concern.

(Loud consultation)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Kihoro: The hon. Members on the Front Bench, in particular, are talking about the succession issue. Now that I have brought up the issue, they must be talking about it. I know that many of them want to be President tomorrow. The President said in his Address:

"With my departure in future from the political leadership of this nation, hon. Members ought to see the future in a better way".

We cannot see the future in a better way, until he opens up our eyes by telling us what will happen after he leaves office after his 23 years as the President of Kenya. He failed to do that, and that is a big shortcoming in the Presidential Address that cannot be avoided.

Mr. Deputy Speaker, Sir, there is some wind that is blowing from the South and going northwards. Only in 1999, President Sam Nujoma extended his term from a two-term Presidency to a three-term Presidency. We do not know whether he will go for a fourth term. Recently, the President of Zambia, Mr. Fredrick Chiluba, has been fighting to get a third term in office. I understand that His Excellency, Mr. Bakili Muluzi of Malawi would also want a third term in office. What makes President Moi an exception? Is this the reason why he left this question open? Is it the reason why he has left the question of his departure from office in the next 650 days open? I was left very dissatisfied, because I can see that there will be a stand-off in this country, between people who want a peaceful succession and those against it. They want to be assured that there will be peace when President Moi leaves office. The President did not do that.

He is not grateful to this country and to the people of this country who have allowed him to be President for 23 years and Vice-President for 12 years. He should have had the grace to tell us through which route he will leave. He has left this question open. Looking at what has happened, the pattern of events around us, it is possible that the President is thinking about having a third term in office. He had served three terms before he started on a two-term Presidency, and he could be looking for a sixth term in office.

Mr. Deputy Speaker, Sir, it is only President Moi who will be disqualified from contesting the Presidency during the next general election. Every other Kenyan, including my grandfather, will be entitled to contest the Presidency. President Moi has had his time and the Constitution allows him to be President for only two terms. There is no other Kenyan who will be disqualified from contesting during the next general election.

The economy is very important and the great teacher is not known for being a great economist. The economy is in shambles; the coffee farmers are crying and the sugar-cane farmer---

An hon. Member: Shauri yenu!

Mr. Kihoro: Mr. Deputy Speaker, Sir, they are saying "shauri yetu". That is coming from the Front Bench. The sugar-cane farmers are also in dire straits, and maybe, the Minister will say "shauri yetu" because he gets a fat pay cheque. The cashewnut and the cotton farmers are in trouble and the President did not provide us with a clear guideline on what will happen to resuscitate this economy. That is due to negligence on the part of somebody Kenyans look upon to give guidance on employment. I would like to say that there are many young people in this country without employment and any future and the President did not talk about that. He avoided that issue. He avoided the question of the resuscitation of agriculture in this country, which is in the "Intensive Care Unit (ICU)". The President should not have avoided this issue. The people of this country are calling upon him to address them on such an important issue; how we will feed our people and not leave them, as beggars in our own country. That is very important. Mr. Deputy Speaker, Sir, on the STABEX funds, I would like to say that more than Kshs9 billion has been held by this Government in a bank account, where it is a signatory together with the European Union. This money has been held in the bank for ten years and the Government will not pay it out to the people who have earned it. That money has been earned by the coffee farmer.

Last Tuesday, the President had an opportunity to talk about that money and he should not allow it to be taken by some "big boys" somewhere who might want to spend it on bogus electrification projects. I would like to inform this House that only 6 per cent of this country has electricity. After 37 years in office, I would like to say that only 5 per cent of Kenyans can enjoy electricity, and some "big boys" somewhere now want to use the STABEX funds on the so called "electrification". That is crucifixion of the coffee farmer, whereby the money will go to the Kenya Wildlife Service (KWS). The money might also go to some "big boys" at the KPCU, where 11 individuals have fleeced the farmers and have been given loans amounting to Kshs1 billion. How do you spend the STABEX funds on some "big boys" somewhere who have a myriad ways of stealing? It is not right. Their capacity to imagine thievery is unimaginable. It is, therefore, very important that the President realises that he has got only 650 days to go. I wish the outgoing President would come back and clear the air on the question of his succession. If it is going to be

KANU, I do not mind, but the DP is also ready.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kikuyu: Thank very much, Mr. Deputy Speaker, Sir, for giving me time to air my views on the Presidential Address to this House on the State Opening of Parliament. Whereas the President touched on many issues on that day in his Speech, he failed totally to give this nation direction on the way forward. Most of the institutions in this country have been run down totally; the banking sector which is expected to support the economy of coffee, tea and other sectors is almost gone. If you look at our learning institutions, that is schools, we have no quality education and inspectorate in place and this has given rise to what we experienced yesterday in my constituency. I would like to say that a dormitory which is supposed to be occupied by 60 students was occupied by 139 students, making it impossible for the children to flee even if all the doors were open. There were beds everywhere. The Chair will wonder why we vote money for the Ministry of Education, Science and Technology, Inspectorate Department, in the first place. They allow buildings to be put up without plans and with no escape routes. They put children in one place and call it a dormitory. Our headmasters, countrywide - and I hope that they will hear this because they are meeting in Machakos, Eastern Province, today - have become traders and they do not care about our children. They leave schools and engage in business. They do not sleep in their schools. Even if a tragedy struck at night, nobody would be near to help the students. These days, students join secondary schools when they are still young, unlike our days. But they have been left at the mercy of matrons and watchmen. Without pre-empting any investigation which is going on, I would like to say that those who were involved in this act should have been sacked and not transferred.

The Chair heard the Minister talk about the national examinations some few minutes ago. When one of the best headteachers in this country, a former headmaster of Kangundo High School, Mr. Ndunda, caught teachers helping students to do their examinations, the best he could do was to demote them and then transfer them to Muthetheni Secondary School. Is this the best he could do to these people? Does the Ministry encourage cheating throughout the examination period? If we are serious, we should ask the Minister for Education to resign because he has failed this nation. Schools are burning down everywhere. Could the Minister not put in place a system whereby schools look like schools, as they were in the old days? We have experienced staff in that Ministry, but they just sit and write reports and say that they have issued this and that circular; dormitories should be opened from outside and not from inside, and nobody goes to the ground to check what is happening. Those who get the circular are headmasters who are business people.

Today, every headmaster is struggling to own plots and matatus. It is like a competition. When we were being trained as teachers, and I am a trained teacher, we were not taught to be grabbers, but to be dedicated to our children. Where is this country heading to if everybody is not dedicated to his or her work? After an incident happens, we say that we are investigating it just to "cool down" Kenyans. After the investigations are through, nobody tells us what to do next. I hope that this Government will not cheat the people on the Kyanguli incident as it cheated them on the Bombolulu incident. They said that they were going to investigate the matter and bring the arsonists to book, but to date; three years later, nothing has happened and nobody has been arrested. We have not been told whether the investigations are going on. What type of a Government do we have? May we have thorough investigation being carried out. Yesterday, the Commissioner of Police and the CID chief was in Kyanguli Secondary School. What investigation is a Minister like hon. Musyoka waiting for? Must he be told what to say?

What type of Ministers do we have in this country who cannot run their Ministries unless they are told how to do it by their juniors in the Ministries? Is their appointment based on the quality of their brains? It is time the Government resigned if it cannot own up to its mistakes. We cannot go on losing Kenyans; it is bitter. Every time there is a disaster, we set up a commission. For example, Mtongwe Ferry Commission, Bombolulu Commission, Tribal Clashes Commission, Witchcraft Commission *et cetera*. Commission! Commission! Why is that so?

(Laughter)

Mr. Deputy Speaker, Sir, we should have a Government that moves in a particular direction. When a Minister and his Permanent Secretary fail, it is only honourable to resign although it is quite unafican. But can we not start today as Kenyans? For those of you who have failed in your duties, why can you not start resigning now? We are heaping everything on President Moi. Tunasema "Serikali ya Moi" because of Ministers who are not working and who do not know what they are doing. We have pitted one community against another; the Marakwet against the Pokot. They kill each other and we say: "Serikali ya Moi." We also say that Pokots are armed and Marakwets are not. Are these not Kenyans? It is bad. The conscience and test of time will prove you wrong. Hata kama hamtaulizwa hapa duniani, mtaulizwa mbinguni. We have to have clear conscience on protection of human life in this country. It does not matter what development we have. We can have the biggest skyscrapers in Africa, **[Mr. Kikuyu]**

but if we do not care about the sanctity of human life, then we are not a nation. A nation is a nation because it wants protection for each other, so that we have a strong society which can portray an image of a united people. But when we forget all these and start being ourselves; that is; Mr. Kikuyu for himself, Mr. Poghio for himself, Mr. Otula for himself, Mwanzia for himself and the rest, then Kenya is heading in a dangerous direction. We must change that direction.

Mr. Deputy Speaker, Sir, I agree with the President's call that we should work together. But let us work together keenly and not cheat each other. He is asking us to work together na nikipitia hapa unanitupa na kuingia pale. Hiyo haiwezekani. Let us be mature in our minds and work together for the benefit of the nation, but not to come here with placating Ministerial Statements. So many times we have been told that the coffee and tea industry is being revived and yet, there is nothing happening.

Mr. Deputy Speaker, Sir, with those few remarks, I say thank you for the Speech.

(Laughter)

Mr. Jirongo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make a few remarks on the Presidential Speech during the State Opening of Parliament last week.

Mr. Deputy Speaker, Sir, the issue that is in the hearts of Kenyans at the moment is the new Constitution. It is good that the President let go for once, so that Kenyans can have a Constitution that will govern their country in future. Kenyans have gone through a lot of problems for a very long time.

I think the fight a majority of Kenyans have been going through is for them to be accorded the opportunity to decide the management of their own country. This opportunity has now be accorded. We fought for so long so that Kenyans could remain as a nation. I want to take this opportunity, as much as very many of us were unhappy with the hon. Raila, to thank him. At least, he has made a contribution towards us having a merger and for Kenyans for once having an opportunity to contribute and come up with a document that shall help govern this country.

(Applause)

Mr. Deputy Speaker, Sir, it is true that the Head of State has nearly 20 months to go. I think we need to take this opportunity to see what we need to put in place between now and the 20 months, so that the succession issue is smooth and comfortable. As to who will lead this country, it is purely an issue to be decided by Kenyans. I think as leaders, during this constitutional review process, we should take the opportunity and the lead in trying to bring Kenyans together and rebuild the shattered hopes. After the merger, it will be irresponsible for any community or group to try and seek for itself either as a region or groupings the reigns of power. We must concentrate more on trying to make Kenyans understand that they are Kenyans and that they do not belong to tribes. We need a generation that respects the aspect of being Kenyans and avoid issues where we group ourselves either in regions or as tribes. All of us as leaders, we need to take the lead and chart the way forward for the nation. We need to know how we spend our time and create the relevant factors that shall enable the President to retire honourable and peacefully in the next 20 months. Let us look at what we need to do to achieve that change of Government without friction or hatred that exists in the hearts of Kenyans today. We should spend these 20 months in toning down tribal sentiments.

Mr. Deputy Speaker, Sir, another issue that was raised in the Presidential Speech has to do with the East African Community (EAC). The EAC existed as an institution at one time and due to vested interests, it collapsed. I think it is an achievement for us to have it back on track. But one problem we have as a country is that, we seem to be selective in who should be doing that business. Just as it is selective in doing business here, we hope Kenyans will be free to do business across the borders without anybody calling their counterparts to tell them that this is the wrong person and you should not do business with him, the way it is currently being done here. But as a step forward, in trying to create opportunities for Kenyans, I think it is something the country should be proud of. We should also spend time in finding ways and means of expanding our market in the region. I do believe the Ministry concerned will take this opportunity to give Kenyans more leads on how they can reach out there and contribute to the growth of this region.

Mr. Deputy Speaker, Sir, one main issue which was left out, and I think it is a national issue, is the one of forests. For instance, in Lugari, 4,320 hectares which is about 10,000 acres of land that belonged to the Ministry of Environment and Natural Resources, have been transferred to the Office of the President. Title deeds have been prepared in the offices without any demarcation taking place on the ground. I do not know who they wish to give this land to. In Lugari, the initial allocations that were done are still outstanding todate. Another 10,000 acres of land have been hived off, letters of allotment issued and backdated. Title deeds have also been issued in offices and backdated without going through any formal or normal procedure that [Mr. Jirongo]

we all understand. It is being done so secretly that the people of Lugari are left wondering whether they are the owners of that particular region in this country or some officer somewhere owns all the forests in Lugari.

Mr. Deputy Speaker, Sir, I feel, as a natural resource, the President needed to take time and tell Kenyans for whose benefit are those forests being excised, and the people who will be allocated. Some of us are wondering whether that is a means of rigging elections in advance. This is because I genuinely believe that the President of the Republic of Kenya is the President for every Kenyan. In every area, there is a problem that affects the local community, and there is no way land can be excised in Mt. Kenya and the area residents have no idea about it. Similarly, I do not understand how such a huge chunk of land in Lugari can be given out without even the leaders in the area having an idea as to who is being given that land; without mentioning the severe environmental hazards and other problems that will be caused, possibly turning the only region that is fertile in this country into an arid region. It is total injustice for a certain section of people in this nation to carve out 10,000 acres and divide the land amongst themselves and worse still, no demarcation on the ground is being done. No beacons have been put in place, but titles have been issued out. That is an issue that I felt required some attention from the President, as he gave his exposition of the programme for this Fifth Session.

Mr. Deputy Speaker, Sir, to wind up, I hope for once, the President understands that he is leaving office in 20 months and Kenyans should be allowed to carry out their duties normally. The issue of insecurity and interference in rallies organised by elected hon Members was not also addressed in the Presidential Speech. Some of us are wondering why somebody should interfere with meetings that are meant either to educate your people or raise money for the local communities. It is sad that a leader, who was rightfully elected by his or her constituents, must go to beg from a mere DC, in order for him or her to be allowed to hold a Harambee, or address a rally in his or her region. It is high time we respected the current Constitution. It does not make any sense for us to be discussing about the need for a new Constitution that can embrace "Kenyanism" and yet at the moment, we cannot respect the current Constitution and the Inter-Parties Parliamentary Group (IPPG) recommendations

With those few remarks, thank you.

Mr. Sifuna: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to the Presidential Speech. I would start off first by commenting on the Ministry of Roads and Public Works. The Government awarded a tender for the construction of the road from Buyofu to Mateka, and then Mateka to Miyanga Trading Centre. The contractor, by the name of M/S Juma Construction Company, did not do anything at all. He was given the money, and he disappeared. Over 200 people were never even paid. He took that money and started constructing his own house, and he disappeared. He is now in Nairobi doing transport business, yet the people of Bumula are asking every day, what happened to the construction of Buyofu-Mateka Road. So, I urge the Minister for Roads and Public Works to make sure that M/S Juma Construction Company does go back and complete that particular road, or else those responsible be taken to court.

While still on roads, I think there is a big problem in this country. I think the problem is that the Government is confused and we do not know who is running it.

(Laughter)

The other day, when hon. Members were allowed to become members of the District Roads Boards (DRBs), a ruling was given in the High Court; that hon. Members were not supposed to be members of the DRBs. But the same hon. Members sit on the District Development Committees (DDCs), District Tender Boards (DTBs) and District Education Boards (DEBs). Now, what is wrong if hon. Members are incorporated in DRBs, when the same hon. Members are members of the District Tender Board, the DEB and the DDCs? We have the Attorney-General who is the legal adviser to the Government. Why can he not advise the Government over that issue? Why are we allowed to sit only on the DTBs, DDCs and DEBs, yet we are not allowed to sit on DRBs, when even Ministers represent their various Ministries in them? Yet, the AG has never told the Government or the President that it is wrong for the Minister to be in charge of his Ministry, and even Judge Kasanga Mulwa himself has not done so. We even have hon. Mark Too here who is an Assistant Minister, Office of the President and at the same time he is the Chairman of the Kenya Sugar Authority (KSA). Why can they not advise him to relinquish one of those posts? We are trying to find out: Is the law being selectively applied, or what is wrong? We are not supposed to continue behaving selectively on that line.

Regarding the Ministry of Agriculture, Livestock and Rural Development, it is very wrong again for the Government to put Miwani and Muhoroni sugar companies under receivership. How can you put Miwani and Muhoroni sugar companies under receivership when they are Government's organisations? It is just like the Government putting **[Mr. Sifuna]** itself under receivership. Why did the Government bail out the Kenya Co-operative Creameries (KCC) which is not

a Government body by giving Kshs800 million, but they cannot bail out Muhoroni and Miwani sugar companies?

(Applause)

The other day, the Government paid over Kshs6 billion to bail out the Kenya Airways. The Government has also bailed out the National Bank of Kenya, the Co-operative Bank of Kenya--- Name them! Yet it is giving a deaf ear to the sugar industry. Now, farmers have not been paid, the workers have been sent away, and we do not know the future of the sugar-cane farmers in those regions. As if that is not enough, the other day, there was a directive from the Minister of State, Office of the President, Mr. Julius ole Sunkuli, that all District Commissioners would not be sitting in or chairing the DDCs. Then after one week, there was another officer from the Office of the President cancelling that directive. He said that the DCs would continue chairing the DDCs. Now, who is running this Government? Is it the President, hon. ole Sunkuli, or Mr. Oyugi, or (ole Kochokokokwo huyu?).

(Laughter)

Kenyans want to be told exactly how the Government is being organised or run but today, we are being told that--- Even today, you can be appointed a Minister and the PS can say you are no longer a Minister, just because we are confused. It is high time that once a Minister gives his or her directive, it is implemented. It is unfortunate to be a Minister in this Moi Government.

It is even worse than for a married woman. As a married woman, you have no authority over anything in the kitchen at all. They just wait until they are told what to do.

(Laughter)

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that a woman has no authority even in her kitchen? Then where does she have authority? Maybe in Luyialand that is what happens!

Mr. Deputy Speaker: Order! Continue, Mr. Sifuna!

Mr. Sifuna: Mr. Deputy Speaker, Sir, I am sorry but I think that is my opinion and I know very well that in the African tradition, a woman cannot go and give out her husband's animal without his authority. If she did that, she would be chased away.

(Laughter)

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. That is primitive!

Mr. Sifuna: Mr. Deputy Speaker, Sir, because my time is running out, we politicians ought to be actually mature. We have an infant politician in this House who, instead of preaching peace, incites his people to go and start fighting other tribes. It is very wrong and let me warn this infant politician that the moment he continues asking his people to arm themselves and chase away people from Pokotland and at the same time he is saying that the Pokot are going to annex part of Bungoma District---

Mr. Deputy Speaker: Order! Hon. Sifuna, why can you not bring a Substantive Motion to discuss whoever you are referring to?

Mr. Sifuna: Mr. Deputy Speaker, Sir, I was referring to what appeared in *The Sunday Nation* where the said Member of Parliament, who is here, wanted to annex part of Bungoma District up to Kamukuywa and also parts of Turkana District under the pretext that that land belongs to the Pokots. I can assure him that we shall make his life very difficult. It will be *Mundu khu Mundu!*

(Laughter)

He is an infant politician and let him take note of that!

Mr. Deputy Speaker, Sir, another point---

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to use a language which I do not think Members would be very acquainted with because it might sound as if it is an insult to this House?

Mr. Deputy Speaker: Order! It seems that Members understood him because they laughed. Hon. Sifuna

your time is up. Mr. Karume!

Mr. Sifuna: Mr. Deputy Speaker, Sir, could you give me more time?

Mr. Deputy Speaker: No! Order! Hon. Karume!

[Mr. Deputy Speaker left the Chair]

[The Temporary Deputy Speaker

(Mr. Musila) took the Chair]

Mr. Karume: Bw. Naibu Spika wa Muda, asante sana kwa kunipatia nafasi hii niseme machache kuhusu Hotuba hii ya Rais. Vile Rais alivyokuwa akifungua Bunge hapa, kwa azungumzo, mimi mwenyewe nilisikia kama alikuwa akisema **[Mr. Karume]**

mambo ya maana zaidi. Lakini maswali ni haya: Kwa sababu kila wakati tumekuwa tukiambiwa mambo katika Bunge hili wakati linapofunguliwa, lakini wananchi wanajiuliza: Kweli kusemwa yamesemwa, lakini kuna kitu kitafanyika? Hii ni kwa sababu mengi yanasemwa lakini kufanyika hatuyaoni.

Bw. Naibu Spika wa Muda, inaonekana kwa kweli nchi hii imeenda vibaya sana. Hii ni kwasababu ukiangalia karibu kila kitu kimezoroteka. Utapata hakuna barabara, maji na ukulima umedhofika. Uliona juzi kwamba viwanda vitatu vya miwa katika upande wa Magharibi mwa Kenya vimewekwa chini ya receivership. Hivi viwanda vinafungwa kwa sababu wakulima wa miwa wakipeleka miwa katika hivi viwanda, hulala tu bali haiuzwi. Haiuzwi kwa sababu kuna watu wachache wanaotaka kutajirika kwa kuleta sukari kutoka nje ya nchi hii. Hakuna kitu cha maana kama kuangalia wakulima. Serikali yoyote inafaaa kuangalia upande wa wakulima zaidi. Lakini hapa kumekuwa na walaghai wachache ambao kazi yao ni kuleta sukari bila kulipa ushuru ili iwe rahisi halafu viwanda vya sukari vinaendelea kupungua. Umefika wakati Serikali yafaa ianze kufikiria juu ya wakulima badala ya kujifikiria kibinafsi. Serikali ianzie kufikiria juu ya Wakenya kwa sababu taabu zimezidi jaa. Kila mtu analia kwa njia yake lakini hakuna usaidizi ambao tunaona.

Bw. Naibu Spika wa Muda, juzi tulizungumza juu ya mambo ya riba. Tulisema kwa vile wananchi wameumia. Kuna wengine ambao wamekaa katika mashamba ya hekari mbili hadi tano kwa miaka karibu 200. Utapata babu, babu na wajukuu wameishi hapo. Siku hizi ukipeleka hati ya kumiliki shamba hilo katika benki kukopa pesa kidogo ili kulima kahawa au kilimoa cha aina nyingine, utapata kuwa sababu riba ya mkopo huo ni ya juu zaidi, utapata shamba hilo linaenda kuuzwa na unabakia bila chochote. Wakati tulipitisha Mswada huo hapa na ukaenda kwa Rais ili utiwe sahihi, tulisikia hautasahihishwa mpaka urudi hapa. Hiyo ni sawasawa. Wakati Rais alipokuwa akitoa Hotuba yake, alizungumza mambo ya give-and-take. Ninaomba wakati Mswada huu utaletwa tena katika Bunge hili,

Ninaomba tukiambiwa ulikataliwa kwa sababu ya jambo fulani, basi jambo lile ambalo litasaidia wananchi, tuone kwa kweli kama utapitishwa vile ulivyokuwa na kama kuna jambo lingine ambalo tunaweza kurekebisha basi turekebishe. Hii ni kwa sababu si vizuri kwa hawa Wabunge ili hali Mswada huo ulipitishwa kwa kauli moja kwa sababu hata Wabunge wa Serikali walikubaliana na haya mambo. Lakini sitaki kuzungumza juu ya Mswada huo zaidi kwa sababu siku yake itafika na tutakuja kuujadili hapa.

Bw. Naibu Spika wa Muda, katika nchi hii kuna watu ambao wamezoea, wakati dollar inakuwa chini hapa, kuleta pesa nyingi kutoka ng'ambo. Wanakuja wananunua dollar halafu dollar ikipanda, wanauza dollar hiyo halafu pesa wanarudisha ng'ambo. Juzi tuliona mfanyabiashara mmoja ambaye anaitwa Kariuki akileta shillingi billioni mbili hapa nchini. Sasa hiyo ikawa ni matata na akaulizwa: "Umetoa wapi hizo pesa na zimekuja kwa njia gani?" Pengine kama hizi pesa zingelewa na Pattni au Shah, labda hakungekuwa na maswali mengi. Lakini kwa sababu ni Mwafrika wa nchi hii ndiyo sababu unaona mambo haya yanaendelea zaidi.

Bw. Naibu Spika wa Muda, ukiangalia kilimo cha kahawa, utapata kwamba kimefifia sana. Kahawa imekwisha na bei imeharibika na hizi pesa za STABEX ambazo tunaimba kila wakati na ambazo zililetwa za kutengeneza kahawa inafaa zitumiwe sasa. Wakati mtu huwa mgonjwa ndio yeye hupelekwa hospitali na ndio hupewa dawa. Kama hizi pesa zinafichwa, basi hatujui ni kwa sababu gani zinafichwa hivyo na labda zitakuja kusadia wakulima miaka kumi zijayo. Sasa kama tayari kahawa imekwisha zitasaidia kitu gani? Serikali yafaa ianze kufikiria zaidi. Isifikirie juu ya watu binafsi. Isifikirie hizi pesa zitazaidia nani. Ifikirie wananchi wa Kenya kwa sababu wamekwisha zaidi.

Bw. Naibu Spika wa Muda, tukiangalia mambo ya huu ugonjwa wa Ukimwi, tumesikia pesa za kukabiliana nao zimekuja nyingi na zinaendelea kuja. Lakini ingawa tuko na kamati za kuangalia vile tunaweza kupunguza huu ugonjwa wa Ukimwi, kwa sababu ndio unamaliza watu wetu, hakuna pesa. Tuliletwa pesa kidogo na kuambiwa eti hizo ni za mobilisation na zikaisha. Wakati pesa hizi zilipokwisha sasa wananchi wanauliza: "Pesa zilikwenda wapi?" Pesa hizi zitakuja wakati watu wamekufa wengi zaidi? Zitakuja kusaidia nani? Kwa hivyo, ni vizuri pesa hizi zikija,

haya mambo ya Serikali kusema zilale kwa benki hii ili watu "wale" riba, ni vyema ilale hapa Bungeni na hayo mambo yamalizike kabisa.

Bw. Naibu Spika wa Muda, benki katika nchi hii zimemaliza watu wengi sana. Badala ya benki kutajirisha wananchi wa Kenya, yaani wafanyabiashara na wakulima, riba inapanda hadi asilimia 70 kwa sababu eti ni penalty. They can call it anything. Wanaweza kuibatiza jina lolote lakini yote ni riba. Kwa hivyo, ni vizuri benki zetu kufikiria juu ya riba inayotowza wananchi wetu. Ninaishukuru benki ya KBC kwa mpango wao mpya wa kutoza riba mikopo waliyowapa wananchi. Kwa mfano, badala yao kuuza mali ya wananchi, wao wanawapa muda mrefu wa kulipa mikopo na kwa riba ya chini. Hii ni benki inayowatia moyo wananchi wetu ingawa hatujui wataendelea kufanya hivyo kwa muda gani.

Bw. Naibu Spika wa Muda, hali ya hospitali [Mr. Karume] zetu nchini ni mbaya sana. Ikiwa mgonjwa amelazwa hospitalini, ni lazima abebe blanketi yake kwa vile huko hakuna blanketi. Ni aibu kuona wagonjwa wakiwajibika kubeba maji yao ya kunywa kwa vile hospitali zetu hazina maji. Hata makaratasi ya kuandikia aina ya dawa na matibabu yanayohitajika hayapatikani hospitalini. Wananchi wanawajibika kununua kitabu ili waweze kuandikiwa aina ya dawa wanazohitajika kutumia hospitalini. Je, Serikali hii ina macho? Kwa nini haiwezi kuona kuwa wananchi wetu wanakufa kutokana na shida wanazozipata hospitalini? Hii ni Serikali ya namna gani? Je, Serikali hii kweli ina masikio?

Bw. Naibu Spika wa Muda, hali ya barabara zetu ni mbaya sana. Ni aibu kuona Rais Moi anatumia barabara hizi lakini hawezi kuona kuwa ni mbaya. Ni vizuri Serikali hii ifikirie juu ya shida zinazowakabili wananchi wetu badala ya kujishughulisha na ni nani atakuwa Rais kesho. Si muhimu kwa Rais wetu kufikiria jinsi atakavyochaguliwa kwa kipindi cha tatu. Jambo hili si muhimu kwa wakati huu. Ni lazima tufikirie wananchi wetu watakula nini na juu ya maisha yao ya baadaye.

Bw. Naibu Spika wa Muda, usalama wa nchi hii umezoroteka kufikia kiwango ambapo wananchi wakiuliwa si jambo la kutisha. Wananchi wakiuliwa kinyama na majangili fulani, Serikali yetu haifanyi lolote. Majangili wanapotea bila kushikwa na walinda usalama wa nchi hii. Hivi juzi, tulishuhudia maafa katika Wilaya ya Marakwet. Wananchi wengi waliuliwa na majangili waliokuwa wakiiba mifugo. Ni kwa nini Serikali hii haiwezi kuwatia mbaroni wezi hao wa ng'ombe? Ng'ombe hawawezi kupaa angani kama ndege au kwenda kwa kasi kama motokaa. Serikali hii imeshindwa na kazi ingawa haitaki kusema imechoka.

Bw. Naibu Spika wa Muda, jambo ambalo ningemuomba Rais Moi afikirie kabla ya uchaguzi mkuu wa mwaka 2002 ni juu ya urithi wa kiti cha urais kwa sababu ni vizuri kulinda nchi, watoto wetu na hata vizazi vijavyo. Ni nini tutawarithisha watoto wetu? Ni jambo la kuhuzunisha kuona viwanda vingi hapa nchini vimefungwa. Ushuru tunaotoza bidhaa zetu ni wa juu kuliko ulivyo katika mataifa jirani ya Tanzania na Uganda. Kwa mfano, ushuru unaotowza pombe nchini Tanzania ni asilimia 60, Uganda ni asilimia 65 na hapa kwetu ni asilimia 85. Ushuru huu unaonyesha ya kuwa matajiri wengi watajenga viwanda katika mataifa jirani. Tutakuwa tukiuzua bidhaa za nchi za nje rahisi kuliko bidhaa zetu kwa sababu ya ushuru wa juu unaotowza bidhaa zetu. Hatujui Serikali yetu inafikiria nini juu ya ushuru huu. Ni heri kama Serikali yetu itafikiria juu ya ushuru tunaotoza bidhaa zetu ili kuokoa viwanda vyetu. Ushuru huu umechangia ukosefu wa kazi hapa nchini. Tuna vijana wengi ambao wamehitimu kutoka vyuo vikuu lakini hawana kazi kwa sababu viwanda vingi vimefungwa. Kwa mfano, kiwanda cha Uplands Bacon kilifungwa na kuwafuta kazi zaidi ya wafanyakazi 6,000.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaunga Mkono Hoja hii.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to join my colleagues in contributing to the Presidential Speech.

The President was very concerned about the economy of this country which has deteriorated a great deal. In the last three years, it has not shown any improvement, but a negative growth. There are many factors which have contributed to this situation. The first one has, of course, been natural calamities. The weather has been so bad that the pastoralists lost most of their livestock. I have lived in Nairobi for many years and for the first time, we had to battle against cattle who were looking for pasture within the City.

Mr. Temporary Deputy Speaker, Sir, there is the question of food security due to the adverse weather. Many farmers were unable to produce sufficient food to ensure that we did not go wanting. Because of adverse weather, we had also the issue of power rationing which affected the smaller industries in Industrial Area. Many of them closed down and as a result, many people lost their jobs.

The other factor which contributed to the negative growth of our economy was the poor prices of our commodities overseas. The prices of coffee, tea and pyrethrum, were very low. As a result, we were not able to get the kind of money that we have always got from those strategic crops. However, the bottomline is that all of us have managed our economy very poorly. We must attribute this negative growth to the mismanagement of our economy and our country. Why is it that we lost a lot of livestock? Why are we talking of adverse weather? This is because of the desertification that has been going on in our country. Why is it that there was power rationing? This was

because the dams ran dry. Why did they run dry? It is because we have cut down most of our forests and allowed farmers to cultivate in water catchment areas.

Incredibly, even today as I speak here, we continue to degazette forests for farming. Will there ever come a time when we will tell Kenyans that not everyone can have a piece of land? It is not possible! There is nowhere in the world where everyone must own a piece of land.

Mr. Temporary Deputy Speaker, Sir, we have reached a situation where public servants defy Presidential directives with impunity. Yet, several hon. Members have stood here to ask: "What sort of Government is this?" They forget that a government [**The Assistant Minister for Education, Science and Technology**] is not just the President or the elected leaders. The Government comprises of everybody who is working. So, the first question we should ask ourselves is: "Who are these people in Government who are defying presidential directives?" Who are these individuals who are sabotaging the policies that are meant to help us? When you reach a situation where public servants defy court orders, then you must know that we are in very serious trouble. I think what we need to do now is to think in terms of bringing about discipline in this country. There should be discipline in every sector of our lives. If we do this, then we will start planning realistically, as we used to do very many years ago.

Mr. Temporary Deputy Speaker, Sir, if we have to plan realistically, then we have to look at how we can reduce poverty. Many Sessional Papers have been written and brought to this House on how to reduce poverty. I want just to take my area as a prototype to illustrate how we can revive our economy without going into too many details.

Mr. Temporary Deputy Speaker, Sir, I want us to revive the cotton industry in Funyula. If we have to revive the cotton industry in Funyula, we should not start on a small-scale by just providing seeds; we should start with the whole package. A whole package means clearing the bush; preparing the land, getting the proper seeds, and having transportation and storage facilities put in place and above all, ascertaining that the farmer is paid on time after bringing his cotton to the stores.

Mr. Temporary Deputy Speaker, Sir, that is not the end of the story, because we must have a cotton ginnery. In Funyula we have a ginnery that is moribund and now requires rehabilitation. For instance, if we can have, say Kshs100 million set aside for a place like Funyula, in five years time, we will have reduced poverty completely. We cannot eradicate poverty because there is no country on earth that has eradicated it. However, we will reduce it.

Mr. Temporary Deputy Speaker, Sir, using the prototype of Funyula, being at the lake region, we would like to revive the fishing industry. To revive the fishing industry, we must ensure that the infrastructure is put in place. We must ensure that there are good roads that will help the fishermen to bring their catch to the market in good time. We need to provide cold storage facilities and ice making plants and ensure there is sufficient money to pay the fishermen.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President touched on the question of regional integration, which needs a lot of political goodwill. The first thing to do is to look back and see why the East African Community collapsed. I am old enough to remember very well that it was the arrogance of our people here who looked down upon the other countries and wanted to make them their own colonies. We must make sure that we look at our neighbours as equal partners with us. If we do that, we will reduce poverty and have good markets for our products.

With regard to unity, His Excellency the President, in fact, implored all of us to put aside our political differences and look at our country as one thing. If we do this, Kenya will recover and become profitable and economically strong as it has always been.

With those remarks, I beg to support.

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the exposition of public policy contained in His Excellency the President's Speech.

I went through the Presidential Speech carefully because I wanted to find a paragraph which has dealt with agriculture because I have found out that without agriculture, this big country is likely to sink in a squalor and poverty. On page seven, the President said as follows: "Our farmers lost their crops and livestock and more than three million of our people experienced severe famine." That was the first reference to agriculture.

The next reference was on page eight where the President said as follows:

"The prices of essential goods increased, and yields of our major export crops, including tea, coffee and horticulture declined."

In paragraph two on page eight; this is where I saw the last thing about agriculture.

The President said as follows:

"We look forward to better performance in both the agricultural and the manufacturing sectors this year."

The President did not tell us how we are going to do any better. When the President goes to Muhoroni and tells Muhoroni farmers that we are going to close down Muhoroni Factory and build a bigger one, which will cater for Muhoroni, Miwani and Chemelil put together, it is like Jesus Christ telling the Jews:

"I am going to pull down this Temple and build it in three days."

No wonder he was crucified. You do not talk like that unless you are very sure you are going to get the money to build that big factory, which will take care of an area which was catered for by three large factories. The people of Muhoroni, Chemelil and Miwani are co-operating with the KANU Government.

An hon. Member: It is a shame!

Mr. Kajwang: It is a very serious matter, Mr. Temporary Deputy Speaker, Sir.

Our sugar industry is being destroyed by none other than the Government of Kenya. It is amazing that a Government which has decided to do serious business, especially in the agro-industry, it owns 100 per cent of the shares at Muhoroni Sugar Factory, runs it badly and accumulates debts from other Government agencies, including Kenya Commercial Bank (KCB). After all that it says as follows:

"Because I have accumulated so much debts from KCB, farmers and others from suppliers, I will, therefore, go into what is called protective receivership". Whatever that means.

I thought it means that when you want to go into protective receivership, you are saying: "Let me protect my assets from being attached so that in the meantime, I can reorganise myself." I hope that is what the Government is saying. However, the Government is protecting itself against, the farmers who have already grown their sugar cane, delivered it and it has been processed and sold. Those are the people the Government is protecting itself against so that they do not attach the tractors of Muhoroni Sugar Company. The people whom the Government is protecting itself against are the suppliers of spare parts. Kenyans who have borrowed money from banks and have supplied Muhoroni Sugar Company with spare parts are now being told: "You know we cannot pay you. So, the Government must protect itself against you so that you do not attach anything in Muhoroni."

The consequence of this approach is that, we are destroying the farmer, the supplier, the transporter and everybody else associated with the sugar industry in this country. The Government is destroying these people, forgetting that those are the same people who form part of the Government. The wealth in the hands of hon. Kajwang and hon. Dr. Kulundu here, is the wealth of the Government of the Republic of Kenya. So, when you make them poorer, you are making the Government poorer. This is one notion that the Government has never realised. So, who is the Government protecting itself against?

The people who are spearheading this notion are Kenya Sugar Authority (KSA). The KSA is no Authority, if it were not using farmers' money. They collect levy from the farmers to generate wealth for farmers. The job of KSA is to support farmers, expand farming; and make the farmers benefit more from the farming activities. Now, the KSA is the one which is putting Muhoroni Sugar Company under receivership and protecting itself against the farmers.

Look at this scenario! Where is hon. Obure, the new Minister for Agriculture? He should have been the Minister for "Football" because that is what he understands better. If one is very serious, he should write down notes and take them to hon. Obure and then tell him that the Government cannot protect itself against farmers and survive. This is because if the farmer is destroyed, the Government is destroyed as well! Look at the people who have suffered. Muhoroni Town is soon becoming a ghost town and yet it hosts suppliers, transporters, cane cutters, weeders, sellers of food, traders of molasses, hotel and lodging owners; brewers of *chang'aa* and disco-owners. All these people are suffering, including doctors who treat people suffering from sexually-transmitted diseases. Generally, people are suffering in Muhoroni Town. Do you know how much it would have cost the Government to put it back? It would have cost just about Kshs800 million. If the Government had invested Kshs800 million into Muhoroni, it would have generated billions of shillings in one year, leave alone the issue of profit. Muhoroni was not started with an aim of making profit. The Government does not build roads so that it can make profits. It does not maintain the Kenya Railways Corporation or the Kenya Posts and Telecommunications Corporations to make profits. It is the service that it gives which makes people create wealth. That is why a Government is in place. The Government must invest money in Muhoroni.

I will give you examples of companies which have gone under receivership. The Kenya National Assurance Company (KNAC) went under receivership because the Government could not inject Kshs400 million into it. The KNAC now has several billions of shillings they have collected in a blind account somewhere. It is more viable than it was at the time it was put under receivership because the Government said it must die, since some people wanted to buy its assets. KENATCO is still under receivership and yet they are buying new Mercedes Benzes. I do not understand how a business which is under receivership can continue buying Mercedes Benzes and new cars and continue doing business at the airport. The Nyayo Bus Corporation which was put under receivership collapsed. My friend hon. Ayoki has told me that it collapsed very badly.

I want to talk about sugar-cane. The National Bank of Kenya almost collapsed. We put Kshs4.5 billion into it, so that it can survive. This is because had it closed, so many people who had deposited their money there would have suffered, these being the teachers, businessmen and some companies. You would have had a disaster in this country. That is how you preserve a national asset which will then preserve the wealth of the nation. They can now sell it at whatever price, but it is still viable. We voted Kshs8 billion here so that the [Mr. Kajwang] Kenya Airways could be sold to some *Wazungu* in KLM. When we have to sell these corporations, we write off the loans. If we do not want to sell them to *wazungu*, they can collapse. We put Kshs800 million in a private company, and now I hear there is KCC-2000 which is owned by a retired general. We gave Kshs800 million to some private people. That was not even a Government business. Muhoroni is 100 per cent owned by this Government. If Otieno Kajwang is in debt, why can he not pay his debt? If I do not pay my debts, they are always chasing after me. Sometimes they claim that: "Kajwang is going under receivership; Kajwang is bankrupt." Why can the Government not pay its debts? If you owe farmers, why do you not pay them?

I beg to support.

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, may I add my voice to those who had already taken the Floor ahead of me. I will be very brief. Many of the country's economic activities, like agricultural and other sectors have collapsed. Those sectors collapsed because of certain individuals. Pointing fingers at certain individuals will not provide a remedy as to how we can revive our economy. When the economy collapses, this affects those who are in power and everybody else in the country. What is wrong? We require to change the attitude of our people. Let every Kenyan think of a way in which we can revive the economy. For example, the cotton farmers must go into their *shambas* and there should be some incentive to help them improve their production. When we start talking of cotton and the AGOA market in America, we are not aiming individually to go into farming, whether we have assistance or not. We should begin from somewhere and move forward. The answer is not talking without implementing those actions.

In my constituency, I am trying to re-organise cotton, miraa, tea and coffee farmers and the pastoralists. We intend to see that by October, when we grow cotton, at least every farmer has planted one or two acres of cotton. That way we will revive our economy. There has been talk of afforestation and deforestation. Recently there has been an outcry that there is excision of forests here and there. I would like to ask my friend hon. J. Nyagah to come up with a list of names of the people involved and state when this occurred. People have been living in some of these areas for quite some time and yet those areas have not been de-gazetted. Let the Minister tell this House who these beneficiaries are and where they are so that when we talk, we know who has what. Since some people like pointing fingers at others, let us hear from the horse's mouth as to who owns what, where and when it was owned. I am telling my Cabinet colleagues to bring a list of the names so that everybody knows who has what.

I would also like to point out that a mistake is always a mistake no matter who does it. Robbery, whether committed with violence or not is still robbery. When certain individuals commit robbery you would want to view one individual's robbery as being worse than the other person's. In 1953 there was a *Mzungu* here who was transferred to Ghana after the Mau Mau emergency. He said: "The killing by the Mau Mau is very bad." According to him the deaths caused by the Mau Mau were worse than any other deaths he had ever seen. However, somebody else answered him that a death is always a death, whether you are shot or you die of natural causes. We should condemn all evils equally so that we can protect our wellbeing.

Mr. Temporary Deputy Speaker, Sir, the pastoralists should be kept in the rowing boat so that when you talk about cotton, tea and sugar, you can also talk about livestock. That way, we will take everything into account and plan on how we will revive our economy. But all that cannot be done by an individual! It is not President Moi who will do it on his own! We can have very good policies, but when we leave them in the books, they will not come out of the books, come what may! We can have the best policies but if no one takes the bull by the horns, nothing will move. So, we must have a beginning. It is human that you are not always right. When you are right, somebody else is wrong. Some other time, both of you may be wrong! So, to me, we should take everything into account.

Mr. Temporary Deputy Speaker, Sir, still on the economy, there are the liberalised markets. They are an international problem. We must have policies to protect our own economy, although we are under a lot of pressure. I support the Presidential Speech, in which he gave direction on the Bills. It is upon us to debate and pass them because they will benefit our country and not individuals. That is why the President said that when we are discussing issues pertaining to our country, we should forget our party affiliations. We should talk about the unity of this country.

Mr. Temporary Deputy Speaker, Sir, I said that I will be very brief, and with those few remarks, I support the Presidential Speech.

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support and contribute to the

Presidential Speech. We welcome the sentiments expressed by the President that we should unite and work together as a team. That entails respect for one another. I believe that when the President was speaking, he did not only refer to partisan politics, but to the two sections of this nation and the world; that is women and men. It is very disappointing when we keep on hearing **[Mrs. Mugo]**

the leadership of this country belittling women, starting with the President. That is why we wonder whether he is genuine. He belittled women and said that they were of small minds while officially opening a women's meeting!

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Mugo to mislead this House with respect to what the President said? In fact, what the President said had nothing about belittling women. He encouraged women to think big!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, he is wasting my time! We saw in the electronic media the words coming out of the President's mouth, leave alone the print media! You cannot translate that for us! Even those who tried to say that he meant this or that should not try. It will take the President himself to tell us what he meant, and not somebody who thinks about what he said!

Mr. Temporary Deputy Speaker, Sir, we also get disappointed by hon. Members in this House, who continue to malign women by thinking that they are sub-standard and sub-human. It is a pity! No wonder this country cannot make headway. When an hon. Member wants to show something of the least value, he refers to a married woman! May I remind this House that women are equal shareholders and stakeholders of Kenya and their homes, and are in charge of their lives. We do not need anyone. That is primitive and barbaric. We could do well in this House if we came up to the level of civilised Members of Parliament, who can lead this nation. By that, I mean women and men. I am sure the Dagoretti people will be very mad. I am also sure that the people in Ms. Karua's and Mrs. Ngilu's constituencies will be mad. That is because some very intelligent men voted us to represent men and women in this House. We would appreciate it if such rubbish is taken out of this House.

Mr. Temporary Deputy Speaker, Sir, touching on the economy, it is time we brought our economy to par, if we want to save this nation. It is a pity for the President to blame the weather. We really know that it is not the weather. The weather played a very small margin. It is mismanagement, corruption, ethnic politics and stealing from the public coffers. Until we face the facts, we cannot save this nation. We cannot blame the weather. We should stop and ask ourselves: Why are our children dying in schools all of a sudden? If they cheated in the examinations, who did they copy? Why this new phenomenon? We never had children dying in such large numbers! The eyes of the women of Kenya are full of tears! The women of Ukambani are in tears this morning for losing their children! Why is that? It is because of bad examples from a bad Government and society! What are we teaching our children if we steal all the money and when they go to the hospital, there is no medicine; they cannot get school books because money is stolen? They read the Reports of the Public Accounts Committee (PAC) and Public Investments Committee (PIC) every day, that billions have been stolen. Do we expect a miracle from those children? They are growing among us. We are teaching them bad things.

The Minister for Education should come up with a policy on how the Government will set a good example to the people of this country. We should obey the rule of law. We should not just offer lip service. The time for lip service is over! Our children are dying in schools. We are talking about 68 children! What a shame! We cry crocodile tears, go to those schools and try to comfort them that, that should not have happened. So, why did it happen? Why did it not happen before? So, could we wake up from our slumber, stop being selfish and show the children that we care by stopping stealing from the public? We should provide for those children. The children can only learn from good examples.

Mr. Temporary Deputy Speaker, Sir, the economy of this country can really recover if we are serious and support all sectors of our economy. I wondered when I saw the delegation which went to the East African Co-operation. How many business people went on that Presidential trip? After all, that is a business co-operation. It is not even a Government co-operation. We used to see, when the former President Clinton and other Presidents visited other countries, that they carried their economic people and businessmen. If we cannot promote the businesses and put those people at the centre stage, we cannot succeed. But here, the Government seems to mean something else. It wants to remain in power at whatever cost. So, what do we see now? The sugar industry is down and there is nothing that can be said about our sugar belt. Why? It is because some very rich people continue to bring in more sugar to become richer, while Muhoroni Sugar Company and others cannot sell their sugar! What a shame? What a country? If we are serious, we have to give opportunity for growth. We have to encourage our business people and give them an enabling environment. We have to have some space for them.

The African Growth and Opportunities Act (AGOA) arrangement has been put in place to help African nations grow economically, but the Ambassador of the United States of America to Kenya said recently that Kenya might miss the boat because we are not adhering to the principles of good governance. These are the issues we are supposed to address. But rather than address these **[Mrs. Mugo]**

issues, we keep on paying lip service to them, with no intention of cleaning up the mess. If we want to facilitate the participation of our business people in the AGOA arrangement, we must clean up our acts not by talking, but rather by acting. Actions speak louder than words.

Mr. Temporary Deputy Speaker, Sir, following the outbreak of typhoid in Embu District recently, we in Nairobi are worried. We in Dagoretti, parts of Kawangware, Riruta and other areas have no water. Residents in some estates have not had water in their taps for months now. They do not even know the sources of the water that is being sold to them. There is going to be an outbreak of water-borne diseases in Nairobi. Once an outbreak occurs in one area, the whole City will be affected. Could the Minister in charge of water assure us that clean water is going to be supplied to residents in those areas? I believe that people from City Hall shut down water supply to some estates. For instance, even when water is available in plenty, it does not flow to Suna Estate. I do not want to believe that the Government has failed completely to maintain law and order and effectively look into the welfare of Kenyans. We cannot surely punish such people; we should ensure that citizens have water.

The issue of dilapidated roads in Dagoretti Constituency has been, for some time, the debate in the Press and electronic media. Roads in that area have ceased to exist, but no funds from the *El Nino* Fund were allocated for roads rehabilitation in that area. Dagoretti constituents pay tax. So, we demand that our roads are also repaired. The pathetic condition of the roads in Dagoretti has been covered by all the media houses. Even the Kenya Broadcasting Corporation (KBC) featured the bad roads in Riruta area. Despite the tax money the Government collects from Kenyans and through funds such as the *El Nino* Fund, it has failed to rehabilitate roads. That is a shame.

Mr. Temporary Deputy Speaker, Sir, the only good thing that the Government has done, and for which I congratulate President Moi, is yesterday's appointment of this country's first lady Head of Public Service and Secretary to the Cabinet, Dr. Kosgey. That was very good. I would like to take this opportunity to congratulate Dr. Kosgey for having been appointed to that office and urge her not to allow herself to be intimidated by people who tend to put pressure on anybody who tries to work in accordance with the law.

With those remarks, I beg to support.

The Minister for Water Development (Mr. arap Ngeny): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Motion on the Presidential address.

First and foremost, I would like to congratulate His Excellency the President for his wonderful Address. In that Address, the President distinguished himself as a true patriotic statesman, whose heart is with Kenyans.

Mr. Temporary Deputy Speaker, Sir, I know that some people will not agree with me, but quite a number of Kenyans will agree with me that the President has a lot of goodwill for Kenyans. A few years ago, supposedly new ideas flooded the country; even some very educated Kenyans opted to impose ideas on us. They hoped that political and economic liberalisation would bring about enormous benefits to Kenya and Africa. Unfortunately, most Kenyans fell for that trap. In that belief, we liberalised almost every aspect of our economy, and retrenched public servants. We went further to adopt policies that barred employment of teachers, yet this country's population is increasing by the day. So, could we have adopted such policies? Surprisingly, nearly every Kenyan accepted that policy. We are now backtracking and saying: "Oh, we made a mistake". Even some hon. Members of this House agreed to those policies then.

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

The Minister for Water Development (Mr. arap Ngeny): Mr. Temporary Deputy Speaker, Sir, hon. Kituyi would always like to interrupt me. Nevertheless, he may inform me.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I am very grateful to hon. Ngeny for allowing me to inform him. I wish to inform him that whatever we may say about liberalisation, the process allows us to build state corporations to which future leaders cannot do to them what he did to the defunct Kenya Posts and Telecommunication Corporation (KP&TC).

The Minister for Water Development (Mr. arap Ngeny): Mr. Temporary Deputy Speaker, Sir, I know that my friend, Dr. Kituyi, is just trying to intimidate me. I would, however, like to assure him that I cannot be intimidated by his irrelevant remarks.

Mr. Temporary Deputy Speaker, Sir, therefore, Kenyans have been led astray to even liberalise the activities undertaken by "small" people in this country. Liberalisation has resulted in dairy farmers being very poor. Every Tom, Dick and Harry is now importing maize just to discourage maize farmers. Everybody is now importing second-hand clothes, leading to the total collapse of this country's textile industry. All this is as a result of liberalisation. We now stand here and accuse the Government of all sorts of misdeeds. Who initiated the decisions that led to these problems in the name of liberalisation? Some hon. Members of this House embraced that idea then, hoping that liberalisation [**The Minister for Water Development**]

would be the messiah to our problems. Unfortunately, that was not be the case.

All of us, therefore, must think as Kenyans and not as members of political parties or individuals. We have

always blamed this country's problems on the Government, yet we are ourselves the Government; the Government is the people. Every community in this Republic is represented in the public service.

With those few remarks, I beg to support.

(Mr. Orengo moved to the Dispatch Box)

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Orengo! Could you go and speak from your usual place?

Mr. Orengo: Most obliged, Mr. Temporary Deputy Speaker, Sir.

*(Mr. Orengo moved to a microphone
away from the Dispatch Box)*

Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to speak on this Motion. Since I have very limited time, I will try to make my points as quickly as I can.

For the last 15 years, this country's economy has been experiencing a downward trend. Even before the multiparty elections of 1992, this country was already undergoing a very difficult economic situation. The Government was already in conflict with the donor community with regard to the manner in which the country's economy was being managed. Nobody can rightly accuse anybody else for the bad economic policies this Government adopted, which have brought us to the situation we are experiencing, except the Government itself. Sometime back, if you had a school certificate or a degree certificate, you needed not know anybody in order to get employed. You just needed to walk into any office in the Industrial Area and ask for a job. You cannot do that today. If you do so, you cannot get a job. Poverty is increasing.

Mr. Temporary Deputy Speaker, Sir, the Democratic Republic of Congo is registering more than 5 per cent growth rate. This is a country which is in at war, yet in Kenya, for the last three years, we have been experiencing an economic downturn. The situation will not improve because this Government had that opportunity the moment it was elected in 1997. Right now, a lot of investors, both external and domestic, would not want to put their money in Kenya until they know who is who, and what type of transition we will undergo. In the next two years, I can promise you that we will not experience any changes. All good investors would want to see how we are handling the issue of transition. We cannot blame anybody other than the Government which has adopted bad policies. Those bad policies have made this Government borrow externally and domestically, to the extent that even with hon. Donde's Bill, the interest rates are still going up on account of this Government.

Mr. Temporary Deputy Speaker, Sir, what is worrying are the social effects of this economic downturn, the poverty and the unemployment people are experiencing in this country. I want to say that political scientists have characterised situations such as the one that exists in Kenya today. A Government which is interested in creating prosperity in a country will go by records. It can point out how many roads it has built and how many jobs it has created. I have never heard, on any one day, the President or any Minister in this Government saying: "In this particular year, we have created so many jobs". This is because the Government is not interested in creating jobs for the people of this country. It is interested in playing politics 24 hours a day and forgetting that it has a responsibility to make the lives of Kenyans better. That has meant that in order for this Government to engage in politics for 24 hours a day, it has invaded every cash-cow that there was in this country, that was created by the sweat of the people.

The problems that we are experiencing today in the Kenya Co-operative Creameries (KCC) are not problems that were created by the farmers. The KCC had a very unique character. It was both a limited liability company and a co-operative society, but then the Government intervened. When it intervened, instead of KCC being a profit-making organisation, it was ridden with debts. Right now, the sweat of the people of this country, who include so many generations; the assets built up by KCC, are being sold for Kshs400 million. The KCC was a co-operative society that was in almost every part of this country. Even in Kisumu there was, and I believe there still is, a KCC delivery point. The same goes for every other sector, be it coffee, tea and now the sugar industry. These industries have fallen. I can point out from all the reports that have been laid in this House by the Public Investments Committee (PIC) and the Public Accounts Committee (PAC), that it is this Government and individuals who are in this Government who have destroyed these organisations.

The other day, when I was in Bomet, there is an old man who told me that during the Kenyatta era, at least, when they delivered their milk to KCC in Sotik, they used to get their money. He told me that in 1992 and 1997, they were cheated that if they voted in a particular way, their land was going to be taken away. Now, the people who are taking away their land and their factories are people in this **[Mr. Orengo]** Government. They are not people in the Opposition.

Mr. Temporary Deputy Speaker, Sir, I am saying that once you create unemployment and poverty, you are bound to have insecurity in the country. The Police Department can close whole towns like Kisii and Kisumu, because there will be a *Muungano wa Mageuzi* rally, when, probably, hon. Kituyi, hon. Kathangu and a few patriots will hold a rally in one of those towns. But when there is an army man armed with an AK 47 rifle going through three districts, from West Pokot through Baringo, the President's own district, to Marakwet District, that army man is successful in conducting raids, taking cattle away and no one person is arrested. That is because the Kenya Government is asleep when it is not stealing. It is asleep at night, from 8.00 o'clock, because its members are too fat and have made too much money. During the day, they are busy stealing our money and assets.

The time will come when whatever we do, will catch up with us. I can say this from this House because so many things that I have said have come to light. However much you try to escape from this responsibility, when you can steal with impunity, it will catch up with you. The best thing that you can do to this country at the moment is to try and sit together and dialogue, so that you can go through a transition.

A Government that stays in power for too long, even in the most democratic societies such as Great Britain during the time of Mrs Thatcher, or in Germany at the time of Chancellor Kohl, in its tenth year, it cannot do anything. It is just too long for somebody to be in power. I can tell you that if today President Moi announces that he is no longer interested in being the President, but he is interested in a new Constitution and a new order, the shilling value will shoot up. This is because we will become predictable and will be complying with the law of the land. In the United States of America or everywhere else where there is a new constitution, it does not, in fact, need to be said so much that somebody will not run again, but because we do not obey the law of the land as it exists, the Constitution of this country, it is important that, that announcement is made. If we will have a Nyayo legacy, then the President should be courageous and tell Kenyans: "You want a transition and that transition will begin by me assuring you that 20 years is good enough and I will not run again for the Presidency".

I believe that once that is done, the constitution-making process will have some legitimacy and people will be committed to creating a new constitutional order that will bring about change in the lives of the people by making the economy strong, and making sure that every Kenyan can have a meal. There are so many people in the streets of Nairobi who do not have a meal. You just need to walk between Parliament and River Road and see the suffering of Kenyans.

Now, in Miwani and Muhoroni Sugar factories, there are problems. Chemelil Sugar Factory is being run by a relative of the President, and even a relative of the President has brought Chemelil Sugar Factory down. You do not need angels to run factories, but you need people who obey the law and respect the fact that if you have debts, you have to pay those debts.

The Assistant Minister, Office of the President (Mr. Gumo): (Inaudible)

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, if Mr. Gumo would listen to me, there would be a better country. Muhoroni, Miwani and Chemelil Sugar Factories have fallen because of the bad economic governance that we believe in. For example, somebody called Somaia was supposed to put some capital into Miwani Sugar Factory, but he took it without paying for a single share. Now his own bank is the one appointing a receiver for Miwani Sugar Factory. How can a thief catch a thief? This needs to be explained to the people of Kenya.

With those few remarks, I have stated my position.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to thank His Excellency the President for his wise Presidential Address.

I would like to talk about education, especially in Narok District. We have many problems in this district, especially in the education sector due to lack of enough teachers, because most of them do not want to go to remote areas when they are transferred or posted there because of poor roads or lack of proper communication. It is only in Narok District where teachers do not enjoy hardship allowance. I would like to inform this House that teachers in our neighbouring districts, for example, Kajiado, Trans Mara and Bomet, enjoy hardship allowance, and we feel that it is certainly unfair for teachers from Narok District to be sidelined by the Ministry of Education, Science and Technology. These teachers should also enjoy that privilege because Narok District also deserves hardship allowance.

The other issue I would like to touch on is tourism. We know very well that tourism is the backbone of our economy, and we are very happy with the Ministry of Tourism, Trade and Industry because it has brought life to the tourism sector. We are very happy with the Minister, hon. Biwott, for his active role in this sector. If I may also touch on health, I would like to say that I am very disappointed to report to the House that the Health [The Assistant Minister for Environment and Natural Resources]

Department in Narok District is the most corrupt department we have in the Government. I would like to say that most of the officers issue licences to some lodges due to influence from some powerful politicians in the district. These officers issue licences to these lodges without following the laid-down procedures, which is totally unfair, and

my people will not take it lightly because many people are suffering from typhoid, which is a very serious disease.

Mr. Temporary Deputy Speaker, Sir, I would like to point out that this disease costs my people huge sums of money to treat. Some of the lodges in Mara National Game Reserve, which is the heart of the tourism industry, for example, Musiara, which is owned by one of the prominent politicians in this House--- I would like to say that due to his influence, they use money to bribe officers so that they can issue bogus licences to ruin the Mara National Game Reserve.

Mr. Temporary Deputy Speaker, Sir, if I may touch on corruption, I am really disappointed to report that some of my colleagues, especially from the district I come from, are the most corrupt fellows we have in the system.

(Applause)

You will find a lodge like Musiara Limited owing the Narok County Council millions of shillings, but they "silence" the officers by bribing them. I would like to say that several reports have been written by the Ministry of Local Government for the last 20 or 50 years about Musiara Limited. What is so special about Musiara Limited?

An hon. Member: Who is the owner?

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, my people will not take such things lightly because Musiara Limited has exploited them. I would like to say that the lodge is owned by a Cabinet Minister.

Mr. Wanjala: Who is that?

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, the lodge is owned by "Mr. Lie Low".

(Laughter)

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I knew all the names of the Ministers in this House, but I do not know the name that the Assistant Minister has just mentioned.

The Temporary Deputy Speaker (Mr. Musila): What is your point of order, Mr. Murungi?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to refer to non-existent persons as Ministers in this Government?

An hon. Member: He said a Cabinet Minister!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Thank you very much, Mr. Temporary Deputy Speaker, Sir. The hon. Member is interrupting my short contribution.

It is also good for the Minister, as I can say, or hon. ole Ntimama, to declare the money that he owes the Narok County Council because my people are becoming "uncomfortable" and we do not want to cause any confusion in the tourism sector. So, let him pay the Narok County Council the Kshs40 and Kshs78 million he owes it, so that--

Mr. Temporary Deputy Speaker, Sir, that is the much I can contribute and I support the Presidential Address. Thank you.

Mr. Keriri: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. The Speech by the President, which was supposed to be on the state of the nation, in my view, was generally all right, but my problem is whether or not the ideals expressed in that statement will be implemented. More often than not, things said by this Government are very sweet to hear, but they are never implemented, and there are many of them, which we do not have to mention.

There were a few things that the President, either deliberately or by oversight, did not want to mention. In my view, they were very important aspects for this nation. First, we have been talking about the ethics of this nation. We have been talking about the ethics and code of conduct, and the World Bank and the International Monetary Fund (IMF) had touched on it; and people in this country have been talking about it, but the President just left it out. Those who were drafting the President's Speech may have left it out because some of them may not want to have a code of ethics, which will make them suffer because of their own misconduct. I hope that the Government has that in mind, even if it was not mentioned in the Presidential Speech.

Mr. Temporary Deputy Speaker, Sir, roads in this country are in a terrible state. We passed an Act in this House last year, which sets out the proper way of managing our roads. The President did not mention it although it is a matter that has been messed up by both the Government and the Judiciary. But since that matter is somewhere else, I do not want to talk about the Judiciary. We do not have disbursements for our roads to be repaired and **[Mr. Keriri]** built. We passed a law which stipulated that a certain amount of money will go to districts but the whole thing is in

a confusion. There is nothing happening and the roads are in a mess.

Mr. Temporary Deputy Speaker, Sir, in that whole Speech, nothing was discussed about HIV/AIDS. Is it because the Government is keeping a lot of money in its coffers which has been given by donors to fight and reduce the spread of HIV/AIDS? Does the Government want to use that money for something else, like it normally does with all the money that it gets? It is very important that someone in the Government told us about Government policies. We keep on hearing that HIV/AIDS has been declared a national disaster, and yet the Government continues to keep all the money in the Office of the President. Constituency AIDS Committees have been appointed and excuses are being given that they have not been inaugurated. What is inauguration? If a committee has submitted its proposals, why do we have to wait for its inauguration? Is it just to go public? We can go public even after getting the money. I think we are treating our own people very contemptuously. They have suffered a lot.

Mr. Temporary Deputy Speaker, Sir, it will probably be interesting if someone asked the Government side: "Who is the worst criminal; is it the fellow who shoots another one when he is robbing the bank, or someone who keeps money which is supposed to help this country fight HIV/AIDS when people are still dying?" They continue dying in large numbers than the fellows who are shot on the streets. Is that person more of a criminal than that Government? My answer is "No". The Government has kept more than Kshs6 billion that was given by the European Union for the improvement of agriculture; coffee, tea and so on. That money has been kept for seven years when people have been dying of poverty. I am sure you will agree with me that, that system is more criminal than the fellow who shoots another one when robbing. It is more criminal because more people are dying.

Is it not criminal for a Government to destroy all our forests? Destruction of forests is more than stealing Kshs1 million. I think it is criminal for this Government to do it that way. I think we should wake up. When we say we are going to do something for our people, we should do it. We should not keep money. We are saying that we are poor, and yet we are keeping money which should help our people. I think it is wrong.

Mr. Temporary Deputy Speaker, Sir, there is one aspect which I would like to mention. This Government is very fond of keeping Parliament ignorant of the policies they intend to follow. The Government goes on negotiating agreements and treaties with donors. They bring them to this Parliament only after finalising those agreements, and after they have committed themselves by signing some documents. They only inform Parliament when it is too late. For example, we have had a lot of trouble with the World Bank and IMF and all the other donors just because the Government has entered into agreements committing itself into conditions that it says it can fulfil, only later to come back and say that these conditions are terrible. Why were they not terrible when they were negotiated and signed?

If the Government wants to be strong in negotiating, they should come with their own policy documents into this Parliament and tell us the conditions they have been asked to agree to, and the ones that are impossible to implement. Then, when they are supported by this Parliament, the Government would go and negotiate with that strength of the highest organ in the land. They come with affairs like World Health Organisation (WHO) where issues are negotiated and Parliament is kept in the dark, only later on to say that some of the articles in the WHO are impossible to implement. Why do you not tell us beforehand so that we can support you? It should not be assumed that this Parliament or the Opposition will always oppose the Government. We are part and parcel of the Government. We want to be involved in supporting our own Government. But if you do not inform us and then you come back with World Bank conditions which are so difficult to implement, what do you want this Parliament to do; to come and sing with you that you cannot implement those policies? When money is delayed, mwananchi is not benefitting. He is dying. Money is being kept by the World Bank because the Government committed itself to implement certain policies without seeking the support of Parliament and, therefore, of Kenyans. Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Local Government (Mr. Kiangoi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity also to thank His Excellency the President for the Speech that he delivered in this House, which I must say is somehow misunderstood by a section of Members of this august House.

Mr. Temporary Deputy Speaker, Sir, the President did, indeed, say that he has a keen interest in all matters affecting the economy of this country. He has been on record at all fora expounding Government policies. It is not necessary that all the items in Government policy must be expounded in one afternoon in a document delivered in this House. HIV/AIDS has been spoken of and the project is in the docket of the Office of the President because we declared HIV/AIDS a national disaster. The Ministry [**The Assistant Minister for Local Government**] that deals with disasters is the Office of the President.

We should be concerned with how to improve our farming. I agree with those who say that we should improve our roads so that we can take our produce to the nearest markets, so that our tea leaves do not rot in the buying centres. I am also concerned with my district, Nyamira, which I must say is a great tea producer in this country.

Mr. Temporary Deputy Speaker, Sir, we have consumed our time politicking. The Government is being

accused of engaging in politics, but that is not the position. Politics is being played by the people on the opposite side there. Those are the people who engage in politics, maybe, for 22 hours; I will give them three hours for sleeping. But during the time that they sleep, I think they dream about politics. The people of Kenya are being engaged in all manner of politics that divert them from their normal course in development. You will find that most people are now thinking on how they can become Presidents of this country, and not how they can contribute to the economic growth of this country from its present position. That is the pre-occupation of some of the people.

Mr. Temporary Deputy Speaker, Sir, the President did rightly say that we should not engage ourselves in unnecessary wrangles. Indeed, we have engaged ourselves in very unnecessary wrangles that were uncalled for. Take the example of the constitutional review process. We started the process in this House by forming the Parliamentary Select Committee on constitutional review process, and we did not move forward. There was the Ufungamano Initiative which came up to carry out the process. Recently, there was a merger of the two groups and yet again, there is another Ufungamano Initiative II. There will be another Ufungamano Initiative III and Ufungamano Initiative IV. Every Ufungamano Initiative that will be formed will claim to be talking on behalf of the people. If Ufungamano Initiative I was talking on behalf of the people, how can the section that has been left out right now again claim to be talking on behalf of the people? If that is the case, they should then claim to be talking on behalf of a section of the people. I do also hope that those leaders will see sense in avoiding those wrangles, so that we can come here and forge ahead and write a Constitution for this country as soon as possible.

Another area I would like to comment on - I do not know whether it is lack of understanding - is that it has been claimed that a farmers' organisation which has taken so much money to build is now being sold for Kshs400 million. The law is very clear. If you want to borrow money from a bank, you have to get security, and you become the mortgager and the bank becomes the mortgagee, or the charger and the chargee, respectively. If you default in payment of the money loaned to you or advanced to you, then the mortgagee, which is the bank, will exercise its power of sale. After that, it can transfer that property to any person who bids, and the property is sold in public auction or by private treaty. The bank can transfer such property to that person. The KCC's case is very clear; that they had loans. They were the mortgagers and the mortgagee exercised his powers of sale and advertised the property for sale. The farmers chose to appoint a committee which would redeem that property instead of being sold to a third party so that they could not lose. The farmers have taken the initiative to appoint a committee which is now buying the property back for the farmers. The farmers are redeeming their property. They are not buying it for Kshs400 million. It is the farmers who are just returning their property to themselves.

I was in that meeting that was held in Nakuru recently. I am sure that some of the people who spoke during the meeting were dairy farmers, and others chose to be away. So, the farmers met there, passed their resolutions in the first and second meetings and, finally, in the third meeting. They recommended that the property of the KCC be reverted back to the farmers, having been redeemed from the bank. That is the case. So, let us not confuse Kenyans that farmers are losing out. Farmers are recovering their property, which would otherwise have been lost.

I know that, that position is known, but because of politics, and that is what I was talking about, and because they would like to see the Government is portrayed negatively, then that issue is brought up, that the farmers are being cheated out. It is time that we, as a nation, began thinking positively about certain actions that are genuinely done. Do not criticise for the sake of it. You should criticise because you have an issue to raise, so that your criticism can also be taken into account. This is because sometimes some criticisms can be constructive. They can be helpful, but if you continue criticising for the sake of criticising, you would be seen as a person who is dissatisfied, and nobody will take you seriously even in future.

Mr. Temporary Deputy Speaker, Sir, therefore, I support this Motion.

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Presidential Speech, if there are good intentions in it. This is because on many occasions, we have been made to believe here that the KANU Government is going to operate on what we are told in this Parliament, but when we go outside, we will find this Government is operating contrary to what we have been told. I am going to give a few examples. In this country, we have been promised that this **[Mr. Muchiri]**

Government is going to protect lives and property, but it is not doing so. If you move in all parts of the Republic of Kenya, you will find that there are so many cases of insecurity. In Nairobi alone, there are more than 20 incidents of car-jacking, and people being murdered, either by the police or by the robbers, daily. If you go to the North Eastern Province, you will find that the schools have been closed. People are being escorted from one place to another. When you go to Rift Valley Province, you find that the Marakwets are being killed by their fellow Kenyans from the other parts of the Republic. You wonder and ask yourself: How can 1,000 people assemble in a country where there are National Security Intelligence Service officers, without them informing the Government that there is such a move? Yet, not a single Minister in this country has condemned the act when our fellow Kenyans are being murdered. When you go to Mombasa, there is a clique of some people who have invaded the farm of a gentleman known as Mr.

Waigwa---

The Assistant Minister, Office of the President (Mr. Gumo): Alienda huko kufanya nini?

Mr. Muchiri: I beg your pardon!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Muchiri! Address the Chair!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I am addressing you; I am not addressing him. I am saying that some people have invaded the property of others. In Mombasa, there is a farm of a Kenyan which has been invaded. People have put up storey buildings on his farm, and Mr. Waigwa has gone to court. He got a court order to evict those people from his farm. The PC, the DO and the OCPD have not been of any assistance to him. When you go to Eastern Province, or Coast Province, there is the farm of hon. Criticos. Some squatters have invaded that farm. He is an hon. Member, and no member of the Government has raised an alarm. If you go to Rift Valley, there is the farm which used to belong to the late Mr. Slade. Some people have invaded it, and they are claiming that the land belongs to them. If you go to Rift Valley, you will find that some people have invaded the farm of the former Justice Lutta. Not a single Government officer has assisted them. How can the Government claim it is protecting life and property? In fact, what we see in this country is a bunch of people who are being supported by Government officers to invade other people's property. In Nairobi and particularly in Embakasi, there are some people who have invaded other people's farms. Eight people have lost their lives. Why should we sit down here and say we have a Government that is protecting people's lives?

Mr. Temporary Deputy Speaker, Sir, when you come to the issue of schools, you find parents are being exploited in this country by the owners of schools. The headmasters have become another group of mercenaries, and yet the Government is not assisting to solve this problem. Here in Nairobi, you will find not find a single road that is being maintained. The only roads that are being maintained are the ones leading to Karen, Muthaiga and Lavington, where the Cabinet Ministers stay. Why do they not think that the people in Eastlands and other places need good roads? We as the citizens pay taxes. When you go to other parts of Nairobi, you will find that they are paying rates. There is no single service that is being rendered to Nairobi residents, and yet we have a Minister for Local Government who rarely visits those places.

Mr. Temporary Deputy Speaker, Sir, I do not know whether you have of late visited our courts. Courts in Kenya start operations at 11 o'clock. You find the prosecutors, lawyers and witnesses are there, but the magistrates are nowhere to be traced. The effects of this lateness is that we have got over 20,000 people in prison whose cases are awaiting trial and yet who bears the costs? It is the relatives of these suspects.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member assist us - because I am sure he is making a valuable contribution - and tell us which particular court starts at 11 o'clock?

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I have been to Kibera Law Courts, Makadara Law Courts and Mombasa Courts and to make the matter worse, even those courts do not have toilets. They are locked up and yet we are saying we have a Government in this country.

Mr. Temporary Deputy Speaker, Sir, I thank you and this House since you have never been late here. However, you find that what was deliberated on here in the past, what is being deliberated on today, and what will be deliberated on in the future, is never implemented. In this country, we have judges who are convicting people, and yet they are not able to take them to prison because the implementation is not being done. In other words, what I am saying is that the laws passed in this House are just there. They are kept in the archives and they are not being implemented. That is why this country has gone to the drains.

Mr. Temporary Deputy Speaker, Sir, when we come to the issue of the economy, we find it has collapsed. In other words, go to the agricultural sector and you will find it has collapsed, and yet Kenya relies on it. Which sector would you say is actually performing? The coffee, sugar and pyrethrum industries have collapsed. What do we have in this country, actually? All that we are saying is the Speech delivered here---

The Assistant Minister, Office of the President (Mr. Gumo): What are you saying?

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Gumo!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, sometimes I hate being interrupted.

Coming to the other issue, we are in a state of confusion in this country. This Government issues directives today and tomorrow you will hear the directives are nowhere. For example, right now there is the issue of the DDC. Who is controlling the DDC? After all, it is an illegal body and you know you are issuing directives to the PCs, DCs and DOs. Are you going to chair them? Next time it will be Members of Parliament holding elections. You will find that the same case applies to HIV/AIDS. Nobody knows who is controlling who in this country. Can this Government be specific on these issues? This is simply because we seem to be ruled through the Press. No Government operates through the newspapers. Come out and say where you are, so that we understand and when we go to the constituencies, we tell our electorate what they are supposed to do.

Mr. Temporary Deputy Speaker, Sir, the other issue is that you will find a lot of rainfall in this country, and yet we have no dams. The Government knows there will be drought and famine. Why are we not having a plan for 20 to 50 years to come? We shall leave this country since we shall die and go six feet deep, but the country will remain. In other words, what I am saying is that this is a Government which has no plan. It wakes up and works on a crisis and does nothing. For example, yesterday, all Cabinet Ministers were in Machakos. They knew in advance that fire tragedy may occur, but what plans had they put in place to combat it? They were advised that both doors of the school dormitories should be opened. Instead, they closed both doors with padlocks. Surely, how can we have a bunch of Cabinet Ministers and Government officers who are given directives even by the highest authority, and they do not act upon them? If they do not act upon them, why are they there? In other words, what I am saying is that if the Speech has good intentions, and if we act upon it, then we shall proceed and make a good country. However, currently, I do not see the people to follow it.

Thank you.

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me a chance to contribute to the President's Speech. I think the President's Speech deserves praise because it was very comprehensive, and as an earlier colleague said, we cannot compress everything that touches on the nation in one afternoon. However, it gave direction as to what we should do as a nation to find our bearing.

I would like to say that Kenya is experiencing a lot of economic hardships and these have been brought about by globalisation, free trade and not the modern industries. Since Kenya cannot compete favourably with developed countries, that is why we are experiencing these problems. These problems are everywhere in the world. I travel a lot and hear so many Kenyans talking about poverty, and especially hon. Members here. However, to tell them the least, I once travelled to West Africa and while I was there, I missed the flight for one full week. The poverty and disorganisation that I saw there led me to the conclusion that we may criticise Kenya's economic status as compared to the other nations but Kenya is an island on its own, and an economic power whether we want to pretend or not. Kenya is only comparable to very few countries in Africa, considering that we got our Independence just the other day.

Mr. Temporary Deputy Speaker, Sir, those who are advocating for His Excellency's tenure to expire in 2002 are misinformed. This is because most of these Members of Parliament, especially the Opposition, during the recess remain in Nairobi. We who have travelled into the interior have heard Kenyans say: "Mzee aendelee." That is the message, unless you want to pretend that you have not heard it; that is exactly what Kenyans want. However, a few Members of Parliament, with their own kind of hunger for power, want to convince Kenyans that people are dissatisfied with His Excellency's leadership when we know that he is popular. Consider the crowds he pulls wherever he goes for public rallies. Consider the kind of crowds he pulls whenever he goes for public rallies anywhere in the country. All Opposition Members combined cannot pull such a crowd. That shows that it is the desire of Kenyans to be led by him in order for peace to prevail. Let us not assume that we have peace in this country by chance. This peace has come because of the wise leadership of his Excellency the President. I am sure that if the leadership of this country was taken by some of the leaders in the Opposition who have a lot of rhetoric, we would have gone to war---

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead this House that there is peace in this country when recently, in Marakwet District, over 50 people were murdered by Pokots? Is that what he refers to as peace?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, hon. Wanjala is my friend and I can never take a chance to embarrass him. However, I want to tell him the difference between peace and war. There is no war [**The Minister for Environment**]

in the country. It is only one tribe trying to attack the other, but that problem is being sorted out by the State.

Mr. Temporary Deputy Speaker, Sir, I think we should be mindful of the less fortunate people in our country. Some hon. Members decried the destruction of forests. I want to tell this august House that, as a Minister entrusted with the responsibility of protecting the forests, I have done my utmost to protect them. There is a presidential ban on all logging. So, all forests are being conserved. However, from time to time, you find that there are illegal loggers who infiltrate into the forests. Therefore, it is our duty to supplement what the Government is doing in the areas we represent. We should educate our people not to involve themselves in illegal harvesting of timber, burning of charcoal, or encroaching on the forests.

Mr. Temporary Deputy Speaker, Sir, the other thing I would like to clarify, with your permission, is that since there are so many landless people in the country, I am asking hon. Members in this House to be mindful of the less fortunate and poor, the way his Excellency the President is. Whenever he goes and finds very poor people with no farmland, he offers them some land to earn a living. But some hon. Members here who make a lot of noise have been allocated land over the years. After some time, they defected from KANU to the Opposition. They make a lot

of noise---

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members do not make noise. Will you withdraw and apologise to the House?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise because hon. Members do not make honourable noise.

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this Minister to preach to this nation about virtues of destroying forests when he knows that the result will be drought and famine?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, the hon. Member is concerned about our forests. That is a good concern because if we destroy our forests, there will be no rain. There will be power rationing and soil erosion, among other things. We all know of that and that is why we are trying to come up with definable boundaries for features like rivers and ridges, so that people do not encroach further into the forests. After we do that, we will issue title deeds for those forests so that people do not encroach further.

Mr. Temporary Deputy Speaker, Sir, the refusal by donors for a long time to give us money has been occasioned by bad Press and some Opposition Members who have been clamouring that Kenya should not receive aid because of their own reasons. I think we should be patriotic. When we come here and increase our salaries, or when we urge the donors not to give money to our country, it is the common man who suffers most. So, this thing is a vicious circle and it will affect you in one way or the other. So, let us be patriotic. When we give ourselves hefty salaries, let us also think about those poor people. It is not the KANU side alone that supported our salary hike when the economy was bad. In fact, I am on record saying "no" to the salary hike, but I was overwhelmed by the support of the Opposition Members in this House. So, let us be mindful of---

Mr. Waithaka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that we, as hon. Members, made a decision to increase our salaries when I cannot remember when that decision was made by hon. Members? Is he in order?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I never said we made that decision, but I said we get big salaries. Therefore, let us be mindful of those other people who do not earn any salaries. Whenever we pass a decision here, let us not be selfish. Let us mind about other people's welfare.

Mr. Temporary Deputy Speaker, Sir, so that these hon. Members do not waste my time, let me say that Kenya is a beautiful country to live in. We should be proud to have been born here in Kenya because it is the only country in the region where there is peace. We may have poverty or crime here and there, but even in New York, there is crime. So, let us try to address those issues jointly. The Government and the Opposition should jointly address the issue of insecurity and investors will come and our economy will grow. Let us try to address these other issues that affect this nation. Let us be patriotic instead of just criticising.

Mr. Temporary Deputy Speaker, Sir, we have heard of certain tribal groupings, with some people alleging that GEMA communities have to get to power by any means. This is tribalism of the highest order and it should be discouraged. If we say Kambas have not produced a President and it is their time to do so, then the Luos, Luhyas and Kisiis among others, will follow suit. Who will lead this country? The only common denominator to ensure that there is peace and no war in this country is his Excellency the President. Our eyes are open, and his Excellency the President will continue ruling so that we continue enjoying peace. I do not want people to imagine that a small clique can get power through hook or crook.

Mr. Mboko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister [Mr. Mboko] in order to say that there is no other person who can lead this country other than his Excellency the President? Even the Chair can become the President of this country.

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to support.

*(Mr. Thirikwa banged the Bench
with the Order Paper)*

The Temporary Deputy Speaker (Mr. Musila): Order! What have you done? I am sorry going by our Standing Orders, your behaviour is not honourable. Consequently, I declare you disorderly and exclude you from the proceedings of this House for the rest of the day.

Mr. Thirikwa, what you have done - to bang a Bench - for whatever reason, is not honourable. I did apply for you, Standing Order No.88(1), whereby I have now to ask you to be excluded from the proceedings of the House for the rest of the day.

(Mr. Waithaka escorted Mr. Thirikwa)

to the Bar)

Mr. Waithaka, are you party to that behaviour? Would you go and take your seat? If you want to leave, you can do so later. This Standing Order applies to Mr. Thirikwa.

(Mr. Thirikwa left the Chamber)

Mr. Wanjala: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute and oppose this Motion on His Excellency the President's Address.

Mr. Temporary Deputy Speaker, Sir, it is high time Kenyans became serious in whatever is happening in this country today. You will find His Excellency the President moving around the country the same way he came to this Parliament, talking about tremendous developments that he has made. However, there is no time when he has ever singled out what he has done. There is nothing that has been done although we are being told that tremendous development has been undertaken, 40 years since Independence.

Mr. Temporary Deputy Speaker, Sir, I had a privilege during the last campaign to visit Kapenguria in Pokot District. What I saw there made me believe that I was not in this country 40 years after we got our Independence. Kenyans are suffering outside there because they do not have water, health facilities and roads. Let us admit that we do not have good roads in the whole country, even in Budalangi. We are wondering why some of our colleagues are advocating that the incumbent President should continue leading this country. Even if they are happy because they are in the Cabinet, that does not help other Kenyans. Some of us enjoy being Back-benchers, but we want things to be done in a better way.

Mr. Temporary Deputy Speaker, Sir, 40 years since we got Independence, the people of Budalangi still experience floods year in, year out. This is something that can be controlled by this Government within a month or a day. Everybody is seeing over the television what is happening in Budalangi; dykes are being washed away. This Government has got a Disaster Emergency Fund, and yet nobody has come to Budalangi to assist the people who have been affected by floods. We are asking the Government to take temporary measures by constructing dykes because they have been given an estimate of Kshs35 million for the whole project. The Government should take its citizens seriously because they pay taxes. It should spend the money now instead of waiting for disaster to befall the people; sweep away all their houses, crops, animals and their households. The people of Budalangi climb trees and to the top of their houses whenever there are floods. This is a serious matter that must be addressed by the Government now. It is not necessary for the Member of Parliament for Budalangi to come to this House and talk about floods in that area year in, year out. If that was to be the case, then I would spend most of my time addressing the issue of floods instead of addressing other issues.

Mr. Temporary Deputy Speaker, Sir, the Government is making efforts to reduce poverty in this country. However, with floods in Budalangi, it will not be able to reduce poverty in the region. Until and unless floods in Budalangi are controlled, we will not accept that the Government is making efforts to reduce poverty because once there are floods in Budalangi, everybody is impoverished.

Mr. Temporary Deputy Speaker, Sir, people do fishing in the area where I come from. Budalangi is closer to Lake Victoria. I do agree with the Government that trawling is destroying the breeding of fish in Lake Victoria. But last year, this is the same Government which licensed fishermen to use trawlers in fishing. The investment which the fishermen have put in acquiring the trawling equipment is huge. For instance, one trawler costs about Kshs300,000. There are over 400 trawlers in the Lake. The people of Budalangi have invested their money in this fishing equipment, but all of a sudden, they are being told to remove their nets from the lake without notice. The Government should go **[Mr. Wanjala]**

and buy these nets from the fishermen instead of leaving them to lose their money because they bought the trawling nets after having been licensed to do fishing. The Government should come up with an idea of buying the nets from the fishermen and then burn them, if they do not want them. Otherwise, the Government should start a loaning system whereby fishermen can get loans to buy new equipment before changing the system of fishing from the current one to the one which suits the interests of the Government, rather than telling them all of a sudden to stop fishing and start confiscating their trawling equipment and burning it. Are we not impoverishing our people?

Mr. Temporary Deputy Speaker, Sir, let the Government handle this issue responsibly rather than handling it as if it were touts in the streets or in *matatus*. The people of Budalangi have invested in trawlers, but we are now impoverishing people who have already been impoverished by floods. We are telling them to remove those nets from Lake Victoria without giving them any compensation! The people of Budalangi should be compensated to enable them change the system of fishing.

Mr. Temporary Deputy Speaker, Sir, with regard agricultural industry, Budalangi has a rice irrigation

scheme. However, all irrigation schemes in this country are dead. If this Government is serious on poverty eradication, then it must go back and think seriously about agriculture because agriculture is the backbone of the economy of this country. All agricultural activities in Budalangi have collapsed. The Government must come up with a policy on how to save the agricultural industry from collapse. If irrigation schemes are dying, as is happening in Bunyala, Ahero, West Kano and Bura. Perkerra Irrigation Scheme which is in His Excellency the President's constituency is also dying! That is why even his own people are poor although he is the Head of State. However, somebody still says that he should continue leading this country. Should he continue to lead this country in order to continue impoverishing Kenyans?

Mr. Temporary Deputy Speaker, Sir, let us look at agro-based factories in Nyanza and Western Provinces. The late President Jomo Kenyatta was in office for just 15 years, and yet the incumbent President has been in office for the last 23 years. The present Government should not be blaming the Government that was there for 15 years, because for 23 years, it would have corrected the mistakes that were there by now. Although the first President of this country was in office for 15 years, he left Kicomi Factory in Kisumu, but it is no longer there now! He left Muhoroni and Miwani Sugar Factories, but they are no longer existing. Nzoia Sugar Factory is on the verge of collapse. All that this Government found having been done by the previous Government is being washed away.

An hon. Member: Because of population!

Mr. Wanjala: What are you telling us? Are you talking about population? When we are many, we contribute more in terms of taxes! Today, the population of Kenya is higher than it was during the reign of Mzee Jomo Kenyatta. Therefore, our revenue has gone up than it was during those days. This Government is destroying whatever was there during that time. We would have reclaimed the Yala Swamp!

Mr. Temporary Deputy Speaker, Sir, my constituency has got a very big swamp called Yala Swamp. The soil in that region is fertile because we have alluvial soil. If we were to reclaim the Yala Swamp and grow rice, we would not import rice from Egypt, which is benefiting from the water that flows from Budalangi through Lake Victoria. This Government is asleep! We even import horticultural products like oranges from Egypt. It is shameful for us to do that when we have enough land and plenty of water. What are we doing? Even if we are in a free trade area, our products should be cheaper than those that we import from Egypt because we produce them locally.

Thank you, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Musila): Mr. Arap-Kirui!

Mr. Muiruri: You have changed your mind!

The Temporary Deputy Speaker (Mr. Musila): Yes, I have changed my mind. It is at my discretion.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion before the House. Let me first congratulate His Excellency the President for a wide ranging Speech. It had a lot of solid content. The Members from the other side of the House have admitted the truth and accepted the fact that the President gave a very rousing Speech. It is not news that the economy of this country has been going through difficult times. We are also not unique in this respect. We cannot begin to compare the events of today with what went on 30 years ago. Immediately after independence, many African economies did, in fact, grow very fast because the shackles of colonialism had just been reduced. Once we reached a certain plateau, many African economies, Kenya's included, did begin to suffer.

We have got to admit that ours has not suffered as much as the other African economies. We may have had low growth in the recent past, but we have not had negative growth. Our economy has not shrunk to the extent that the Ugandan economy [**The Assistant Minister for Finance and Planning**] did, not too long ago. I find it very unfair to compare our economy with that of Uganda, for example. The Ugandan economy could be growing faster, but this is because they had gone way far behind. They started from nowhere. So, even just a little improvement can amount to 50 per cent growth in the economy. It is also on record that at the moment Kenya is not among those countries that are considered seriously under-developed. I am saying this to merely point out that some of the blame that many Members from the other side have attempted to heap on the Government does not really have much of a base. On the other hand, we have no reason to celebrate either. We do appreciate that we have quite a lot to do to pull up our economy and to get the economic growth rate to equal and if possible, surpass the rate of population growth, so that we can begin to register a positive per capita income in our country.

Mr. Temporary Deputy Speaker, Sir, I think it would be very helpful if all the leaders of this country could join the Government in this effort. The best way that we could begin to support the economy of this country is by being positive and engaging in productive activities. What has tended to happen is that in this country we value politics more than economic development. Our leaders spend inordinate amounts of time politicking. The experience that we have had recently regarding the constitutional review process is one very illustrative point. This is a process that should have taken off more than a year ago. We would probably have finished by now, but we have spent a lot

of needless energy politicising this issue almost to the exclusion of everything else.

I would like to congratulate those involved for having brought some sanity into this process so that we now have the gun to inch ahead. I hope that those who still continue to oppose this process will see the light and join other Kenyans in speeding up this process so that we can move on to more productive activities.

May I also touch on an issue that has been very topical recently in the news; the issue of STABEX Funds, to the extent that many Members seem to wish to sideline the tea growers of this country. These funds are meant to assist both coffee and tea growers. Due to certain sectarian interests there has been a lot of noise about "coffee money" being held up somewhere. The Minister clarified the issue the other day and I hope that all and sundry in this country do understand that this money is also meant to benefit tea farmers. Coming from a tea growing area I would like as much as possible to see these funds released as well. In fact, I begin to wonder whether the politicking by those within this House and elsewhere who come from coffee growing areas may not have been meant to cover up funds that have already been spent on the coffee farmer. They would wish to grab all this money when it comes through, so that the farmers in the tea growing areas are excluded.

The tea farmers of Western Kenya have been seriously marginalised over the years. The equilibrium---

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House when he knows that the money is meant for coffee and tea farmers? I am sure the Leader of Government Business will tell him so because he negotiated for this. In each case, tea and coffee represent not less than 5 per cent of our total exports, out of which we have earned less because of the prices. To emphasise that we are arguing about coffee without thinking about tea is misleading!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I wish you had saved me from that needless interruption. I merely made the point that there is too much emphasis on coffee by certain interested parties, which seems to be intended to exclude tea farmers.

We, in the tea growing areas, have been marginalised over the years. At Independence, tea was almost exclusively grown in Western Kenya, but because of a very determined process of marginalisation, most of the yield, although not the acreage, has been concentrated in Eastern Kenya to the extent that Western Kenya has been marginalised. Two-thirds of the factories by KTDA at the moment have been erected in Eastern Kenya although we have the same acreage of tea by small-scale farmers.

Mr. Temporary Deputy Speaker, Sir, in my constituency, we have a very unique situation where people trade in green leaf because the factories' capacity is not enough! Although we have liberalised the industry to a certain extent, a lot needs to be done. I would like to see a situation where the interests of the tea farmers in Western Kenya are catered for. To that extent, I hope we will get to the day when one of my earlier proposals will be put into effect; that, we will have an exclusive agency to cater for the farmers in Western Kenya. The tea farmers in Eastern Kenya can be taken care of by the existing agency.

With those few remarks, I beg to support.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, the problem in this country is that of poverty. Kenyans have become so poor that everybody is desperate, irrespective of his or her tribe. In 1977/78, one US dollar was equivalent to Kshs7 and one Sterling Pound was equivalent to Kshs14. But now, the figures are there and inflation [**Mr. Muiruri**] has gone up tremendously.

This country is formed by communities. There are the Whites, Asians and Africans. The Asian community in this country has become so corrupt that, it has even corrupted some of us, especially the people in the Government. To quote a case that is very well known, that is the Goldenberg case, it was only one typical Asian who destroyed the economy of this country. One single person totally destroyed everything! He was not alone but he came up with the ideas.

Mr. Temporary Deputy Speaker, Sir, as we speak now, the Asians are building shrines in Nairobi, costing billions of shillings! In the streets of Nairobi, you will find that even the small kiosks are owned by the Asians. Literally, the whole country has gone to the Asians. The Africans have been left out! The Asians are in every sector of the economy of this country. All the Asians are connected, one way or another. Now that the economy is so bad, the Asians have come up with a well protected method, where they have taken over the banks and are lending money under the table! There is a company in Mombasa called Shah Hill Jimanek Limited, owned by two Asian brothers called Pravin Shah and Ashachi Shah. Those are the people who ran down Bullion Bank and Trust Bank. They own hotels in the United Kingdom (UK) and are very rich but as of now, because there is no money in the country, they are lending money under the table at an interest of 40 per cent, and about 25 per cent under the table! They do not pay taxes! I am sure the Governor of the Central Bank of Kenya (CBK) is aware of that matter, but somehow, he is not doing anything about it. So, we are now colonised by these Asians, who have dominated all areas of the economy. You will be surprised to realise not very many Indians are engaged in these activities, though. Only about 20 of them

are responsible for this mess.

Mr. Temporary Deputy Speaker, Uganda does not experience the Asian problem. You cannot find the Asian problem anywhere in Africa except in Kenya. I therefore think that it is high time the Government controlled these Asians, because they have gone too far in messing up this country's economy. They are everywhere. They have spread their wings to the manufacturing, financial, construction and all other sectors of the economy. This country is literally owned by Asians and a few well-connected individuals in Government.

During the reign of the late President Kenyatta, Asians were given notice to quit some of the City's major streets, such as Biashara Street, but they have now gone back. Members of that community never used to drink alcoholic beverages then, but they do so nowadays. They even abuse us in bars and other places. They have now taken over this country. So, it is high time that the Government did something about these Asians.

Mr. Temporary Deputy Speaker, Sir, most of the Asians in this country are not Kenyan citizens. You will, for instance, find that some Indians working at Bidco Industries in Thika have been imported from India. They do not know even a single English or Kiswahili word. How do they acquire the documents that enable them to come into this country? Everywhere you go, you find Indians, some of them even darker in colour than their colleagues. How do these people find their way into this country? Therefore, this Government must protect its nationals in all ways. It does not seem to do so now.

Sometime back, we had Dr. Leakey as a Member of this House. He, however, resigned from Parliament and joined the public service. When he was appointed Head of the Civil Service and Secretary to the Cabinet, because we knew him well, many of us asked him: "What are you going to do in the Office of the President?" He replied: "I am going to make things better for this country". It is less than two years now since that appointment, and he is no longer in that Office. So, you wonder what he achieved.

Dr. Leakey did not achieve anything. While in that Office, the East Africa Industries Company Limited was taken over by Unilever (Kenya) Limited, while the immediate former Managing Director of the Kenya Commercial Bank (KCB) was replaced with a white man, Mr. Gareth. The KCB used to be managed very well by Messrs. Michuki, Kamincha, and another person who ended up being Kenya's Ambassador to the United States of America. At the same time, he replaced the Chief Executive of the Housing Finance Company of Kenya (HFCK) with a white man. I do not regret his exit because he did not achieve anything whatsoever. He meant to colonise this country.

Mr. Temporary Deputy Speaker, Sir, in order for this country to move forward, we should ensure that the Cabinet is run by younger people. How can the Cabinet be run by people of Mr. Nassir's age? Although younger persons such as Maj. Madoka are also in the Cabinet, I do not think they are doing any good. I will say why.

Mr. Obwocha: He is an old young boy.

Mr. Muiruri: I think that is why Maj. Madoka was once the *Aide-de-Camp* to the late President Kenyatta. He married this country's most beautiful lady then. That was an achievement. However, as the Minister of State in charge of internal security, he has not done very well.

Mr. Temporary Deputy Speaker, Sir, I come from a constituency which has about 35,000 acres of **[Mr. Muiruri]** forest land. The trees in at least 4,000 acres of that forest have been badly destroyed. The about 3,000 poor people who live in that forest are waiting to carry out the inter-planting exercise.

However, in return, those people are being killed. I went there last week and found a corporal Ojiambo. Some people calling themselves what I do not now have killed three people in that forest. They also rape women whenever they come across them. I will take the Minister for Environment on a tour of that area. The general insecurity in this country is worrying everybody. If the Commissioner of Police, Mr. Abongo, is not allowed to exercise his powers in accordance with

the Police Act, he will never perform his duties properly.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Muiruri! You still have some minutes to your credit. You will continue tomorrow.

Hon. Members, it is now time for us to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 28th March, 2001, at 9.00 a.m.

The House rose at 6.30 p.m.

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 28th March, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTION

DIRECT ELECTION OF MAYORS

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

THAT, in view of the important role played by mayors, deputy mayors, chairmen and deputy chairmen of municipalities and county councils, aware that the above officers are elected by the councillors and are, therefore, not directly responsible to the public; this House calls upon the Government to introduce an amendment to the Local Government Act, Cap. 265, in order to provide for direct election of the said officers by the electorate.

LEAVE TO INTRODUCE THE PALM INDUSTRY BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Palm Industry Bill, in order to legalise the brewing and sale of *Mnazi* Brew.

STRATEGIC PLAN FOR ENVIRONMENTAL REHABILITATION

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

THAT, considering the alarming rate of destruction of natural resources, particularly forests which are on the verge of extinction, noting that the country is faced with imminent desertification as a result; this House urges the Government to urgently prepare a five-year strategic plan for forest rehabilitation, protection of rivers and dry land vegetation, and further establish a taskforce to implement

[Dr. Kituyi]

Sections 10, 11 and 12 of the Education Act, Cap.211 of the laws of Kenya, and to provide for the transfer of the powers bestowed upon the members of the Board of Governors to the Parents and Teachers Associations.

BILL TO AMEND SECTION 22 OF THE CONSTITUTION

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House do grant leave to introduce the Constitution of Kenya Amendment Bill to amend Section 22

the strategic plan under the supervision of the National Environment Management Authority.

MANAGEMENT OF BUS STATIONS/TERMINUSES

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

THAT, in the light of the failed experiment of using local authority agents to manage bus stations and stages, given the significant role touting is playing in reducing unemployment, and aware of the frustrations that many stage touts continue to suffer at the hands of police officers and the local authority askaris, this House urges the Minister to introduce the necessary amendments to the law, in order to legitimise and regulate the operations of touts and transporters agents at bus stages and terminuses.

AMENDMENT TO THE EDUCATION ACT

THAT, in view of the fact that the largest cost in the development and maintenance of public secondary schools have reverted to the parents and the local community, and given the need for the owners of the said schools to have a right through their agents to make the most fundamental decisions on the stewardship of their schools; this House urges the Minister for Education to introduce a Bill for an Act of Parliament to amend

and provide that the President shall appoint such number of Permanent Secretaries as he will determine, who shall be vetted by Parliament.

QUESTIONS BY PRIVATE NOTICE

PAYMENT OF DUES TO RETRENCHES

Mr. Mwangi: 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 civil servants who were retrenched last year have not been paid their dues amounting to Kshs200,000 each?

(b) What immediate action is he taking to ensure that the full amount is paid?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, may I request that we hold on. My colleague should be coming to answer this Question.

Mr. Deputy Speaker: But there is some difficulty here. This is a Question by Private Notice and it is normally not called for a second time.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, my colleague, who is supposed to answer this Question, may be on the way.

Mr. Deputy Speaker: But the point I am making is that, if we leave it now, it will be rescheduled for next week.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. Is that to say that the Minister has not seen a copy of the Order Paper for today? If he has, he must have known that this is the first Question on the Order Paper. If he has not, he had better tell us what has happened. We cannot start a new Session like this!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I have seen the Question, but I am saying that it is basically not in my docket.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. As we begin a new Session, we need to be more serious. We are not blaming the Minister, but there is a Minister responsible for answering this Question. When hon. Members do not ask Questions, they lose those Questions. How do we penalise Ministers when they do not come here on time to answer Questions?

Mr. Deputy Speaker: Hon. N. Nyagah, you have not raised a point of order, but you have asked a question. I will answer it, nevertheless. When Ministers do not turn up to answer Questions, we defer those Questions. This means that the hon. Member asking that Question will have an opportunity to ask it. That does not explain away the fact that Ministers should know in advance what is expected of them, because there is a schedule which is produced by the Clerk of the National Assembly's office, which indicates all matters that will come to the House during a particular week. So, Maj. Madoka, you may pass this message on to your colleagues, that the House takes an extremely dim view of their absence from the House.

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

Mr. Deputy Speaker: Order! I have already made a ruling. So, this Question will be deferred to tomorrow afternoon because the Order Paper for this afternoon is already out.

(Question deferred)

ALLOCATION OF FERTILIZER TO FARMERS

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

(a) Could the Minister explain why farmers' organisations were not allocated fertilizer which arrived at Mombasa Port via *EX-MV Sukura* on 30th December, 2000?

(b) Could he also table the list of those who were allocated the fertilizer and the mode of payment?

(c) What plans does the Government have to assist the farmers with fertilizer this current season?

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

(a) The fertilizer, which arrived at Mombasa Port via *EX-MV Sukura* on 30th December, 2000, was advertised by the Ministry of Agriculture and Rural Development on Friday, 15th December, 2000, in the *East African Standard* newspaper and again on Monday, 20th December, in both the *Daily*

[The Minister for Agriculture]

Nation and the *Kenya Times* newspapers. There were no farmers' organisations which participated in the tenders which were opened and closed on 16th January, 2001, at 10.00 a.m.

(b) A total of 41 firms were allocated fertilizer as per the lists attached, and I will table a list of all those firms which participated and were allocated fertilizer. The firms which were allocated the fertilizer were to raise bank guarantees from reputable banks and payment was to be made to the Permanent Secretary, Ministry of Finance and Planning.

(c) The Government does not subsidize fertilizer or any other inputs in the country. The fertilizer, as hon. Members know, is fully liberalised and, therefore, regulated by market forces.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, on 30th December, 2000, *EX-MV Sukura* arrived at the Port of Mombasa with fertilizer worth more than Kshs250 million. Could the Minister tell us why only Asians and their banks were the guarantors, and when the payment will be made?

Mr. Obure: Mr. Deputy Speaker, Sir, I do not think what hon. P.K. Mwangi is saying is correct. In fact, I do not believe that only Asian businessmen, and firms owned by these people, participated in this exercise. But I believe that this was an open tender, and I know that many Kenyan businessmen participated in this exercise and won the tender.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Minister has said that the Government does not intend to subsidize fertilizer or any other inputs in this country. But as the Chair will recall, from last year, when we had power shortage, some industries were subsidized by relieving duty on the fuel meant for production of power. Why can we not extend the same gesture to our

farmers who are the backbone of this economy?

Mr. Obure: Mr. Deputy Speaker, Sir, the question of subsidising farmers is a matter of policy and at the moment, the policy does not permit subsidies to farmers basically because it is a service the Government cannot afford at this particular moment. But if he is talking about the removal of duty similar to the extensions give to companies in the case of power, I would like to say that fertilizer and other inputs imported into this country enjoy zero rate duty.

Mr. Anyona: Mr. Deputy Speaker, Sir, I think it is high time this Government, and us, as a country, came out clearly. We know that anywhere in the world, including the United States of America (USA), farmers are heavily subsidised; that is the only way they can do business. On what basis does this Government say that it cannot subsidise farmers? Is it because we do not have the resources, or it is because we are being dictated to by the World Bank and the International Monetary Fund (IMF)? Can we be clear?

Mr. Obure: Mr. Deputy Speaker, Sir, that sounds like a very "pregnant" question. Although there are many issues which we cannot address fully under this Question, I would like to say that we have continued to review our policies. As far as the subsidies to farmers are concerned, the current policy does not permit and it is largely influenced by the fact that it is a service we cannot afford at this stage, as a country.

Mr. Deputy Speaker: Mr. Minister, this Question asks about the plans the Government has to assist the farmers with fertilizer this current season. It does not really mean subsidy alone.

Mr. Obure: Mr. Deputy Speaker, Sir, in dealing with that Question, I have said that the Government does assist farmers, for example, through removal of duty which makes fertilizer fairly reasonable in terms of price.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, is the Minister aware that fertilizer costs in Kenya are some of the highest in the world, which makes it very impossible for farmers to produce particular export commodities, like tea and coffee, and to be able to compete effectively? Is the Minister aware that the fertilizer prices are some of the highest in the world? Along with that, what plans are there to make fertilizer accessible and affordable to the farmers?

Mr. Obure: Mr. Deputy Speaker, Sir, I appreciate that fact, but hon. Members would also appreciate that owing to certain policies which have been put in place by the Government, there is considerable influence towards reducing fertilizer prices. We are doing this by ensuring that we encourage as many firms as possible to participate in the fertilizer and input market. Through competition, we hope that we will influence the prices of inputs downwards.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. The Minister knows that the coffee industry in this country has collapsed because the farmers cannot afford the price of fertilizer. We are aware that the Government of Japan has been giving fertilizer at no charge to this

Government, so that it can support the farmers in this country. Could the Minister explain how fertilizer grants from Japan reach the farmers? This is because, from this system, it appears that it is taken to the market and sold to farmers at exorbitant prices. What is the Minister doing to make sure that fertilizer grants from Japan reach the farmers in the cheapest possible manner?

Mr. Obure: Mr. Deputy Speaker, Sir, it is true that we receive these limited quantities of fertilizer and other inputs from the Government of Japan under the bilateral arrangement. But the grants come with conditions. One of the conditions is that **[Mr. Obure]** we must raise counterpart funds to assist our Budget. Therefore, one of the conditions is that whatever grants we receive, they are sold through Kenyan firms on competitive basis. Therefore, that is exactly what happens, but the principle underlying the grant is that the funds collected through the sale of fertilizer are given to the Treasury to support our Budget.

Dr. Kituyi: Mr. Deputy Speaker, Sir, liberalisation does not mean Government abdicating its responsibility as a regulating authority. Over the past one month, many selling points in Western Kenya have been theatres where people use adulterated fertilizers; low quality fertilizer mostly imported from Tanzania and Uganda, packaged as if it is from (North Hindru ?) chapa meli and sold to unsuspecting consumers. We have also seen maize grains from stores painted to look like Kenya seed maize and sold to unsuspecting farmers. Last week, I found at the police station in Webuye packets of sand and stones which had been packaged like fertilizer being sold to unsuspecting consumers. What action is the Minister taking, as the regulating authority on the quality of farm input, to arrest this critical situation before it destroys maize farming in western Kenya?

Mr. Obure: Mr. Deputy Speaker, Sir, what Dr. Kituyi is talking about is a reality. In fact, it is a serious threat to farming in this country. It is an offence under the provisions of our own laws to sell soiled or adulterated fertiliser to farmers. The practice has been on the increase and in some cases, it has impoverished regions and farmers as a whole. We are taking very firm action including asking the Kenya Plant Health Inspectorate Service (KEPHIS), to move into those areas and establish a special unit to deal with that particular menace. One of the major weaknesses we have is that there are light penalties imposed in the case of those who have been found to be involved in the practice. Hopefully, in the course of the next few weeks, we will come to this Parliament to ask for severe penalties because the current ones are not deterrent enough. We hope that we will be able to curb this menace. So, already the police, KEPHIS and the seed associations are on the ground trying to curb this menace by apprehending those who are involved in it. As Dr.

Kituyi rightly mentions, a number of cases are already in the hands of the police for action.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is unfortunate that even as the Government hopes to industrialize by the year 2020, and knowing that Kenya is largely an agricultural country, we still rely on imported fertilizer. Could the Minister confirm or deny that in 1998, the World Bank made available Kshs300 million to cotton farmers to give them fertilizer and seeds? Why has this money not been used to give cotton farmers fertilizer?

Mr. Obure: Mr. Deputy Speaker, Sir, I am not aware of the particular funds Dr. Ochuodho is talking about. But I will find out if the funds are available. If they are there, they will be made available to cotton farmers, particularly now that we have embarked on serious plans to revive the cotton industry.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, could the Minister confirm or deny that the fertilizer has not been given out because they want to cripple the potential agricultural economy of the Mt. Kenya region and, therefore, finish GEMA?

Mr. Deputy Speaker: Order! Order! There is no question to be answered there!

Dr. Kulundu: Mr. Deputy Speaker, Sir, could the Minister tell this House what is so difficult about the chemistry of fertilizer that would make this country not to manufacture its own fertilizer for domestic use?

Mr. Obure: Mr. Deputy Speaker, Sir, the Government is in the process of getting out of investment in enterprises of this kind. It is up to the private sector to take up this challenge. I believe that the potential is very huge. There is sufficient attraction and potential returns are very high. It is up to the private sector to take up the challenge and fill this gap to enable this country get away from reliance on imported inputs.

Mr. Mwenda: Thank you, Mr. Deputy Speaker, Sir. This is a follow-up on what Dr. Kulundu has asked the Minister. The Government has a responsibility to encourage private entrepreneurship. Considering the significance of fertilizer in the farming industry, what is the Government doing to encourage and support the setting up of such industries?

Mr. Obure: Mr. Deputy Speaker, Sir, we are all aware of the various incentives and tax-holiday programmes already in place to attract investment, both local and foreign. All of us are equally surprised that nobody has moved in to take advantage of the various incentives already in place.

Dr. Oburu: Mr. Deputy Speaker, Sir, perhaps, the Minister is aware that the planting period is already running out. As he is promising that he will take action sometime in future, what remedies are there for those farmers who are going to lose their season crop because of this malpractice in Bungoma? Is he also aware that those who were arrested at Webuye Police Station bribed their way and were freed immediately?

Mr. Obure: Mr. Deputy Speaker, Sir, this is one

of the recommendations we have made in the Ministry and I believe that it is in the Bill that the Attorney-General is due to come up with in this House in a few days. It might not help us during this [Mr. Obure] particular planting season but the point is that, already we have been able to contain the situation by ensuring that the inspectors and the police are on the ground to reduce the number of incidents. I do not feel that the agricultural industry is threatened to such an extent that we should be so worried. I think the situation is under control.

Mr. Gatabaki: On a point of order, Mr. Deputy Speaker, Sir. Considering the agricultural potential and importance of Mt. Kenya region as a consumer of fertilizer, is it in order for you to overrule hon. Kiunjuri's question regarding the Government action of paralysing this part of the world?

Mr. Deputy Speaker: Order! Order, Mr. Gatabaki! The Chair does not know of any area in this country called GEMA. That is why I overruled hon. Kiunjuri.

Proceed, Mr. Mwangi!

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, with your permission I will mention some of the few companies which benefitted from this fertilizer which was 1,856.65 metric tonnes---

Mr. Deputy Speaker: Order! What are you doing? Are you asking a question or giving the Minister information?

Mr. P.K. Mwangi: I want to tell the House and the Minister---

Mr. Deputy Speaker: Order! I have given you an opportunity to ask a question. If you want to inform the House, choose another forum or Motion and not Question Time.

Mr. P.K. Mwangi: Could the Minister deny or confirm that the banks which were used were Imperial Bank Ltd., CFC Bank, ABN AMRO Bank, Credit Finance Ltd., Credit Bank Ltd. and Commercial Bank of Africa (CBA)? Why did he not use the Co-operative Bank of Kenya, a farmers organization in Kenya, as a guarantor?

Mr. Deputy Speaker: That is now a good question.

Mr. Obure: Mr. Deputy Speaker, Sir, I do not really understand where hon. P.K. Mwangi is trying to go. Tenders were floated and people were invited to bid for allocation of this fertilizer. One of the conditions was that successful bidders were to raise bank guarantees. So, people went to banks of their own preference. The Government has no control over where people bank their money provided the banks are licensed by the Central Bank of Kenya. It is really none of our business.

Mr. P.K. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. I am seeking permission from you to refer this matter to the Agricultural, Lands and

Natural Resources Committee to peruse the list the Minister has and the one in my possession.

Mr. Deputy Speaker: Order, hon. P.K. Mwangi! You ought to know better than I. You do not need my permission to do so. But if you want the House to direct, that is fair enough. It is so directed.

Mr. Sambu: Mr. Deputy Speaker, Sir, considering the importance of the quality of the fertilizers sold to our people, and the fact that setting up mobile laboratories is a very simple matter, would the Minister immediately set up mobile laboratories which would go into these Indian shops and check the quality of the fertilizers being sold there? You only need to station them in the provincial headquarters and make impromptu visits to these shops.

Mr. Obure: Mr. Deputy Speaker, Sir, I appreciate that proposal, but hon. Members will appreciate the fact that KEPHIS, which is the organisation charged with the regulating standards in the sector of inputs, was only established about two years ago. We are in the process of strengthening this organisation and its capacity to regulate this industry. One of the plans that it has, is to establish mobile laboratories, but I would like to assure this House that this organisation is taking its challenge very well, and the impact of its activities are already felt on the ground.

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to say that other countries like Germany and France have banks which deal with fertilizers? They guarantee and sometimes distribute agricultural inputs. In t

his country, we have created and established the Co-operative Bank of Kenya, and I believe it has been used widely by the farmers in this country. Would I be in order, therefore, to ask the Minister to find ways and means of - whether these other commercial banks come into contact, or not - facilitating the Co-operative Bank of Kenya to offer that kind of service? That can be done through offering the bank privileges so that they can assist the farmers because they are likely to be cheaper than the other banks?

Mr. Obure: Mr. Deputy Speaker, Sir, there is debate in Government and other areas as to what should happen, and whether the Co-operative Bank of Kenya should not play a developmental role. But to be able to do so, we will require certain amendments to remove the Co-operative Bank of Kenya from the provisions of the Central Bank of Kenya Act. That is a matter which we cannot conclude here, but I would like hon. Members to know that, that is being considered. The debate is on right now.

DISTRIBUTION OF MOSQUITO NETS

Mr. Sifuna: Mr. Deputy Speaker, Sir, I beg [Mr. Sifuna] to ask the Minister for Public Health the following Question by Private Notice.

(a) Is the Minister aware that the Anti-Malaria Control Centre, Nairobi, supplied over 17,500 mosquito nets

to the Provincial Medical Officer, Western Province, to be distributed free of charge in the province?

(b) How many mosquito nets were given to each district on 27th February, 2001, by the Provincial Medical Officer of Health?

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

(a) I am aware that 2,700 mosquito nets, and not 17,500, were supplied by my Ministry's Division of Malaria Control to the Provincial Medical Officer, Western Province, for free distribution in the province.

(b) The mosquito nets were distributed as follows:-

Kakamega - 1,000; Vihiga - 250; Teso - 500; Butere/Mumias - 700; and Busia, 250.

Mr. Sifuna: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, could he tell us why Bungoma District was not given the mosquito nets? We have malaria centres in Bungoma and Webuye hospitals.

Dr. Galgalo: Mr. Deputy Speaker, Sir, Bungoma District received its share of 500 mosquito nets directly from the Ministry of Health headquarters and not through the office of the Provincial Medical Officer of Health.

Mr. Wanjala: Mr. Deputy Speaker, Sir, as you know, Budalang'i is a swampy area, and the Yala Swamp covers the whole of that division. It is one of the divisions in Western Province. Till today, those people have not got mosquito nets, and it is a mosquito breeding zone. Could the Assistant Minister tell us how many mosquito nets are supposed to be supplied to the division, and when will they be supplied?

Dr. Galgalo: Mr. Deputy Speaker, Sir, I have said that we distributed them to the districts and it is up to the district medical teams to distribute them within their divisions.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by saying that the mosquito nets were distributed to the districts, yet they were given to the province? All the District Public Health Officers went to the provincial headquarters to collect the mosquito nets and not at the district level. Is he in order to continue misleading the House? They were given to the Province and not districts.

Dr. Galgalo: Mr. Deputy Speaker, Sir, it is true that we gave them to the province for distribution to the districts.

Dr. Kulundu: Mr. Deputy Speaker, Sir, considering that Western Province has a population of nearly 4 million and that at any given time one mosquito net can only be shared out at most by two people, is the Assistant Minister satisfied that the number of nets supplied to Western Province would serve any useful

purpose?

(Laughter)

Dr. Galgalo: Mr. Deputy Speaker, Sir, a journey of 100 miles begins with one step. We are in the process of procuring more. We are looking for more nets to distribute. That was just the beginning.

Mr. Poghisi: Mr. Deputy Speaker, Sir, could the Assistant Minister explain if there is a national plan for distribution of mosquito nets? How far has that been done in Rift Valley Province and particularly, how many nets have been sent to West Pokot District?

Dr. Galgalo: Mr. Deputy Speaker, Sir, I missed the question. He was not loud enough.

Mr. Poghisi: Mr. Deputy Speaker, Sir, does the Ministry have a national plan for distribution of mosquito nets? If that be the case, where are the nets for the Rift Valley Province? Have they been sent, and how many have gone to West Pokot?

Dr. Galgalo: Mr. Deputy Speaker, Sir, we have a national plan, and as I said, that was just the beginning. We have now started distributing them in Western Province. We will come up with a proper distribution list later.

Mr. Werah: Mr. Deputy Speaker, Sir, using mosquito nets is the most expensive and ineffective method of controlling mosquitoes. There are alternatives of controlling mosquitoes. Why is the Ministry choosing the most expensive method of controlling mosquitoes?

Dr. Galgalo: Mr. Deputy Speaker, Sir, it is not true that mosquito nets are the most expensive mode of control. If you look at the case in which you would treat a patient who has malaria, it would cost much more than providing a mosquito net at a cost of probably Kshs200 or Kshs300. Prevention would include use of drugs which would be on a continuous basis, and it would be more expensive.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, in general, malaria in that area and in this country is on the rise. We have the Public Health Act which is very powerful and empowers the public health officers to take certain action. Is the Assistant Minister aware that the spread of malaria is as a result of uncleared bushes, stagnant water and non-spraying of pools? That is the catch, and that is what the Government should address itself to. What action will the Ministry take against the public officers who [Mr. N. Nyagah] are empowered to do so?

Dr. Galgalo: Mr. Deputy Speaker, Sir, I totally agree with hon. N. Nyagah that there are other several modes of malaria control. The distribution of malaria control equipment is done at the district level through the District Public Health Officer's office. This involves other modes of control like the drainage of stagnant waters. We advise people to cut tall grass around their houses and not to plant crops near their houses. There are many other methods of control that are being enforced and funded, though not so

much funds are available, for the control of vectorborne diseases----

(Hon. Nyagah withdrew from the Chamber)

Mr. Deputy Speaker: Order, hon. Nyagah! How can you withdraw from the Chamber while your question is being answered? Dr. Galgalo, you are under no obligation to continue answering that supplementary question.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that these nets are distributed free of charge? If they are not, could he tell us at what price they should be distributed?

Dr. Galgalo: Mr. Deputy Speaker, Sir, I had stated earlier on that these nets are distributed free of charge.

Mr. Keriri: On a point of order, Mr. Deputy Speaker, Sir. I would like to seek the guidance from the Chair with regard to hon. Nyagah's question. I thought once a question has been asked, it becomes the property of the House?

Mr. Deputy Speaker: Order, hon. Keriri! You know very well that, that was a supplementary question! You do not ask a supplementary question and then proceed to withdraw from the Chamber!

Mr. Murungi: Mr. Deputy Speaker, Sir, this Ministry seems to operate under the impression that malaria is only a problem in Western Province. That is why the nets were sent to Western Province and not the rest of the country. As a matter of fact, there is a malaria epidemic in Meru District right now. Between January and March this year, 1,000 people have died of malaria. We got these statistics last week. What is the Ministry doing to prevent further spread of malaria in Meru District? Will it consider sending some of the nets they are talking about to Meru District?

Dr. Galgalo: Mr. Deputy Speaker, Sir, I appreciate the concerns and the sentiments of the hon. Member. As I said earlier, we are involved in a comprehensive plan to cover the whole country. In fact, we are negotiating with the World Health Organisation (WHO) and they have agreed to fund an anti-malarial campaign whose work-plan is in progress.

Mr. Sifuna: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that Bungoma District was omitted. Could he tell this House when the Government will supply, free of charge, mosquito nets to Bungoma District since we were given none when the nets were sent to Western Province?

Dr. Galgalo: Mr. Deputy Speaker, Sir, unless hon. Sifuna did not hear properly, I said Bungoma District received 500 mosquito nets from the Ministry of Health Headquarters. However, Bungoma District is also benefiting from malaria initiative by AMREF---

Mr. Sifuna: On a point of order, Mr. Deputy

Speaker, Sir. The hon. Assistant Minister is misleading this House. We are talking about the mosquito nets which were supplied on 27th February this year free of charge. Bungoma District was not given anything! Could he tell us who took those mosquito nets? Was it yourself or somebody else?

Dr. Galgalo: Mr. Deputy Speaker, Sir, I said Bungoma District received 500 mosquito nets as part of that consignment although it did not come through the Province. They received it directly from Nairobi!

MINISTERIAL STATEMENT

FIRE TRAGEDY AT KYANGULI SECONDARY SCHOOL

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I rise to make a Ministerial Statement on the fire tragedy at Kyanguli Secondary School, Machakos District, which occurred on Monday, 26th March, 2001.

But before I do so, with the indulgence of the Chair, I would like to clarify an issue which appears in today's *Daily Nation* under the deliberations of this House. There is a photograph of this Minister and immediately under it, are the words "No repeat". This is in relation to my answer to the Question by Private Notice by hon. Shidiye. For the avoidance of doubt, it is clear that those who were involved in examination irregularities will have an opportunity to repeat. The rest of the story is substantially correct.

Mr. Deputy Speaker, Sir, I now wish to draw the attention of the hon. Members of this august House to the fire disaster that occurred early Monday morning at Kyanguli Secondary School in Machakos District. Kyanguli is a mixed boarding day secondary school situated about five kilometres from Machakos Town, along the Machakos Kangundo Road.

This school was started on Harambee basis in 1973. It is sponsored by the African Inland Church. It had a total student population of 601. Out [**The Minister for Education**]

of this enrolment, 430 were boys and 171 girls. The school had 275 boys and 98 girls as boarders while the rest were day scholars.

Mr. Deputy Speaker, Sir, the headmaster of this school is a graduate teacher with a Masters Degree in Education (M.Ed). He has a teaching experience of 22 years and has served as headmaster for seven years. The school has a teaching staff of 30 qualified teachers. The school in the past offered candidates for the Kenya Certificate of Secondary Examination (KCSE) with satisfactory performance each year. In the year 2000, this school registered 128 candidates for KCSE. However, the results of 117 of the candidates were cancelled due to irregularities. Following the cancellation of the results, many parents appealed to have the affected students re-admitted to the school. Subsequently, the school management invited the

parents for a meeting last week, Friday, 23rd March, 2001. On that Friday morning, before the scheduled meeting, some unknown persons circulated leaflets containing certain grievances, calling on the students not to attend that morning's school assembly. However, the students went on to the assembly and the rest of the day's routine went on as usual.

Mr. Deputy Speaker, Sir, the scheduled meeting with the parents also took place on the same day as planned. During this meeting, it was agreed that since the school did not have the capacity to re-admit all the candidates, only 30 of the 117 would be re-admitted. It was further agreed that the parents would reconvene on Monday, 26th March, 2001 to find out which students would be re-admitted. However, some of the parents were not happy with this decision, leading to an atmosphere of tension in the school. On the same day, the headmaster received information that the students had detected the smell of petrol in one of the dormitories. A thorough search was conducted in the vicinity, revealing nothing. The headmaster decided to boost the security of the school by keeping all the four watchmen on duty instead of the usual two. While we were there, I found the headmaster telling the Commissioner of Police that, three of the four watchmen were stationed at strategic points.

Mr. Deputy Speaker, Sir, at around 1.30 a.m. on the morning of 26th March, 2001, one boys' dormitory went up in flames, engulfing the students within it. Following the tragic event, the situation is as follows: 61 boys are confirmed dead; nine are reported missing; 14 are admitted in Machakos District Hospital and 13 are in Kenyatta National Hospital. This morning, Dr. Waweru, the Director of Kenyatta National Hospital, was able to confirm to me that three are in the ICU and three are in the High Dependency Unit (HDU), three in the Burns Unit, three are in the Patients Ward, which they refer to as 4D and one is in Nairobi Hospital.

Most of those admitted at the Kenyatta National Hospital suffered severe burns. Following this tragedy, His Excellency President Daniel Toroitich arap Moi and senior officials of the Government, including myself, visited both the school and the affected students admitted in hospitals. We have ascertained that every effort is being made to save their lives at the hospitals.

Mr. Deputy Speaker, Sir, the Ministry of Education and some NGOs, notably the Red Cross - I want to thank them, because they were there trying to remove the bodies - as well as the UNICEF and others involved in counselling were on the ground at Kyanguli dealing with students, relatives as well as friends. The Government has launched investigations to establish the cause of this tragic disaster. The Government calls on anyone with any relevant information to contact the police, the investigating team or officers of my Ministry.

Mr. Deputy Speaker, Sir, I am deeply saddened

by this tragic event, and on my on behalf and that of the education fraternity, I take this opportunity to convey our heartfelt condolences and sympathies to the parents, relatives, friends and the Kyanguli Secondary School community. I also wish to wish all those hospitalised a quick recovery. May I also thank those who have kindly assisted in various ways, including the appeal I saw last night by Standard Chartered Bank, where they have even opened an account to try and assist in meeting the hospital expenses incurred by some of the parents of these students.

Thank you.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, while thanking the Minister for that explanation, could he tell this House whether he was satisfied with the condition of the dormitory, which he has not divulged? The doors were closed and all windows were barricaded as if it was a bank. Why was this situation allowed to prevail and is it the same in other schools? How many students were supposed to be housed in that dormitory and why was the number doubled? I understand the dormitory capacity is to accommodate about 60 students, but at that night, it contained 139 students. Why does the Ministry allow this to happen in schools?

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Could we observe a minute of silence?

Mr. Deputy Speaker: Order, Mr. Angwenyi! The Minister is replying to a point of order. Proceed, Mr. Musyoka!

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, the hon. Kikuyu and I spent about four hours at the scene. I would like to thank him for having been there. I agree with [The Minister for Education] him that the condition of the dormitory was less than satisfactory. Following the Bombolulu incident, I had the Director of Education, who should be sitting somewhere within the precincts of this House, to show how seriously we take this matter - issue a circular to all the schools specifically addressing the question of safety in the boarding houses in our schools.

Mr. Deputy Speaker, Sir, five points are to be adhered to with regard to fire safety regulations. For example, the doors should open outwards. We found this was not the case in Kyanguli Secondary School. There should be clear fire exits; there should be fire fighting equipment also available; and that there should be frequent fire drills undertaken in every school. We did this, but it is obvious that sometimes it is not easy to get some of these people implement these measures. Therefore, we are taking very strict measures to ensure that the inspectorate teams move around the country ensuring that these safety measures are adhered to.

Col. Kiluta: Mr. Deputy Speaker, Sir, the Minister has just told us that during a meeting with the parents, the school administration agreed to re-admit 30 students, but not all the 117. This seemed to have been the main problem by the students. What criteria was used to admit the 30 students, but not the 117 students? Secondly, what plans does the

Minister have for the remaining students who were not re-admitted?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I thank the hon. Member for Masinga, and want to tell him that, yes, indeed, this seems to have been part of the problem. Because, to admit only 30 students and leave out the rest seems to have caused the tension as I have highlighted. The criteria for admission, according to the parents - rightly or wrongly - was that those to be given priority were top candidates academically, best disciplined candidates and those without fees arrears. I would like to confirm to the House that every effort will be made to ensure that the rest of them repeat, if not in that school, but elsewhere within the province.

Mr. Muite: Mr. Deputy Speaker, Sir, these tragedies appear to be happening far too frequently. The nation gets horrified, but we do nothing, only wait for the next tragedy to occur. From the hon. Minister's speech, it would appear *prima facie*, this was a case of arson. To date, nobody has been taken to court over the Bombolulu incident. Could he tell this House who is heading these investigations? In my opinion, given the proportion of the tragedy, the Director of CID himself should be heading those investigations. This House expects whoever was responsible to be arrested and taken to court within a matter of days.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I cannot agree more with hon. Muite. But I would like to actually confirm that I found the Director of CID, Mr. Sang', actually present before I got to the scene, as well as the Commissioner of Police, just to confirm to this House that every effort is being made to arrest the culprits. It is true *prima facie* foul play seems to have been established because of what I have just read. But we cannot do anything more than that at this stage. We have also to distinguish the circumstances pertaining between the Bombolulu and Kyanguli incidents. As I said, we have about 4,000 public schools and these incidents have happened in two, but the gravity of it is devastating. That is why we hope that this will never happen again. As Bishop Imathiu led the investigating team over the Bombolulu incident, we are also constituting another team to investigate this case. But, I think, the two situations are completely different.

Mr. Maundu: Mr. Deputy Speaker, Sir, the gravity of this matter is extremely serious. From all indications, it appears this situation was caused by the cancellation of last year's KCSE results for this particular school. This cancellation of KCSE results was also done in various parts of the country. What measures is the Minister going to take to ensure that incidents of this nature do not extend to other schools in the country that have been affected by this particular problem of results cancellation?

The Minister for Education (Mr. Musyoka):

Mr. Deputy Speaker, Sir, it is obvious that hon. Maundu may not have been in the House yesterday, afternoon. But for his benefit, I would like to reiterate that, during the year 2000, a total of 181,984 candidates sat for the KCSE Examination. Out of that huge figure, 2,880 were found to have been involved, one way or the other, in examination irregularities. The Ministry takes a very serious view of this matter. We are in the process of constituting, expeditiously, a task force to unearth this problem. I cannot say more but only plead, that for the benefit of 179,000 others who took this examination very serious, we do not allow a situation of degradation of our education system. As I said yesterday, the sanctity of examinations should really not be played around with.

Mr. Raila: Mr. Deputy Speaker, Sir, at times like these, we need to be very sober when we deal with tragedies of this nature. It is quite likely that we are going to be treating the symptoms rather than the cause of this tragedy when we direct ourselves to people who are responsible for arson and not those who are responsible for cancellation of the examination results which is the cause of this tragedy. Why is the Ministry in the habit of treating teachers responsible for cancellation of examinations like this in a cavalier manner when they continue to victimise teachers who are responsible for good

[Mr. Raila]

examination results like the former headmaster of Mang'u High School?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I appeal for sobriety. Indeed, I cannot agree more with the Member for Langata. I also ask that he be sober because, again, this is a serious tragedy and we should not mix issues. We should not also politicise transfer of education officers. I personally agree with him that people---

(Mr. Maitha stood up in his place)

Mr. Deputy Speaker: Order, Mr. Minister! Just a minute! Hon. Maitha, your Standing Orders inform you that you must not be standing when another Member is on the Floor. You cannot be the only Member who wants to speak since all these others want to do so. So, when a Member is on the Floor give him an opportunity to finish his statement. Proceed, Minister!

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, I was just appealing to the Member for Langata to be understanding of the seriousness of this matter and not to bring in the Mang'u High School matter which was, unfortunately, politicised.

Mr. Raila: On a point of order, Mr. Deputy Speaker, Sir. I was not mixing matters. I was talking about the gravity of this particular issue and I was saying that there are teachers who are responsible for cancellation of examination results of over 117 students and nothing has happened to those teachers. They have not been arrested or

charged with that crime and that is why we are having this tragedy. I was saying that instead, the Ministry is punishing other teachers who are doing well.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, this Minister will not supervise a Ministry where foul play is evident. Nobody gets unfairly punished. That is number one. Number two is that if the Member for Langata has evidence that there are some teachers who were involved in examination irregularities, I would want him to come and personally brief me so that we give that information to the investigating team.

Mr. Kaindi: Mr. Deputy Speaker, Sir, this matter must be given its due weight because a year-and-a-half ago, the headmaster's house and a vehicle of Kathiani High School were burnt down by students and it was only by sheer luck that the headmaster fled for his life when he heard the commotion. Now, we are in a situation where the Government has not yet come out to establish disaster funds apart from the efforts we have seen in the Press from the Standard Chartered Bank. Could the Minister come up with a comprehensive policy statement which will address the issue at hand? This should include the following: One, what are they going to do in terms of identifying the bodies because parents are grieved out there and some of them do not know where the students are? Secondly, could the Minister assure us that the Government will put its foot down to ensure that a disaster fund is introduced? As a matter of fact, it is my view that it establishes a small committee to co-ordinate the activities of the burial and identification of those students so that we can relieve the parents of their pains because they do not know where the students are. They are neither at the mortuary nor at the school. They do not know where they are. So, I think the hon. Minister should be able to come up with a programme of action which can address the issues at hand. This is so that, as we meet as Members of Parliament, we also have a co-ordinating arm of the Government which can assist the nation to come to terms with this tragedy and resolutions as to what to do next.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I thank the Member for Kathiani for those wonderful suggestions. Indeed, soon after this, I will be sitting with the Permanent Secretary, the Director of Education and the entire team of the Ministry. It is unfortunate but we really now have to think of burial plans. When we buried our loved little kids in Bombolulu, we were to do that in a mass grave. It appears the identification system will also be very difficult. I gather that only one victim has so far been identified, giving the impression that we may have to consider a mass burial again. However, we will be sitting and, as I said, I thank people at the Standard Bank for having taken the initiative. It is only that this is the

second tragedy and I do not know whether we would want to be anticipating that this is going to happen again or rather deal with the root causes and seal this problem once and for all so that we do not really ever have to deal with fire and the tragedy that comes with it in any of our schools.

Mr. Imanyara: Mr. Deputy Speaker, Sir, given the circumstances that preceded this very unfortunate incident, and given the history of the kind of investigations that were carried out before, would the Minister consider opening a criminal inquest under the headship of an experienced magistrate where the proceedings can be public in nature and the recommendations can be made public rather than a commission that is going to perform its work in secret and whose findings will never be made public? Could the Minister consider a criminal inquest rather than a commission?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, my learned friend will agree with me that it is also important [The Minister for Education] where there is the possibility of moving expeditiously with charging people who may be serious suspects with regard to arson that, that does not even have to await the findings of the commission or task force or, indeed, having to wait for the possibility of opening a criminal inquest. However, we are open to whatever suggestions. Perhaps, it would be of some benefit also to hon. Members to know that in this particular school, there are some related past incidents. Like, for instance, in 1997, some students actually burned a book store in that school and in 1998 some students attempted to burn the kitchen. It was just an attempt and it did not succeed. In 2000, there was an attempt to burn the administration block. So, perhaps these events could be related with the incident of cancellation of exams. So, we are taking a very serious view of this matter.

Mrs. Mwewa: Mr. Deputy Speaker, Sir, every year the Government spends a lot of money sending invigilators to every school in this country. What has happened is that a time comes when examination results are cancelled. At the time these examinations are being done, there are invigilators in every exam room. What will happen to the invigilators? Are they going to be arrested? This is because we do not see how these children go on cheating in the examinations and at the end their results are cancelled. Can the Ministry arrest the invigilators who are sent to those schools including Kyanguli?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, when I was answering the question from hon. Raila, I did intimate that, perhaps, it is too early to apportion blame. The moment we are able to clearly identify the culprits, of course, the natural course the law would want to take normally will be taken. It will, of course, not be the province in answer to hon. Mrs. Mwewa's question. It is not really within my province to arrest, but I think those with the responsibility will certainly move very swiftly to do so.

Eng. Muriuki: Mr. Deputy Speaker, Sir, it is a

very sad affair that we have to deal with this tragedy in this House this morning. I would like to ask the Minister to excuse me, if I got him wrong. The impression I got from the Ministerial Statement is that the most responsible adult persons who were in that compound that night were four watchmen. Much as we understand the Ministry has taken some steps to prevent this kind of situation since the Bombolulu incident, what is the Ministry doing to ensure that there are some responsible persons in all boarding schools to ensure that there is somebody to take immediate action when something like this happens?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I thank Eng. Muriuki. In fact, we will benefit from his experience. I do not know whether he is a structural or civil engineer, because the construction of buildings seems to be part of the problem and that is why hon. Kikuyu talked about the barricading of some of these buildings. I also want to confirm that the headmaster himself was actually present until 11.30 p.m.. This is because he had clearly gathered from the circumstances that something was amiss. It was not just the four watchmen who were present on that day. He told us that the three watchmen were strategically placed. It is also important to point out that one of the dormitory's doors was closed for two weeks. This we found unacceptable, particularly in view of the circular I referred to, that one of the dormitory doors remained closed because somebody had lost the key to the padlock. If you look into this situation, we all feel that the situation was unsatisfactory.

Mr. Anyona: Mr. Deputy Speaker, Sir, I would like the Minister to clarify two very fundamental issues. He says that there was tension in the school, there were leaflets and that there was smell of petrol. Did the school inform the security agents because it is a situation which watchmen are not trained to deal with? How did they expect watchmen and the headmaster to deal with a situation of that kind? Secondly, the main cause of this tragedy was the cancellation of examination results, from what we can tell. This has happened in very many other schools. It is simply because there is a vacuum; there was no policy in place from the Ministry as to how to handle it. There were haphazard statements in the Press from all over the place. Now that we are, by default, wiser through a tragic loss of our children, would the Minister take the responsibility of ensuring that all the candidates whose examination results were cancelled are admitted in various schools in the country to avoid a similar situation happening elsewhere?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I take most of what hon. Anyona says except when he talks about "haphazard manner" of handling the examination results because

that was not the case. We have to be very clear in order to safeguard---

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

Mr. Deputy Speaker: But he is responding to you on a point of order, technically.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, much as hon. Anyona may find it difficult to accept, I have to place it firmly before this House that the Ministry takes a very serious view of the question of examination irregularities in order to safeguard---

Mr. Anyona: But, Mr. Deputy Speaker, Sir---

The Minister for Education (Mr. Musyoka): He talked about haphazard manner of handling the cancellation of examination result, if I heard him correctly.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I did not say that at all. All I said was that there were statements in the Press as to how the question of cancelled examination results would be handled. Some said there will be no repeating and others said other things. In fact, I think it is when the President intervened that everybody fell into line. That is all I said.

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, now that hon. Anyona knows that those affected candidates have a second chance, I suppose that puts the matter to rest. But I also want to respond to the rest of his concerns; the smell of petrol, the leaflets and the fact that the security agents do not seem to have been brought into the picture. I think this will have to be looked into by the investigating team.

Dr. Omamo: On a point of order, Mr. Deputy Speaker, Sir. Hon. Anyona asked a very specific question on the policy vacuum. He said there is a policy vacuum in this area of cancellation of examination results. Since nature abhors a vacuum, so many things could happen. Could the Minister be specific and tell the nation how the Ministry will seal this vacuum by coming up with a definite policy, so that the parents, teachers and students know what will happen in case of cancellation of examination results? If this is done, we will not have these meetings and quarrels. What is the policy on this issue?

The Minister for Education (Mr. Musyoka): Mr. Deputy Speaker, Sir, I think the respected hon. Member will agree with me that this vacuum as of now is completely sealed. The affected candidates know they will have a second chance, I do not know what other language we can use. At the same time we, as a Ministry, will not condone examination cheating because this will have the effect of demeaning the qualifications majority of Kenyans would have worked for. Just in an attempt to make sure that there is no vacuum that nature will abhor, it is clear from the point of view of the Kenya National Examinations Council (KNEC) that before the sitting of the examination, every candidate has to read a caution. I want to refresh the hon. Members' minds on the instructions. It is entitled "Instructions to candidates." It says:

"You are not allowed to leave the examination room before the end of the period allocated to the paper, except by special permission of the supervisor. No candidates so permitted to leave may take a question paper out of the examination room."

Mr. Deputy Speaker, yesterday I did point out that fact, and it is really so unfortunate that we have now to handle this particular issue within the context of the tragedy. It is so sad. I do not believe it is just the cancellation of the examination results alone that brought about the tragedy. For instance, there was concern by the students about a postponed Harambee in that school. Therefore, something had to trigger this unrest. There is also some possible evidence of drug abuse within the school. I do not think it is fair to say the tragedy happened simply because of the cancellation of examination results. This is disproportionate! One would not think people would want to kill themselves and innocent students just because of cancellation of examination results.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I rise on two issues. The first one is to seek clarification from the Leader of Government Business and the second one is from the Minister of State, Office of the President, in charge of internal security.

There have been some two incidents whereby contradictory Government policy statements or reactions have been made on matters of an international nature, in the recent past, and which are causing confusion and embarrassment.

First, two months ago, members of a pro-government militia from Ethiopia, accompanied by some local policemen from Ethiopia, raided Gurar in Wajir District, killed 13 Kenyan citizens and then raided a police post in Uran in Sololo and killed eight policemen. The Statement from the Minister of State, Office of the President, in charge of internal security was that, the Ethiopian militia raided Kenya in hot pursuit of Oromo Liberation Front (OLF) guerillas.

The Statements from the Minister for Foreign Affairs and International Co-operation and the Minister in charge of defence were that, there were no OLF guerillas in Kenya. A week ago, in the aftermath of the massacre of Marakwet children, the same Minister of State, Office of the President, in charge of internal security, spoke at a public function in West Pokot and Marakwet District, and said that the Government of Kenya had been arming Pokots because they have neighbours in a neighbouring country who are armed. The position of the Minister in charge of defence and the Minister for Foreign Affairs and International Co-operation is that Kenya had not been arming any border communities in anticipation of war with neighbouring

people. So, could the Leader of Government Business clarify who speaks the truth about Kenya's foreign policy in regard to Ethiopia and Uganda? Is it the Minister in charge of internal security or the Minister for Foreign Affairs and International Co-operation, who is saying the truth?

[Dr. Kituyi]

Mr. Deputy Speaker, Sir, my second matter is to seek clarification from the Chair. It is my belief that the honour and dignity of this House is dependent on the honourable conduct of the hon. Members of Parliament. The utterances we make out there hurt us collectively. There has been an occasion two years ago, when an Assistant Minister of the Government---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! Proceed hon. Dr. Kituyi!

Dr. Kituyi: Mr. Deputy Speaker, Sir, the Assistant Minister issued a statement which was quoted in the newspapers, to the effect that he would tell his people to secede from Kenya, and he never denied it. That hurts our collective dignity in this Parliament.

Mr. Deputy Speaker, Sir, my attention has been drawn to the contents of the Sunday Nation of 26th March, 2001.

Mr. Deputy Speaker: Order! You cannot use newspapers as reference materials or authority!

Dr. Kituyi: Mr. Deputy Speaker, Sir, I am not going to use newspapers as authority, but to say the following: That the new Member of Parliament for Kapenguria, one Mr. Samuel Moroto, is extensively quoted to be calling upon the Pokot to raid people of Turkana, Trans-Nzoia and parts of Bungoma and he has not denied that up to now.

Regardless of the futility of that game of divide, the reality is that, our collective responsibility as leaders is to desist from making actionable, irresponsible and criminal utterances. Could the Chair tell us why this madness is being given vent by a person who purports to be an hon. Member? What recourse do we have, particularly when the Government of the day is turning its deaf ear to a criminal incitement?

Mr. Deputy Speaker: Your time is up! First of all, hon. Dr. Kituyi, the term "madness" is not parliamentary language.

I just want to set one thing straight. Ordinarily, we do not accept what is said in newspapers as evidence or authority for one to make certain accusations or allegations in the House. But when it comes to matters like secession which the hon. Member is talking about, it ceases to be really a matter for the House; it must be a matter for the State organs to take the appropriate action. But I have taken note of what you have said in respect of that matter.

In respect of the second issue that you raised, boundaries of all the provinces and districts of this country

are a matter of law. If a member wishes to get them changed, he is free to bring a Motion here and seek leave of the House to amend the Act.

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I just stand up in respect to the statement made by hon. Dr. Kituyi that there were contradictory statements made by the two Ministers. I just want to inform the House that the Government is not aware of any contradictory statement made by the two Ministers.

Further, I think you better be patient. Incidentally, the two Ministers are very responsible and hold sensitive portfolios and are in full consultation with the rest of the Government. I want to make it very clear here that there is no contradiction at all between the Minister for Foreign Affairs and International Co-operation and the Minister of State, Office of the President in charge of internal security. They are in continuous consultations on some very important matters, especially when it comes to the relationship between the State and any other neighbouring State for that matter.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. I would urge the hon. Vice-President, who does not seem to know what he is talking about, to go and do his homework and comes to tell this House, that when hon. Dr. Bonaya Godana says that there are no OLF guerillas in Kenya and the hon. Maj. Madoka says that, the militiamen were in hot pursuit of guerillas into Kenyan territory that, that is not contradiction! When hon. Dr. Godana said that we do not arm border communities in anticipation of war with neighbours and the hon. Maj. Madoka said on television last time that, Kenya arms the Pokot people because of fear of being raided by armed neighbours and he does not see any contradiction between that, I should ask him in Kikuyu, so that he may understand.

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I have never known an occasion where I have had, really as it were, to retract whatever I have said. I am not ignorant at all, given my position. I want to say once again that there is no contradiction between the two Ministers. Incidentally, the Minister of State, Office of the President, in charge of internal security is here and I hope with the Chair's permission he will stand up here and state the position very carefully for the sake of avoiding the doubts here.

Before that, I think the Minister in charge of internal security whose attributions are being---

Mr. Deputy Speaker: Order! Order! Mr. Leader of Government Business, I think that section needs no attention. I would advise that you take your time, whether you are the one or the Minister in charge of internal security who is going to respond to check your facts so that you can respond accurately.

(Applause)

Mr. Anyona: Mr. Deputy Speaker, Sir, what the Government does in the kitchen is one matter and what happens outside in the public domain and comes to the attention of the National Assembly, is a very different matter. The Ministers and the Government are responsible for the people of Kenya through this Parliament. This matter has come before the Floor of the House that there were contradictory statements made by two senior Government Ministers. This Parliament and the people of Kenya cannot leave that contradiction the way it is. It is either one or the other who is wrong.

Could we have a clear statement? If there was an error, let the error be corrected, but let us have one position.

Mr. Deputy Speaker: Order! Order! Yes, Mr. Minister!

The Minister for State, Office of the President (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member is misleading this House. I am on record stating quite clearly that we do not harbour any OLF people in this country. I have said that many times and it is on record.

Mr. Deputy Speaker, Sir, I spoke about the Ethiopian militia pursuing the suspected OLF people crossing into Kenya and that statement still stands.

In my public address in Marakwet, I never said that we arm the Pokot people to protect themselves. I did say that, we do have Kenya Police Reservists (KPR) to take care of the interests of their people.

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

Mr. Deputy Speaker: Where are you now?

Dr. Kituyi: Mr. Deputy Speaker, Sir, you have made a ruling over a matter and Kenyans have seen a Minister smiling on TV, making some rather ridiculous statements. How does he stand to pre-empt the statement from the Vice-President later on?

Mr. Deputy Speaker: Order! Well, I have already given a ruling that the Vice-President should examine all the details available and then come and make a statement.

Next Order!

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

I would like to contribute to the next Order.

(Laughter)

Mr. Deputy Speaker: Order! Mr. Maitha, you have the Floor.

POINT OF ORDER

INTRODUCTION OF VISA FEE

Mr. Maitha: Mr. Deputy Speaker, Sir, I stand on

Mr. Maundu: Thank you, Mr. Deputy Speaker, Sir. It is difficult for traditions to die. Usually when we have the Presidential Speech we have this Procedural Motion which we support unanimously. I would urge the House

a point of order, to seek a Ministerial Statement concerning the issue where the Government recently introduced a visa fee for travellers from some countries. This has hurt tourism especially at the Coast. The outcome is that tourists have really cancelled their trips to this country because of the visa issue. Can we have a Ministerial Statement on why the Government introduced this fee and what benefit the country is getting from this new development?

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O.33

The Vice-President (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House orders that Business appearing on today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday morning, a day allocated for Private Members' Motions.

This Motion is self-explanatory. We all know that about this time on a normal Wednesday, we would be embarking on the deliberation of Private Members' Motions. As things stand now, not a single Motion has actually matured. Indeed, it was only yesterday after the rise of the House that, Private Members' Motions were balloted. None of them is mature for debate today. This is why I have brought in this Procedural Motion to enable the House to deliberate on the Motion on the Presidential Address.

I beg to move.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to second.

(Question proposed)

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I oppose this Motion because yesterday this House demanded to discuss a tragedy that occurred in Machakos and we were told clearly that we cannot take time off from the Presidential Speech to discuss that important matter of the nation. Today I also want to propose that we should not take time out of the Private Members Motions to discuss the Presidential Speech. We should, instead allow the hon. Member for Machakos to raise that important matter so that it can be discussed in this House forthwith.

With those remarks, I want to oppose the Motion.

to accept that, according to tradition, we should exempt the Presidential Speech from the provisions of Standing Order No.33 and proceed forthwith with the debate on the Presidential Speech to conclusion.

(Question put and agreed to)

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 20th March, 2001.

(The Vice-President on 21.03.2001)

(Resumption of debate interrupted on 27.03 2001)

Mr. Deputy Speaker: Who was on the Floor? Mr. Muriuri, you have three minutes remaining.

Mr. Muiruri: Mr. Deputy Speaker, Sir, yesterday I talked about insecurity in this country. The security of this country is the responsibility of the Commissioner of Police. The Commissioner of Police and his officers are the ones who are normally out there when we are asleep. Since Moi started running this country we have had many Police Commissioners. We have had Messrs. Bernard Hinga, Bernard Gethi, Bernard Njinu, Kiruki and Kilonzo, among many others. Now we have Mr. Abong'o. Until such a time that the Commissioner of Police will operate entirely on his own without any interference whatsoever, the problem of insecurity will persist. Until the Constitution is changed to ensure that the Commissioner has security of tenure, there will always be interference. The Commissioner of Police should be left alone to manage the security of this country.

Insecurity in this country is something that is worrying everybody. You only have to see the condition of hon. Leshore to confirm this fact. You can see how he is almost crippled. The other day somebody was shot by some Administration Policemen as he was going to his own house. In my constituency there is total insecurity. When somebody dies the police are not even equipped with any transport whatsoever. Even when somebody is murdered the police cannot get there to investigate the crime. Henceforth, investigations cannot be properly conducted because the police are totally---

(Mr. Wanjala held loud consultations)

Mr. Deputy Speaker: Order, hon. Wanjala!

Mr. Muiruri: It is about time that the Kenya Police had their own---

Mr. Deputy Speaker: Order! Your time is up! Mr. Keah!

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I have reason to support this Motion. I want to express my sincere appreciation for the Presidential Address which was very full of direction and wisdom. It was very reconciliatory and, indeed, very unifying. I commend the Address as presented here in its entirety.

The President, in his Speech, touched on a number of things and this is why I said it is directional. It touched on the economy. It is up to us to discuss here, as Members of this august House, how to help ourselves and this country, direct the economy to better heights. We appreciate it is at a low ebb and that the growth rate is low, but it is entirely up to us here to debate and for the whole country to come together in a unified manner for our benefit and that of our children. I want to emphasise on how directional the Speech was. It also touched on aspects of high quality service in every sector. When we give our best performance, the professionals and everybody, we will have value and the economy of this country will progress.

The Presidential Speech touched on security, poverty reduction and regional as well as international issues. It did say that peace is a recipe for development. The President talked about the Business of the House, that is the Bills that are to be introduced here. He also talked about the dignity of this House. He talked of unity, discipline and humility. All these aspects presented a sense of direction and a guideline which is what the Speech ought to contain. I am personally very gratified for the direction that was contained in His Excellency's Speech.

Mr. Deputy Speaker, Sir, let me now take this opportunity to speak on one or two issues raised in the Presidential Address, which are of concern to me and my constituents. Since Independence to date, we have been talking about poverty eradication. This country is today probably experiencing the worst level of poverty in its history

despite the efforts that have been made by the Government and other agencies to reverse the trend. I would like to say that the latest sense of direction towards that end is very commendable.

Kilifi District is one of those districts which [**The Assistant Minister for Information, Transport and Communications**]

have involved the grassroot people in discussions geared towards prioritising their economic activities in order to eradicate poverty. We have had meetings with stakeholders of all sectors of the economy in the constituencies in the district. We have put together all that we considered to be our priorities in our efforts to alleviate poverty in the district. We did a thorough job. My concern is whether these aspects will, indeed, be included in the Medium Term Expenditure Framework (MTEF) as we suggested. It is my hope that the views of the grassroot people will be considered during the preparation of Budget for the 2001/2002 Financial Year, and provision made. Really, that was our biggest concern as far as the efforts to alleviate poverty are concerned.

We would like the infrastructure rehabilitated. We, in fact, proposed that there should be wealth creation through micro income-generating projects for the people as a priority. But where will the funding of those projects come from? In my view, the funding for those projects will come from the Government, donors and investors. It is upon this House to assist set up a facilitative environment towards that goal.

Mr. Deputy Speaker, Sir, I would now like to make an observation regarding the campaign against the Acquired Immuno-Deficiency Syndrome (AIDS). Although the Minister has been doing a good job, I would like him to listen to what I have to say. The campaign against AIDS has, indeed, been going on very well. I commend the Ministry for that, particularly the Minister and the National Aids Control Board (NASCOB) Chairman, Dr. Mohamed Abdalla. The Minister and Dr. Abdalla have always availed themselves in person to launch the campaign in various constituencies. So far, that has been a job well done.

I would, therefore, appeal for the release of the funds meant for that campaign, so that the exercise can proceed as planned. We have been made to believe that funds for that exercise are available. So, having launched the anti-AIDS committees, we now want to activate the campaign throughout the country, starting from the village level to the constituency level. Unfortunately, despite having launched those committees with pomp, there has been nothing for us to follow up. We attended the various fora and talked about the need to control the spread of the deadly virus. I hope that the Minister and his colleagues will fulfil the promises they made regarding the funding of the exercise.

Mr. Deputy Speaker, Sir, I would now like to talk about the coconut industry, which is very important to the coastal people, particularly those in the lower parts of the province. I am aware that one of my colleagues intends to move a Motion on *mnazi* later. Meanwhile, I would like to call for the revitalisation of the entire coconut industry. The coconut industry is as important to the coastal people as the coffee and tea industries are to the people of Western, Central and parts of Rift Valley Provinces. Unfortunately, the coconut industry has been ignored. That is why we are now coming up with suggestions on how to revitalise it. I would like to observe that every Budget since Independence has provided millions of shillings for the development of the tea and coffee industries through the STABEX Fund, among other sources. The Government has always negotiated with bilateral donors for funds to develop the tea and coffee sub-sectors, but it has never done so with regard to the coconut industry. There are three or four Acts governing the coconut industry. However, these Acts are archaic, having been enacted during the colonial time. They, for instance, talk against somebody loitering next to somebody's coconut palm. We would like a coconut board established.

I am particularly looking forward to seeing monetary provision for the development of the coconut industry in the Financial Estimates for the Year 2001/2002, so that we can tap the wealth in that industry. There are over 100 products which can be derived from the coconut industry. We have not been able to develop this resource due to lack of technical know-how and funding. I hope that this House is going to send a delegation that will particularly comprise of hon. Members from the coast region, to Indonesia and other countries to see for themselves how the coconut industry is developed in those countries.

With those remarks, I support.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to comment briefly on the Presidential Address by the outgoing President, Daniel Toroitich arap Moi.

Mr. Temporary Deputy Speaker, Sir, the address the President presented to this House last Tuesday was his second-last address to this House. In March, 2002, which is about a year from now, President Moi will present his last address as Head of State to this House. So, we would like him not to listen to people like Mr. Nassir and others who mislead him. He should, as he advised us, respect the rule of law and the Constitution and not try and seek a third term of office. We respect the institution of the Presidency, and would like President Moi to have a soft landing. We would not like President Moi to have a chaotic exit from office, as happened to the former Presidents Milosevic of Yugoslavia, and the late Mobutu of the former Zaire. We would like him to retire in a civilised way and become

a respected former President, whom we can be visiting at Kabarak, or at some other parts of the country, without any bitter feelings. So, we would like the **[Mr. Murungi]** President to respect the Constitution and not try to seek a third term of office.

[Mr. Deputy Speaker left the Chair]

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

As he presented his Address to the House, the President dwelt at length on the need for Parliamentarians to respect the rule of law and the Constitution.

Mr. Temporary Deputy Speaker, Sir, I noticed that, as the traditional prayers were being said, the Constitution of this country was breached. Section 53 of the Kenya Constitution states that: "The official languages of Parliament will be English and Kiswahili." One wonders on what basis was the Maasai elder permitted to say prayers in this House in the Kimaasai language, in breach of the Constitution. Not all of us understand the Kimaasai language, but one hon. Member who understands the language confided in us that, the Maasai prayers were very interesting. The Mzee prayed that the Opposition should perish and President Moi should rule this country forever!

(Laughter)

We need the HANSARD editors to translate those prayers into English, so that we can know whether that is true or not. We have at least 42 different ethnic groups in this country. Although some of us have been converted into Christianity, there are still those who pray in the traditional way, among those 42 communities. We do not know why it is the Maasai who has to pray every year, during every official opening of Parliament. We would like the Samburus, Boranas and Bukusus to be given a chance to pray. Even if the other communities are not ready, we in Meru, are ready because the Njuri Ncheke is there. The Njuri Ncheke elders can come and say traditional prayers in English! So, next year, let us try another ethnic group. We do not want groups here who only pray for President Moi to rule forever! We would like another group which might pray for hon. Kibaki or somebody else.

Mr. Temporary Deputy Speaker, Sir, touching on the Constitution and the rule of law, we would like to advise the President to respect the Constitution, and use the rule of law in his dealings with other political parties. There are various laws that he can use in dealing with parties like the National Development Party (NDP). He can use the Constitution because Section 5 of the Kenya Constitution permits a coalition Government to be formed in this country. So, if he wants to appoint hon. Raila to his Cabinet - and we understand he wants to replace hon. Nassir with hon. Raila - he can use Section 5 of the Constitution. He can appoint him the Vice-President if he wants. There are legal provisions for that to be done. If he wants to strike an agreement between the NDP and KANU, he can use the law of contracts, which allows agreement between two consenting parties. The law of marriage is also there! But the current marriage between KANU and the NDP is invalid in law because the essential formalities were not observed! The Luos have not received any dowry! They have not received any bride price! So, hon. Raila should be advised that the marriage is illegal! It is an immoral cohabitation! They should legalise it as soon as possible!

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard hon. Murungi saying that the Luos have not received any dowry! Why has he come to the conclusion that the Luos should receive the dowry, rather than giving it?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I do not want to get into the intricacies of all that! The relationship---

Mr. Kombo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Murungi has talked about the dowry between the Luos, and I do not know which people! Why is he the one to speak for them? The Luos have not complained!

Mr. Murungi: That was not a point of order! I would like to proceed! The President also talked about the doctrine of separation of powers. The country is interested in resumption of the relationship---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Murungi in order to mislead this House that the Luos have not received any dowry, when we know that they have received dowry in appointments like that of the Chief Justice, the Commissioner of Police and many others that are on the way?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, there is only one problem between us, the World Bank, the International Monetary Fund (IMF) and other donors. The problem is that of high-level corruption. Until we do something serious about high-level corruption in this country, the relationship between the World Bank, IMF and this country will always remain strained. We are very happy to welcome people like Dr. Anangwe to the Back

Bench. The problem that we have been having in the past is that Cabinet Ministers who have been charged with corruption continue to sit on the Front Bench. Until we take serious action against those people, there will always be a problem! It is not enough to remove a corrupt person from the Cabinet---

Dr. Anangwe: On a point of order, Mr. [Dr. Anangwe]

Temporary Deputy Speaker, Sir. You heard the statement made by hon. Murungi. There was a prelude to the mention of my name when he made references to the IMF and corruption. Then he said: "We welcome Dr. Anangwe to the Back Bench." Although he did not complete that statement, he did impute that Dr. Anangwe is on the Back Bench because of corruption. Could he substantiate? Could he bring a substantive Motion and apologise?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I do not want to dwell on that! That matter was very much in the Press. Everybody knows why Dr. Anangwe is in the Back Bench. He is lucky he is not behind bars!

The Temporary Deputy Speaker (Mr. Poghismo): Order, hon. Murungi! Dr. Anangwe has raised a very valid point of order. Imputing improper motives or not, if you would like to discuss the character of a Member here, you do so via a substantive Motion. So, if you are really implying that he was sacked due to corruption and things like that, you do so through a substantive Motion, or you substantiate your allegations before the House!

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, Dr. Anangwe said a mafia from South Imenti got him out of his job as a Cabinet Minister! I have evidence as to why Dr. Anangwe is in the Back Bench! I am ready to bring it before this House if I am given some time! I do not have the materials to substantiate now. I am sorry, my time is up!

Dr. Omamo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek your guidance because we do not like this House to be treated to petty issues. You recall that my friend who has just spoken referred to a marriage between the NDP and KANU. The institution of marriage has a very special meaning in the African society. It involves dowry and things like that---

The Temporary Deputy Speaker (Mr. Poghismo): Hon. Omamo, that has been overtaken by events. You should raise that matter when you get your chance. I have been waiting for a point of order and it is not forthcoming.

(Mr. Kombo stood up in his place)

Order! Sit down, hon. Kombo.

An. hon. Member: The previous speaker was from the Opposition also.

Mr. Murungi: It is okay. Let him continue.

The Temporary Deputy Speaker (Mr. Poghismo): Okay, hon. Kombo, proceed!

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, thank you for exercising your discretion in my favour. I was not in the House when the President delivered his Address, but my son taped it for me and so I listened to it. When I was listening to it, I thought that the presentation was rather quite interesting. In fact, it was fairly comparable to Ms Catherine Kasavuli's presentation of news.

This is Parliament and what we need is not the presentations that are similar to those of Ms Catherine Kasavuli. The President has got to be more serious and have more substance in his Address. When I looked at the Address, I saw a lot of contradictions. He talked of an economy that has done well.

The Temporary Deputy Speaker (Mr. Poghismo): What does Ms Catherine Kasavuli have to do with this?

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, I said that the President's presentation of his Address was as good as Catherine Kasavuli's presentation of news. The President talked of the economy and his up-date about the economy was that it had done well. But if you look back, you will ask: "Which economy has done well?"

(A mobile telephone rang in the Chamber)

The Temporary Deputy Speaker (Mr. Poghismo): Order! Where was that sound coming from?

Mr. Kombo: Mr. Temporary Deputy Speaker, Sir, one should ask himself what economy has done well. The agricultural sector has collapsed. The sugar industry is down completely. Those of us who come from Western Kenya, for example, Bungoma District, know that the sugar industry is on its knees because of bad management. If you look at the education sector, you will see that students are dying because of bad management. The health sector is also down and so is every other sector. So, I just wondered what economy the President was saying had improved. These contradictions in his Address should be sorted out. The President would have been more honest with Kenyans if he had admitted that he has messed up the economy of this country, and then continued to talk about what should be done to improve the situation.

The President went ahead and blamed the rains. He said that the economy is bad because the rains had failed to come. He was grateful that the short rains had arrived, and, therefore, things will be better. Then one wonders how

the President knows that the rains will continue falling. Has he got a contract with the Almighty, guaranteeing him that the rains will continue? If the rains fail, what will happen to the economy? Thirty years after Independence, our planning should not be dependent on the long and short rains. We should know that we **[Mr. Kombo]** have had problems and, therefore, plan on the basis that we know from experience that the rains can fail. Therefore, the President should not be happy and say that because the short rains have come, we will have a better economy. The President should be more serious than that. In his Address, there was no mention of an affirmative action at all. During this time of our history, when we are already preaching the affirmative action, there should have been more in the presentations on that area.

Mr. Temporary Deputy Speaker, Sir, on a more serious note, I want to say that corruption, which has destroyed this country, caused the collapse of the economy that I have already mentioned, the education and health sectors, and has got to be addressed more seriously. Before we went for Recess, we had the Anti-Corruption and the Economic Crimes Bill to be debated, but because the Government had its own ideas, it dilly-dallied until we did not debate that Bill which was going to help in the fight against corruption. The Government dilly-dallied because it had ideas on how to kill the Kenya Anti-Corruption Authority (KACA). In fact, at one stage, the Attorney-General said that we could not debate that Bill because there was a case in court, and we had to wait for the court's ruling. One wonders whether the Government was working in cahoots with the Judiciary to kill KACA. We did not know that at the end, KACA would be killed through a very strange order from the Judiciary. At the moment, the fight against corruption has not been won at all. The Bill should be brought to the House as soon as possible. In fact, it should be one of the first things that should be under debate. Up to now, nothing is being said about it. The Bill has not been published, even though the President did mention that we would discuss it. There is a delay in the fight against corruption. In the process, the Government has collected all those files that belonged to KACA. This means that all the investigations that KACA was carrying out are now with the same people who were being investigated. So, the files will start disappearing, and when you try to open new files, there will be no records and these people will go scot-free. It is very unfortunate that the fight against corruption can be delayed through very devious means.

Lastly, I just want to say that there has been mixing of roles between the Executive, the Judiciary and the Legislature. Sometimes we do not know where separation of roles starts and ends. Yesterday, I was rather amused to see that when the National Chairman of KANU came here to chair a KANU Parliamentary Group meeting, he was escorted by the Provincial Commissioner of Nairobi, the Speaker of the National Assembly and the National Anthem was even played out there. This was just a KANU Parliamentary Group meeting. These are issues that we should think about seriously. If we will separate our roles, we should know when the President is present as the Head of State and when he is present as a politician chairing a KANU Parliamentary Group meeting. I am sure that the President was in the KANU Parliamentary Group meeting as a politician and as the National Chairman of KANU. Therefore, playing the National Anthem and doing all those other things was mixing our roles. This is what destroys our systems. We should be serious about this.

Mr. Temporary Deputy Speaker, Sir, I mentioned earlier on the sugar industry. I come from Bungoma District and 85 per cent of my constituents depend on the sale of sugar-cane through Nzoia Sugar Factory. Today, Nzoia Sugar Factory owes farmers over Kshs500 million. We have been crying for years and years that the Government should sort out the problem of Nzoia Sugar Factory. We have been told many times that a Cabinet Paper was being prepared to ensure that this matter is sorted out, but nothing has happened. Nzoia Sugar Factory is on its knees because, right from the time of its inception, instead of the Government putting in equity, it made the factory borrow money from banks. Therefore, debts started accumulating at the very early stage. When there was a problem to be sorted out in Kenya Airways (KA), the Government wrote off the debt owed to it by KA. We have been asking this Government to do the same for Nzoia Sugar Company, but all that we have been told is that there was a Cabinet Paper being prepared to look into the problem. When will this happen? Is the Government waiting until the problem is very big so that it can move in and put the company under receivership, and then its members can buy the company at a throwaway price? As far as Bungoma District is concerned, it does not matter what we do; hon. Mwangale can take the people of Bungoma District to the President 100 times, but if the sugar-cane farmers' problems are not sorted out, then the President is doing nothing for the people of this district. I think these are issues that should have been raised in his Speech. In fact, when hon. Mwangale went there with the farmers, we expected that they would be told that they would be paid their arrears amounting to Kshs500 million, because that is all we need. As far as we are concerned, poverty in Bungoma District is brought about by Nzoia Sugar Company. If you pay the farmers their money, then poverty will be alleviated. In Bungoma District, we do not need these seminars. Members of Parliament from that district do not attend the poverty alleviation seminars held in posh hotels because we know where our problems lie. We know that so long as sugar-cane farmers are not being paid money for their crop, our poverty will continue. **[Mr. Kombo]**

So, I just want to say that in Bungoma District, sugar-cane and other farming inputs--- At the moment, we are

struggling to get fertilizers and maize seed to plant, but when the crop is harvested, its price will go down.

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

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the Presidential Address. I think the Presidential Address was very balanced and one of the issues that the President touched on was on the question of hon. Members taking this House's business seriously. It disappoints me when I hear my friend, hon. Kombo, talk about the President being escorted by the Provincial Commissioner (PC) and having the National Anthem played when he is around. We are talking about the institution of the Presidency. It does not matter where he goes; the National Anthem will be played. The President happens to be the Chairman of KANU. It is unfortunate that hon. Kombo's Chairman will never be a President and, therefore, he will not be privileged to have the National Anthem played when he goes to chair his party meetings.

Eng. Toro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to say that hon. Kombo's Chairman will never be a President? Is the hon. Minister assuming the role of God to determine the destiny of hon. Kombo's Chairman?

The Temporary Deputy Speaker (Mr. Poghisio): That is still a question.

Proceed, Mr. Minister.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I will ignore that point of order because it is a dying party and, therefore, they will never get to the top. This House has to take that seriously. I think the President was very clear on this.

I would like to say that---

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

The Temporary Deputy Speaker (Mr. Poghisio): Order, now! Hon. Members, from the onset, the Chair has ruled that points of order should be based on Standing Orders. So, if you rise on a point of order, you must tell us the Standing Order that has been breached. So, I would allow points of order to that extent.

The Minister of State, Office of the President (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir. I am saying that this House has brilliant lawyers, professors, businessmen, bankers, retired police officers and military officers. With these combined brains and experience, this House should get on very serious business and do great things for this country. But what we do find is that when, we, hon. Members come to this House, we do not really discuss issues. I would like to say that we deal with trivialities, and this does not help. We have got to discuss matters more seriously and come up with solutions. What we always hear is people criticising the Government and individuals, but never coming up with solutions. We are not helping this country in that manner. I think hon. Members should come up and give us suggestions on how certain issues should be solved.

I would like to talk about the tragedy that happened at Kyanguli Secondary School. It is most unfortunate that these incidents should continue to happen. I would like to state that the Cabinet has approved a Disaster Management Strategy document which is aimed at organising how these disasters should be managed and controlled. We will circulate this document, and hope to go into greater details of this document to ensure that such disasters are well managed in future. It would be naive for any hon. Member here to say that these incidents will never happen again because they will continue to happen. It is how we manage them that matters. After all, there are accidents throughout the world; we get these fires breaking out, and what have you. But hon. Members have got to take this issue responsibly and not just blame individuals. I think we all have that responsibility. If you take the management of these schools, you will find that we have the parents and teachers associations and the boards of governors. How often do they possibly go round these schools to check on some of these facilities to ensure that there is adequate security and enough safety measures? I think schools should have their own safety and security committees that will frequently visit them, go round and ascertain whether some of these measures are put in place, to ensure that the students are safeguarded. It is not good just to complain about the management; all of us have to take that responsibility.

Mr. Temporary Deputy Speaker, Sir, that also applies to the various insecurity situations which we have experienced in this country. We have illegal firearms coming into the country; we have tribal and ethnic conflicts, and most of these are as a result of irresponsible statements from hon. Members of this House and other leaders in the country. If you go into the conflicts of the Maasais and Kisiis; or the Marakwets and the Pokots; or the Ormas and the Pokomos, you will always find that at the heart of it all, it is the leaders who are inciting those people into these conflicts. We have had traditions where people go into other people's grazing ground. There has always been a tradition that people have been able to talk and agree on how they should be handled, and we have never had these

[The Minister of State, Office of the President]
killings that have been going on these days. I think we need to revive our cultural values and ensure that we go back in some areas where we continue to have dialogue when we want to do certain things. I will take Members to task;

let us all be responsible and not issue inflammatory or inciting speeches to our communities. If we do that, most of these conflicts will not be there.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the National AIDS Control Council (NACC). It is a pity that the Leader of the Official Opposition, hon. Kibaki, is not here because he was asking what the NACC was doing with the money which it is supposed to have received. Well, the position as it is today is that, this money has not yet come in. But more important, even if this money came in, unfortunately, hon. Kibaki's Othaya Constituency would not get any funds because he is one of the culprits who have not helped us in launching his own Constituency AIDS Committee. There are a few Members here too who are not working hard enough to ensure that we launch these Constituency AIDS Committees, so that the funds can be released. We have deliberately planned to launch the President's as the last one. We want all other Members to do it. So, we are appealing to all Members to launch their Constituency AIDS Committees so that we can start disbursing this money.

Mr. Temporary Deputy Speaker, Sir, I am glad to report that within the next two weeks, all the papers will be through and we will be able to get this money. Then we will soon start disbursing it, subject to us getting viable programmes from those particular constituencies. We are not just going to dish out money; we must have programmes which have been properly evaluated so that we can ensure that these funds are properly utilized. I want to appeal to all Members to intensify this battle against the scourge of the HIV/AIDS. It is going to finish this society unless we do something about it.

Mr. Temporary Deputy Speaker, Sir, recently, one of the companies declared that 51 per cent of the labour force has people living with the HIV/AIDS virus. You can see what effect it has on the labour force, and that will continue. So, let us all fight against this scourge. I am sure we will win the battle.

With those remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. Gumo): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. The President's Speech was one of the best delivered this year. I am always surprised when Members of the Opposition refuse to support anything that the President says and yet, a majority of them are the ones who have benefitted most during the President's tenure.

Eng. Toro: Are you sure?

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I am very sure about that because even if you look at the Civil Service at the moment, nearly 70 per cent of the civil servants come from the GEMA area. When they talk of corruption in the Civil Service, then it is them who are corrupt. If you look at the benefits and even Government projects that have been done for the last 20 years, most of the money has gone to Central Province, particularly. It is their duty to support the President more than anybody else in this country. I know that they have always wanted to get the President from their community, but unfortunately, I do not think they are going to get him because GEMA alone cannot make a President. They need others. But as long as they keep on saying that they want the number one and then the other people number two, there is no way. They must be prepared to support somebody else also. Let them be number two or three.

Mr. Temporary Deputy Speaker, Sir, we have heard people talk of deforestation. There is something called "Greenbelt Movement" which is led by Prof. Maathai. They have always hoped---

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

The Temporary Deputy Speaker (Mr. Poghio): What has he breached now?

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Do you think we are upholding the dignity of this House by allowing tribal discussions in this House?

The Temporary Deputy Speaker (Mr. Poghio): Order! Order, Dr. Ochuodho!

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, there is nothing tribal, particularly when, a few minutes ago, some of the Members were talking of the out-going President. He is not out-going because the constitutional review is coming and you never know what will come up. As far as I am concerned, President Moi is just in time. President Kenyatta took over and ruled for 15 years. So, President Moi is still strong and he can rule very comfortably for another 20 years. I am sure some of you would not like to hear that.

An hon. Member: You will be promoted!

The Assistant Minister, Office of the President (Mr. Gumo): I do not need that promotion. I think I am comfortable enough where I am now.

The Temporary Deputy Speaker (Mr. Poghio): Order, now!

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, we have talked about the economy of [The Assistant Minister, Office of the President] this country and this is the time when we need unity. Whenever a country is in problems, that is when everyone of us needs to come together and find ways of solving the problem. The problem we have in this country is that Members

of the Opposition are always going to donors' offices to discourage them from assisting Kenya. Then how do you expect our economy to recover? Most of the roads or any other project in this country have to be done through the assistance of donors and taxes. But if the donors are being discouraged by some of us, how do we expect the Government to manage most of the projects that are supposed to have been done? All along, most of the money that has been running these projects has been coming from the donors. But most of the Members of the Opposition are not patriotic enough, the way they should be. They keep on discouraging donors. Whenever they hear that World Bank officials are around, they go to their hotels and tell them not to listen to this Government and that they should not bring money. That is not the way to conduct our affairs. Even if you want to be the President, you must inherit a healthy Government. You do not have to inherit a dying one. So, let us all work together and make sure that we develop together. When elections are called, let any of you stand and if you want to be a President, you can go ahead and become one. In fact, the problem that we have been having in this House is mainly that of people wanting to be Presidents. I think next time, the people who want to be the President of this country should only stand for the presidency and not constituency, so that when they lose those seats, they go home to look after their cattle. They are the ones who are dividing people. Let them stand for presidency only and not constituency, so that we can have, at least, quality and not people who are getting 100 votes as presidential candidates.

Mr. Temporary Deputy Speaker, Sir, I would like to say something about what is on going in schools. I think there is something very wrong because I do not think anybody in his senses can do what was done in Machakos the other day. This is happening day after day. There must be something wrong somewhere. It is high time some of these principals went for seminars every now and then. In the past, we used to have seminars for headmasters and principals. They used to learn how to run institutions, but today, we do not have seminars. That is why we have problems between teachers and students. If we do not do that, I am sure we are going to have bigger problems every now and then. Very soon, we might have people burning our homes because the majority of our people live in grass-thatched houses.

Mr. Temporary Deputy Speaker, Sir, my Minister talked about HIV/AIDS. This is a big problem, and it is not only in certain areas. We used to think that it was only in areas which were bordering mainly Uganda and so on. But now, Kenya is worse than all the neighbouring countries. Wherever you go in my constituency, where we have slums in Kangemi, most of the young people that you would see walking around show signs of HIV/AIDS. You can tell who is suffering from the disease, but the drugs are extremely expensive. The Government, or the Minister for Health, should try and negotiate so that we can get these drugs at reduced prices. This is because the prices of these drugs are so high that any ordinary person cannot afford them. Today, if you go to Kenyatta National Hospital, some of the patients are even told to go back home and die. They cannot be admitted to the KNH because the number of patients is too big, and the beds are not enough. Even in the district hospitals, I do not know what we are going to do. Although the President declared HIV/AIDS a national disaster, it seems as if our people still do not know how serious this disease is. This is because some of them just say: "After all, who will not die in this country?" Another person was telling me that "the bull dies with the grass in its mouth."

(Laughter)

They do not bother whether they contract the disease or not. It is not a serious matter to them. So, we, as politicians, need to hold barazas and try to educate our people. Maybe, they will understand about the dangers of the disease, but most of the young men today do not bother at all. I do not know what we are going to do.

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

Dr. Omamo: Thank you, Mr. Temporary Deputy Speaker, Sir. I can remember that there is one area where we all agreed; that when you are a herdsman and a cow gives birth, you get all the credit. When a goat gives birth during the time you are the herdsboy, you get all the credit. Vice-versa, when you are the herdsboy or herdsman and one is lost, you get the blame. I would like to link that experience with the work of the President. His Excellency the President, as the Head of State, plays the role of the shepherd for the whole nation. To me, his Speech last week was good. The difference was that I asked many people who attended the opening Session about their views. I later went to the constituency and asked people what they thought of the Presidential Speech. As people's representative, I would like to report to the House that many of them were rather happy with what the President said. I would like to say this: In all honesty, that was not the first Presidential Speech I heard. I have heard **[Dr. Omamo]** many. I have also heard reactions to Presidential Speeches for many years, but the one for last week, for some reason, was much better received. I do not know how you explain it yourself.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, there are two areas which I would like to comment on because the gigantic work of leading this nation and its economy is a very big job. I think, as a national policy, we should help His Excellency the President to stress on certain areas, to encourage activities in certain areas which in your opinion or my opinion are rather slow. One area is what we are referring to as eradication of poverty or alleviation of poverty; whatever you do with poverty. I think we must focus on alleviating poverty more practically by having projects that are more focused in eradicating poverty, if it is going to be eradicated at all.

Mr. Temporary Deputy speaker, Sir, regarding that area, I think the Government must remember that our economy is still agricultural. Agriculture is still the backbone of the economy. But I would like to ask: For how long--

(Maj. Madoka stood up to withdraw from the Chamber)

I can see hon. Maj. Madoka is withdrawing from the Chamber when I want to mention something about his Ministry.

(Maj. Madoka sat down)

Thank you very much, Mr. Temporary Deputy Speaker, Sir. He has heard me and sat down. For how long are we going to persuade the Government to change its food policy, so as to have irrigated agriculture? How long is the Government going to take, before taking elaborate steps to have irrigated agriculture as a major policy? This is because it would make all the difference.

Regarding the old schemes, like the Bura Irrigation Scheme, which was a faulty design, when will these faulty designs be corrected? The Ahero Pilot Scheme was a faulty design; when will it be corrected? Regarding West Kano and Bunyala, when will all these be corrected? On more than one occasion, I have persuaded the Ministry of Agriculture, Livestock and Rural Development to look at hillocks and make sure that they are improved. God did sprinkle them along the lakeshore from Busia, across to Siaya, Bondo, Kisumu and Nyando, and to all these districts, down to the Tanzanian border. There are hillocks everywhere, and the lake is not far. Why not pump water from the lake to one of these hillocks and make it an irrigation unit so that you have irrigated agriculture along the lake shore? This is because the lake shore lies in the rain shadow. This should be done in order to get rid of this rain shadow. Why do we not make use of the hillocks? Why not? I hope that will be done. This is because if that is done, the lake shore area would write a totally different economic history. All the crops can be grown there. The grain and root crops will all be grown, using irrigation water from the lake; fresh water. What is the Government doing about this?

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

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

Mr. Temporary Deputy Speaker, Sir, the other area which I would like to persuade the Government to take care of concerns tribal clashes. We have heard enough about tribal clashes. Let us not allow tribal clashes to start again. Let us not allow ourselves to see them start again! As we are talking now, we have trouble along the Nandi/Nyando Districts border. The Minister should take action in this regard. We do not want tribal clashes to start again because of misunderstanding. We do not want the friendly Nandis and the friendly Luos to quarrel any more.

The Assistant Minister for Labour and Human Resource Development (Mr. Maizs): On a point order, Mr. Temporary Deputy Speaker, Sir. The hon. Member says they do not want clashes and yet his people beat a queen, and they were only human---

Dr. Omamo: Mr. Temporary Deputy Speaker, Sir, I do not know what the hon. Member is talking about! When people are beating each other, that is what I call clashes! The Government should take immediate action to put a stop to this thing.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the sugar problems in Western Kenya. We have had a lot of trouble with the sugar industry. Kenya can be self-sufficient in sugar production, but today, it is a net importer of sugar. The Government should do everything possible to save the sugar industry and the farmers from the terrible economic situation they have found themselves in. As we are talking today, all the sugar zones are short of sugar-cane. Something should be done. Hon. Mark Too, who is the Chairman of the Kenya Sugar Authority, is here and he should take note of that.

The Assistant Minister for Labour and Human Resource Development (Mr. Maizis): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Dr. Omamo: Mr. Temporary Deputy Speaker, Sir, I do not want any information. Can you imagine anyone wanting to tell me anything about sugar? I have all the information about sugar! Let the Kenya Sugar Authority, through the Sugar Development Fund, get money to the farmer so that the farmer can develop land to plant sugar-cane.

Let the loan be repaid after three crop seasons. I appeal to the Kenyan traders to save the sugar industry. Why should they import a lot of cheap sugar to flood the local market? The sugar traders in this country should be humane. They should not spoil the sugar industry.

With those remarks, I beg to support.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, I would like to congratulate His Excellency the President for this Speech, which had a lot of insight.

Mr. Temporary Deputy Speaker, Sir, this country belongs to all of us and no one should imagine that some tribes can go it alone when it comes to matters of leadership in this country. Kenya is a cosmopolitan country. We are just like a co-operative society and each one of us must play their roles effectively. I am saying that because we will only elect one President at a given time. We cannot afford to have two Presidents at the same time. Hon. Members should realise that Kenyans are looking up to this House to show them the way. We can only do that if we respect institutions like the Office of the President. Those aspiring to the Presidency would also like to be respected. How do hon. Members feel if the people who elected them in their constituencies do not respect them?

Mr. Temporary Deputy Speaker, Sir, I would like to speak on the issue of the pastoralists and livestock farmers in this country. The problems bedeviling the agricultural sector are more intense when it comes to the Department of Livestock. The pastoralists in this country are a forgotten group. I do not want to be mistaken that I am against the Government. What I am expressing are my personal opinions and those of many other pastoralists in this country. Since 1954/55, when Kenya Meat Commission(KMC) came into being, no other meat factory was ever built. Halal Meat Factory was about to be started in May, 1970, but it died before it was born.

Mr. Temporary Deputy Speaker, Sir, it is a fact that when things go wrong in the tea industry, the leaders from that part of the country will complain very loudly to the Government. There are so many factories that have come into existence since Independence. If things are not progressing well in the sugar sector, the leaders from the affected areas will complain bitterly. It is a pity that no one is trying to advocate for the revival of KMC in order to raise the standards of living of the livestock farmers.

Mr. Temporary Deputy Speaker, Sir, if we want to get rid of cattle rustling between the Pokots, Turkanas and Marakwets, the KMC should be revived and those people will not have time for cattle raids. Many livestock farmers would like to sell their cattle at certain times. But where are they going to sell them? It is unfortunate that the Ministry of Livestock Development is non-existent. We used to have the Livestock Marketing Division which used to provide holding grounds for livestock, but it is no longer there. This has led to the problem of land grabbing. Since there are no activities on these pieces of land, all the holding ground has been sub-divided to private developers.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Ministry of Agriculture to direct its attention to the Department of Livestock. I felt happy to learn that Kenya Co-operative Creameries is being revived. That is one way of improving livestock production in this country. Very soon, we shall start importing meat from outside because we are not taking care of the meat industry in this country. It is a shame for a country like ours to import meat from South Africa or other neighbouring countries when we can keep large numbers of animals.

Mr. Temporary Deputy Speaker, Sir, how can we eradicate poverty when we are not giving any incentives to the farmers? The incentives are like dams, as Dr. Omamo suggested, for irrigation and livestock development. They will not bother coming to the urban areas. Many people come to Nairobi because that is where they can get something to eat, either legally or illegally. When they steal, they get something to eat. They cannot steal in the reserve because there, they are known, whereas in Nairobi, you only need to move a few steps from your residence and nobody will know who you are.

Mr. Temporary Deputy Speaker, Sir, insecurity in this country must be addressed urgently. The Government should discuss this issue with wananchi openly and involve those who matter, to ensure security is restored in this country. We have a lot of problems in the Ministry of Tourism, Trade and Industry simply because of insecurity. The Minister for Tourism, Trade and Industry has been touring the whole world trying to portray Kenya as a safe tourist destination. Unfortunately, insecurity is our undoing. I would like to request the Minister concerned, who is a very experienced person as a retired Major, to go back to the drawing board and [**The Assistant Minister for Tourism, Trade and Industry**] improve the security of this country.

Mr. Temporary Deputy Speaker, Sir, I am glad Langata Road has been made a dual carriageway up to the area covering Kenya Wildlife Service. I do not know whether that was done with a hidden purpose. This dual carriageway should have been extended to Ngong and Ongata Rongai. We have always talked of constructing a dual carriageway along Mombasa Road. If we can afford to have a dual carriageway to the central part of Kenya, why not the coastal and eastern parts of Kenya? There is always congestion along the Outer Ring Road simply because a certain section of the City, for the haves, has been paid attention to, at the expense of the other areas of the have-nots.

Mr. Temporary Deputy Speaker, Sir, as I said, Kenya is like a co-operative society of very many tribes. It is also a co-operative society of many classes of people. We should take care of all those people.

With those few remarks, I beg to support.

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. As usual, the President said all the right things, but what is more important, and what Kenyans are looking forward to, is the implementation.

It serves no purpose saying all the right things and doing the opposite. One notices a dichotomy between the speeches and declarations of good intentions, and the action or the conduct of the Government. What we are interested in are the actions rather than just the language. For example, how does one reconcile the excising of over 10 per cent of our forests? Are these actions intended to promote economic development in this country? We talk about being an agricultural country and agriculture being the backbone of our country. Does one see actions on the part of this Government that truly promote agriculture in this country?

Mr. Temporary Deputy Speaker, Sir, in the case of forests, in this country, we used to have a balanced policy where landless people were permitted to cultivate in the forests, and one could cultivate as much land as one was able to, provided that the landless person also planted tree seedlings. In other words, the cultivation was only permitted where mature trees had been harvested. But in return for harvesting and growing the food, those squatters would be required to plant tree seedlings. So, they got food and the Forest Department got free labour in terms of tree planting or afforestation. This policy worked beautifully. Why do we now want to give titles to everybody? We have to accept that there will never come a time in this country when we shall be able to give land to each and every Kenyan. That, we must accept, is an objective we cannot achieve. So, why does this Government not revert to that policy, whereby, instead of excising forests and issuing title deeds, they allow the landless people to cultivate and plant their crops for two or three years the way it used to happen? These are the policies that one would like to see from this Government if they are interested in economic development.

Mr. Temporary Deputy Speaker, Sir, even in agriculture, we should hear from the President, implementation of policies that are well thought out. For example, when it comes to sugar, I am not saying we should not have the sugar factories; in fact, I think closing the sugar factories is a step in the wrong direction, but there are much more fundamental issues. Our sugar, over the years, has progressively become very expensive to produce. This is why it is not competitive any more. We should be told by this Government what policies they have put in place to encourage the use of high yielding sugar seeds like they are doing in other countries, in order to lower the cost of production and in turn, lower the cost of our sugar and make it more competitive. We also need to lower the cost of the milling. That you can repeat with about every crop.

When it comes to coffee, again over the years, our coffee is becoming very expensive to produce because of the cost of inputs; the chemicals, the fertilizers and the insecticides that are used. What policies does this Government have to lower the cost of production of our coffee, so that the take-home package of the farmer can be increased? These are the policies that we would have wanted to hear from the President. Why is it that it is only Europe and the international community that actually do research in order to manufacture chemicals and the fertilizer that we use for agriculture in this country? Why do we not hear from the Government, the steps they are implementing in order to encourage our scientists to come up with affordable chemicals to be used for farming? This will bring down the cost of production of our coffee and sugar. These are policies that are lacking. At the end of it, you pass a judgement that these are just platitudes and good words which are being said, and they are not matched by action.

When you go to the pastoralists, it is not just KMC. What policies is this Government saying it has in order to improve on the stock production of beef cattle? As we speak here today, our meat is not permitted in Europe. Why? Because the policy we used to have of vaccinating the animals, that is de-worming, has collapsed. It is no longer there. If we had an effective way of implementing the improvement of the beef stock in this country and adhering to international standards of veterinary requirements, this country would have been able to take advantage of the crisis in Europe with foot-and-mouth disease. However, these are the policies again, the details of which are missing from the Presidential Speech.

Where is he talking about the dams and how he is going to build abattoirs in these areas where beef cattle are reared?

Mr. Temporary Deputy Speaker, Sir, when we come to the issue of security, this issue touches not only the urban areas, but all over the country. Now, if you start from the border of Kenya and Uganda, coming down to Pokot, Turkana, Samburu, all the way down here, there is effectively no Government outside the urban centres. I had

occasion three weeks ago to visit Samburu and talk to the ordinary people there. These are people who you can see are ordinary humble country people, and they are not lying; they told me the truth. Their complaint is one as Samburus; that when Pokots go and steal their cattle and drive 2,000 head of cattle and the Samburu gather themselves in order to go and follow their animals, that is the time that the Government employs GSU to stop the Samburus from following the animals.

The Assistant Minister for Information, Transport and Communications (Mr. Lengees): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Muite, do you want to be informed?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, if it is a point of information, I will take it from the Member for the area. But if it is a point of order, no.

The Assistant Minister for Information, Transport and Communications (Mr. Lengees): Mr. Temporary Deputy Speaker, Sir, the Samburus and the Pokots are not fighting since they are brothers. Maybe, the hon. Member may tell us who are these people who informed him about that animosity between the two communities.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Lengees, Question Time is over.

Proceed, hon. Muite!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am saying that we should not take this issue of insecurity lightly or politicise it. I am saying that we need, in fact, a Parliamentary Committee to investigate what is going on in those areas. Why are Members of a particular community able to terrorise other communities? When you read Andrew Morton's autobiography, which was an official one and he spoke to members of the "kitchen cabinet", you find some very interesting passages there. As far back as 1982, during the attempted military coup, the debate that was going on in Nakuru was what options were available to the President. One option was to go out of the country and the other was to go to West Pokot and mount a counter-offensive from there. Why West Pokot? Why is there a community which is armed to the teeth and left alone to terrorise others? Are we seeing the beginnings of a preparation of a militia that will be used in the event of there being tribal warfare in this country? Is that what the Pokots are being prepared for?

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to impute that when a group of thugs go to terrorise---

The Temporary Deputy Speaker (Mr. Imanyara): We have already ran out of hon. Muite's time. So, your point of order is overruled.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to make a few comments on the Presidential Speech.

The President's Speech could not have come at any other time in the history of the Eighth Parliament. This speech was made fairly and concretely soberly and its visionary flare cannot be ignored by anybody. The circumstances under which this Speech was made should draw our attention to some of the salient events that are taking place in our country. Of primary importance to any Kenyan today is the Constitutional Review Process. I think the President, in his wisdom, considered that there cannot be any responsible, continuous, sober and peaceful transition without a constitutional review process in which all Kenyans take part. The President has welcomed, without any reservation, the process of a merger. I believe that all of us in this House are now agreed on this process. So far, there are those busy bodies all the time, who want to scuttle a good job for our country. There are those who want to go round saying that hon. Members of the Select Parliamentary Committee on the Constitution gave in too much to the merger. Some of them, even now, are being targeted for isolation because they pushed the process of the merger in a manner that was reasonable and prudent. Do you know some of those busy bodies lie around without doing so much? But behind the scenes, they cause much havoc and damage to a process that will benefit the country.

Mr. Temporary Deputy Speaker, Sir, we, as a Parliament, must now resist these manoeuvres from all these quarters and accept that a merger of the Constitutional Review Process is the way forward. We have heard voices who disagree with us and they are entitled to do so. We know that unless we have responsible critical voices in this country, all of us, at one time or the other, will go to slumber. Therefore, when the Bill comes for the purposes of the merger, we will look into it critically and make sure that the process is proceeded with, without due [Mr. Maundu]

delay. There is no way we will say that we are in politics in this country unless the future for all Kenyans is made clear. This is because we should not be only talking within the confines of this House and appear to understand each other, or even to understand the future, without Kenyans taking a role to know the future of their country.

Mr. Temporary Deputy Speaker, Sir, the problem with us in this House is self-preservation. I read in a book called the *Grain of Wheat* of one fellow called Mugo who was so scared of the Mau Mau movement that he had to go and buy his stuff just before it was too dark and then come back to his own small hut and sleep early enough. But when the "flowers" of Mau Mau opened up, they did not spare Mugo and finally he was hanged for

being too careful about his own life. We do not want to be too careful as hon. Members of Parliament, only to consider the fact that we should remain in this House because the benefits are better than they have ever been at any other time. We should be in this House to do our national duty, and when our time is up, we pack our boots and go home.

Mr. Temporary Deputy Speaker, Sir, in this regard, we want to test whether the President was serious in accepting a merger. That can only be seen if all of us, again, accept that principle and proceed with it until we find a roadblock somewhere and raise the alarm to say what was in the President speech is not all reconciliatory. We must do our bit and piece to prove him right. I think this is an area we need to look at.

Mr. Temporary Deputy Speaker, Sir, the other issue is that when we come to examine the Economic Bills, we must have a clear mind about them. We must not be twisted and manipulated by groups of pretenders who want to perpetuate themselves in power when their time has lapsed.

Mr. Temporary Deputy Speaker, Sir, the Economic Crimes Bill and the Code of Ethics Bill will help us to manage corruption which is a serious disease in our country. There are those people who have looted in this country, but again they happen to be within the leadership. We must discover how we want the way forward to be. The question of saying that so-and so must be isolated or hanged when we are in the Government is not the way forward. We must be a nation at this time now, which can forgive. We must be a nation that is prepared to chart a new path for a country. According to the Economic Crimes Bill, we must be able to provide for the Government, as well for this country the way forward in a clear and acceptable manner. But when corruption is turned around to encompass communities or even tribes, in that regard, we will not be able to stamp out corruption and we will not be able to fight it, and you will find much resistance and we cannot move forward.

Mr. Temporary Deputy Speaker, Sir, I must indicate here that I was a Member of the Select Committee that was appointed to probe corruption. I think, with all due respect, the warnings we were given by one of the professionals from Hong Kong, much as we took it very seriously, were not taken seriously because we ignored certain aspects of that particular advice. We should not take too much that we cannot chew. We did it, I admit and we were unable to chew. When we begin discussing these Bills on corruption, we must be able to accept that, we must come up with something which is prudent, practicable, and which can be implemented for the benefit of this country. We do not have to jump the gun; let us begin with process that we can implement by ourselves.

Mr. Temporary Deputy Speaker, Sir, in that regard, I would like the Economic Crimes Bill to be very specific. We have heard hon. Members of Parliament complaining about some sugar which is imported into this country from Zimbabwe. I was in Zimbabwe three weeks ago, and I went to where sugarcane is planted. I am surprised because no sugar can be imported from Zimbabwe to a country like Kenya. There is nothing! Where does it come from in Zimbabwe?

If you went to one of our sugar belts, you would see that no area in our country is of the size of what I saw in Zimbabwe. So, who is cheating who and telling us that there is sugar which is coming from Zimbabwe? Sugar must be coming from elsewhere over the high seas. The gurus who manage this particular mafia-like group know how to manipulate it. People in Nyanza and Western Provinces are going to cry for a long time, unless we enact serious legislation that will make it impracticable for the mafia-like gurus to import sugar or other commodities into the country to the detriment of Kenyans.

I think we must stand up and say enough is enough. I have never seen a time when we stood up and said; "Enough is enough". We are complaining about the importation of sugar into this country. Sugar in this country cannot be bought by the devil at night! It is bought by Kenyans or conspirators with certain Kenyans. We want to ask the Government, for the sake of Kenyans, that the Ministers responsible for this docket should from time to time assure Kenyans that they are not doing anything that would hurt us. We must be sympathetic to the plight of our people. The Government should be in the forefront making sure that such practices do not occur, and the ordinary people are not injured by irresponsible decisions made within a process which is not altogether transparent.

[Mr. Maundu]

Mr. Temporary Deputy Speaker, Sir, I want to say that as a Parliament, unless we are united as patriots and participate in those things that would benefit Kenyans, we are not going to succeed. We would be seen as an irrelevant eighth Parliament whose biggest achievement was to award itself huge salaries for doing no job at all. If we are going to justify our stay here, we must really be able to give Kenyans what they expect of us.

Mr. Temporary Deputy Speaker, Sir, I want to quote the words of one of our greatest leaders in Africa, Kwame Nkrumah, who said the following:

"Unless you are united; the glory which awaits Africa cannot come about until Africa is united. If you fail to unite, then a great nation will go to sleep altogether, and we as a country will be seen to be slumbering. Unless we unite on a common call and process to help our people, we are going to sleep as a nation altogether and nobody is going to be spared by that particular process."

Mr. Temporary Deputy Speaker, Sir, let us put our hands together; let the old nation called Kenya disappear and perish in its greed and be born again with new hope and promise. The words of the President were very prophetic. He was calm and clear in his mind, and he wants to test that wisdom so that Kenya may have a future.

I do not want to end this speech without also quoting another great politician and leader called William Tubman, who said:

"We must destroy all ideologies that tend to divide us. All of us must register a new era of justice, equality and equal opportunity for everyone from every part of our country regardless of creed, race and colour."

I also want to quote the words of retired President, J.J. Rawlings of Ghana. He said:

"Suspicion and distrust of those who do not always think identically with us will not help the revolution process. All those of goodwill must continue to create a just society."

Thank you, Mr. Temporary Deputy Speaker, Sir.

Eng. Toro: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to go through a few issues that were highlighted in the Presidential Speech. As many before me have said, the Speech touched on all the areas that we should address as Members of Parliament. Once we address these areas, the question is: Who will implement the directives of the President, because he cannot do it single-handedly? Parliament can pass very good laws, but what about the implementation stage?

On the issue of corruption, the President has always said that he is fighting corruption, but what is happening in the Government is the opposite. As Members of Parliament, we have raised these issues all the time. We have asked who will fight corruption because Members of Parliament are not the police or the intelligence officers. Where does the buck stop in fighting corruption? We get discouraged when we are told to enact laws and yet the existing laws are not being followed. We will be encouraged to enact even more laws when we see the existing laws being implemented.

Members of Parliament feel very insecure, even when they are in their constituencies. They visit police stations and discuss with the OCPDs about insecurity problems and the kangaroo courts that exist in all police stations where people are arrested and never charged. Innocent people are being arrested and released when they pay *kitu kidogo*. Once the criminals who are terrorising people in the rural areas are apprehended, they pay *kitu kidogo* and they are released. So, the vice continues. Insecurity has to be addressed seriously because it is not sparing anybody, whether in the Opposition or KANU zones. We should address that issue collectively.

I had the privilege of hosting the President in my constituency last Monday when he came for a public rally, and I raised a few issues. On that day, the President affirmed that the ban on allocation of plots he had imposed earlier on was still in force. Despite that Presidential directive, plots allocation was still going on in Kandara Town Council. Last week, after the President reaffirmed that the ban on plots allocation was still on, some people met and decided that what the President had said was nonsense. Last Thursday night, which was merely three days after the President directed that Government houses should not be allocated to individuals, a private developer went ahead and demolished House No. Kandara/LG/2A-B, which was being occupied by a lady called "Halima" and her 10 children. The private developer, who is popularly known as "Kamaliza", demolished that house at 3.00 p.m. with the full knowledge of the police and the Provincial Administration (PA).

Mr. Temporary Deputy Speaker, Sir, on that day, the said lady and her 10 children were thrown out in the cold, and her property was stolen. I understand that those who carried out the demolition exercise were armed with guns. The lady's

[Eng. Toro]

Kshs60,000 was stolen and her property loaded onto lorries and looted, but no action has been taken against those people. All this happened following the President's order that Government houses should be left alone. Now, who is going to enforce the law? I can see that the Deputy Leader of Government Business is here. I would like to appeal to him to ensure that the Government does something about this. The PA and the police cannot act contrary to Presidential directives.

The Minister for Vocational Training (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Member to make a very serious allegation on a matter he could very easily raise during Question Time or report to the police? The hon. Member could be maligning people who are not here to defend themselves.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, as a Member of the Cabinet, hon. Ruto can respond to the issues I am raising here. He only needs to make a telephone call to establish that what I am saying is the truth. Also, he should be reminded that I am entitled to speak on matters affecting the people I represent here. My people are being harassed as the Government watches.

Following that incident, the people of Kandara requested the President to dissolve Kandara Town Council,

which he did. I now hear that the councillors and other leaders have seen the Minister for Local Government, and that they have been assured that the President was dreaming when he said that he had dissolved Kandara Town Council.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, we are talking about the integrity of the President. Some people have said that the President was dreaming when he made his speech in Kandara, and nothing is being done about it. Those people who have been peddling rumours about the President having dreamt are still free, and nobody is asking them anything about the matter. If the President's directives can be ignored and such rumours spread about him, could we know the person who is in control in this country? Is it the President or the rumour mongers?

Hon. Members: The rumour mongers!

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, that is the fact of the matter. The people are very concerned that the President can be taken lightly. The President was serious when he made that announcement. So, I challenge those in the Government to protect the image of the President. We are talking about people who

have grabbed land in Kandara Town Council, and who are saying that they cannot let it go. Those people want to continue grabbing land, whether the President likes it or not. That is pathetic. When we talk about the economy of this country, the constituency that I represent is a coffee and tea growing area. We need to have policies from the Government to revive the coffee industry. Without the revival of what used to be the number one cash crop and number one foreign exchange earner in Kenya, we will talk about poverty forever and ever! Poverty alleviation programmes and seminars that are being held in the districts are completely useless! You are going to ask the people to tell you exactly what the Government knows! If coffee production has gone down by 80 per cent, do you need a seminar to be told that we need to revive the coffee industry? You do not! When water catchment areas have gone, and the Provincial Administration officials are there watching, do you need a seminar for the people living in the water catchment areas to say that, that is wrong? We need to be serious! When the President appeals to us to be serious, the Government should also be very serious.

The Assistant Minister for Energy (Eng. Manga): Thank you, Mr. Temporary Deputy Speaker, Sir. Let me take this opportunity to, first of all, say the following: On my behalf and that of the people that I represent, I send condolences to the families and parents of those young men who perished in the calamity that occurred in Machakos. Those incidents have become very common. I would like to cite one incident that I witnessed in my own constituency. One day, as I was presiding over a Harambee in aid of one mixed secondary school, somebody whispered to me and said: "Do you know that the girls in this school are in prison at night?" I could not understand that. He went on to explain that a watchman locks the door of their dormitory from outside, and stays there to make sure that the girls do not come out.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Manyara): Eng. Manga, you will have eight minutes in the afternoon to finish your contribution!

It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 28th March, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

FREE EDUCATION IN GOVERNMENT
PRIMARY SCHOOLS

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

THAT, taking into account that the Government is committed to, and guarantees free education in all its primary schools aware that the child education in Government schools is frequently disrupted by non-payment of charges unrelated to tuition fees; this House resolves that child education in Government primary schools will not be interrupted for reasons of any monies being demanded from the child, and that the payment of such monies will be the responsibility of the community of the school.

LEAVE TO INTRODUCE THE POST
OFFICE SAVINGS BANK (AMENDMENT) BILL

THAT, taking into account that commercial banks have been unable to expand banking operations to many towns in Kenya, and aware that the spread of banking operations is key to developing all parts of this country; this House do grant leave to introduce a Bill to amend the Kenya Post Office Savings Bank Act, Cap. 493(b), in order to allow the bank to be able to lend to a maximum of Kshs200,000.

LEAVE TO INTRODUCE THE NSSF
(AMENDMENT) BILL

THAT, in view of the fact that many Kenyans who are over 60 years old are

[Mr. Mbela]

to provide for a rational allocation of rural electrification funds to each constituency, having regard to national interests and economy.

unable to work due to unavailability of employment, old age, or sickness; this House do grant leave to introduce a Bill to amend the National Social Fund Act, Cap 258, in order to convert the Fund into a State Pension Fund where every working Kenyan shall contribute a percentage of his/her earnings in order to enable all senior citizens (60 years and above) get a token monthly life pension.

LEAVE TO INTRODUCE THE RESTRICTIVE
TRADE PRACTICES MONOPOLIES
AND PRICE CONTROL
(AMENDMENT) BILL

THAT, in view of the fact that Kenya is not a fully developed economy and that many vital industries are still monopolistic in nature; this House do grant leave to introduce a Bill to amend the Restrictive Trade Practices Monopolies and Price Control Act, Cap 504, to strengthen the Commission in order to ensure that it controls cement, oil, electricity or any other monopolistic industry by making it mandatory for the Commission to authorise any price increase in these industries after adequate consultations with all major key users and consumers.

LEAVE TO INTRODUCE THE ELECTRIC
POWER (AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled Electric Power (Amendment) Bill

LEAVE TO INTRODUCE THE PENSIONS
(AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Bill entitled The Pensions Amendment Bill to provide for payment of retirement benefits to public officers immediately on retirement and payment of death gratuity within a maximum period of not more than thirty days after the death of such officers.

LEAVE TO INTRODUCE THE PROMOTION OF NATIONAL UNITY AND RECONCILIATION BILL

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

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled The Promotion of National Unity and Reconciliation Bill, to establish a Truth and Reconciliation Commission to investigate the causes and effects of political and ethnic violence and the gross violation of human rights in Kenya since 1966 and to recommend just and permanent solutions that will promote and enhance peace, national unity and national reconciliation and to provide for matters connected therewith and incidental thereto.

IMPLEMENTATION OF YALA SWAMP RECLAMATION/DEVELOPMENT PROJECT

THAT, in view of the fact that Yala Swamp Reclamation and Development Project in Siaya, Bondo and Busia districts was initiated by the Government of Kenya to increase food production and that area one comprising 2,300 hectares had been reclaimed from the swamp and transformed into farmland and that the designs and plans for reclamation of the remaining 17,000 hectares had been approved by the Government for implementation; this House urges the Government to:-

- (a) repair the dykes and rehabilitate area one and end the re-flooding of this area;
- (b) implement the reclamation of the remaining part of the Yala Swamp and open the area for settlement by the indigenous people of Siaya, Bondo and Busia; and;
- (c) extend irrigated farming to the

adjacent location of Usonga, Alego, Yimbo, Sakwa, Bunyala and Samia in order to increase food production in the country.

KAMATI YA UBADILISHAJI WA SURU ZA SARAFU

Mr. Kathangu: Bw. Naibu Spika, ningependa kutoa Arifa ya Hoja ifuatayo:-

KWAMBA, ili kupunguza gharama kubwa inayotokea wakati tunapobadilisha sura za sarafu nchini aidha kwa sababu ya kusherehekea majira mbalimbali au kwa ajili ya kuwekwa picha ya Rais kwenye sura ya sarafu ili kubainisha tofauti ya uongozi; Bunge hili linapendekeza kwamba serikali ibuni kamati itakayohusika na maswala ya ubadilishaji wa sura za sarafu na kwamba kamati hiyo iwe na wanachama wafuatao:-

Waziri wa Fedha
Gavana wa Sheria
Mkuu wa Benki Kuu ya

Kenya

Wabunge watatu na
Mwenyekiti wa Soko la Hisa

Na kwamba, Mswada uwasilishwe Bungeni ili kuhalalisha kamati hiyo.

REVIEW OF CIVIL SERVANTS' SALARIES/ALLOWANCES

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

[Mr. Ojode]

THAT, in view of the escalating cost of living in the country, given the fact that most salaries of the police and civil servants have not been reviewed for a long time and taking into account the reform process which the entire Public Service has undergone over the last ten years; this House urges the Government to set up a Commission to inquire, review and recommend salaries, allowances and benefits that commensurate with the high cost of living for the police and civil servants.

ALLOCATION OF LAND TO THE LANDLESS

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

THAT, being aware that the Government had done a census for houses and people in Kenya in 1989 and 1999; acknowledging that thousands of Kenyan families are unemployed, poor and landless, this House urges the Government to:-

- (a) declare how many Kenyan adults and/or families are landless in all areas where land has been adjudicated and demarcated and prepare a list of such on location by location basis;
- (b) reserve all the remaining Agricultural Development Corporation (ADC) farms, net of research land, for sub-division and distribution among landless people; and
- (c) earmark all Nyayo Tea Zone lands, when the divestiture programme is implemented, for distribution to the landless or for re-forestation.

COMPENSATION SCHEME FOR VICTIMS OF VIOLENCE

THAT, being aware that the primary responsibility of every Government is to maintain law, order and security for all its citizens; cognisant of the fact that thousands of Kenyans have become victims of criminal violence and have either been killed or left seriously injured or handicapped for life, this House recommends that the Government sets up a compensation scheme for such victims where they cannot recover compensation from the perpetrators of the violence.

LEAVE TO INTRODUCE THE CONSTITUTION OF KENYA (AMENDMENT) BILL

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

THAT, this House do grant leave to introduce a Constitution of Kenya Amendment Bill to delete Section 5 Sub-section 3(c) and to amend section 5 Sub-section 5(a) to provide that every person seeking to be the President of this country, shall not seek to be elected as a Member of the National Assembly representing a constituency.

ADOPTION OF THE 1996/97 PAC REPORT

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

THAT, this House adopts the Report of the Public Accounts Committee on the Government of Kenya Accounts for the year ended 1996/97 laid on the Table of the House on 4th October, 2000.

QUESTIONS BY PRIVATE NOTICE

PURCHASE OF LAND ROVERS BY NHIF

Dr. Kituyi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Health the following Question by Private Notice:-

Under what circumstances did the National Hospital Insurance Fund purchase 83 Land Rovers for use by the Ministry in December, 2000?

The Minister for Public Health (Prof. Onger): Mr. Deputy Speaker, Sir, I beg to reply.

The National Hospital Insurance Fund initiated actions to purchase 83 ambulances in response to a detailed proposal from the Ministry of Health requesting for ambulances to cover each of the 68 district hospitals, seven provincial hospitals and eight mission hospitals. This is intended to improve district based ambulance services and the referral system for Government health facilities and mission hospitals.

Dr. Kituyi: Mr. Deputy Speaker, Sir, when we enacted the NHIF Act in 1998, upon insistence [**Dr. Kituyi**]

by the Government, we did create for the possibility that the Insurance Fund will go beyond the purposes of insurance provision for health when the need arises. This cannot, by any stretch of imagination, justify the massive capital expenditure of the Ministry of Health being off-loaded onto the Insurance Fund. I would have expected the hon. Minister to give us the reasons that made him to use the route of plundering the Insurance Fund for purposes of ambulances for the districts, instead of requisitioning that money from Parliament. Be that as it may, could the hon. Minister tell this House - since the "mysterious Kshs6.9 million" was used as an excuse to dislodge his colleague and my friend Dr. Anangwe; and since he has stated very clearly that he did not receive a cent of that kick-back - what investigations he has carried out in the matter of the existence of a Mafia which accounted for the Kshs6.9 million kick-back in the purchase of these ambulances?

Prof. Onger: Mr. Deputy Speaker, Sir, the issue of Kshs6.9 million kick-back is absolutely irrelevant and unconnected with the Question before the House. As regards the authority---

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. The Question I asked is about the circumstances surrounding the purchase of those Land Rovers. If the Head of Public Service said that in the process of purchasing those Land Rovers, Kshs6.9 million was misappropriated, how can that be an irrelevant question around the circumstances of the budget? Could you oblige the Minister to answer my Question?

Mr. Deputy Speaker: Yes, if Kshs6.9 million has been paid to an officer of the Ministry, then that is misappropriation!

Prof. Ogeri: Mr. Deputy Speaker, Sir, I am just dealing with the issue at hand. The Question by the hon. Member is very clear. It asks "under what circumstances" and I have said, there is a felt need for each and every one of our hospitals to be funded in one way or the other. In this case, to be funded by the issue of Land Rovers in the form of ambulances or the micro-buses to ferry patients from various catastrophies to the hospital delivery points. Secondly, there is a provision in the NHIF Act that they can invest the surplus funds in such needful services like the purchase of ambulances. That decision is not for the Government to make. It is a decision to be made by the Board of Directors. The Board of Directors met and a proposal was made to the Government. We then followed the procedures laid down in getting these ambulances, unless the hon. Member wants to say that Kimilili or Bungoma does not deserve that ambulance.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I do not know what logic the hon. Minister is using here. I have not doubted the need for ambulances. Why did the Ministry of Health, which sourced the requests, not come to Parliament to seek appropriations from the Exchequer as part of their budget for capital expenditure to buy Land Rovers and ambulances, instead of pilfering money from NHIF? Could he tell the House why he did not come here to request for that money?

Prof. Ogeri: Mr. Deputy Speaker, Sir, we requested for a budget line of Kshs12 billion but we were given only Kshs9 billion. The only way we could access funds which were available for that use under the appropriate Act was to get the NHIF to provide the ambulances.

Dr. Kulundu: Mr. Deputy Speaker, Sir, I now regret that we created this avenue for the NHIF to invest in things other than the welfare of the contributors. The Minister has said that the NHIF invested in the purchase of these ambulances. Could he tell us what yield he expects from that investment in ambulances?

Prof. Ogeri: One of the most expensive commodities, and Dr. Kulundu knows this, is to save lives.

Mr. Sambu: Mr. Deputy Speaker, Sir, could the Minister tell us what the unit cost per Land-Rover was and who the tenderers were? Could he also lay the tender figures and the tender companies on the table?

Prof. Ogeri: Mr. Deputy Speaker, Sir, the

following companies tendered:-

M/S D.T.Dobie and Company Limited
M/S Crater Automobiles Nairobi Limited
M/S Land-Rover Kenya/ CMC Motor Group
M/S General Motors Kenya Limited
M/S Associated Motors Limited
M/S Toyota Kenya Limited

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. The Minister has not completed answering my question. He should provide the figures for each of the company so that he can say which one won the tender.

Prof. Ogeri: Mr. Deputy Speaker, Sir, the micro-bus ambulances were tendered for at a price of Kshs2.278 million; the Land Rovers were tendered for Kshs3,672,680; the 63 ambulances were from D.T. Dobie and the balance of the Land Rovers were from CMC Motors Kenya Limited.

Mr. Michuki: Mr. Deputy Speaker, at one time, I brought a Question here, requiring the Government to declare the number of funds which have been established in this country. This is a fund which has been established specifically to benefit the contributors who put their money into these funds. This had nothing to do with the work of the Government.

Could the Minister tell this House what [**Mr. Michuki**]

the meaning of investment is, within the interpretation of the Fund, from which he has taken money? The reason why I am asking these questions is because the funds have been misused. This is one instance of how these funds can be misused.

Prof. Ogeri: Mr. Deputy Speaker, Sir, in the NHIF Act, Section 34(b), it states clearly how the Board can adjudicate and use these funds "in the procurement and acquisition of essential medical equipment for provision to hospitals on such terms and conditions that the Board may from time to time prescribe." Indeed ambulances do contribute directly to the welfare of the contributors.

Mr. Kombo: Mr. Deputy Speaker, Sir, I do not think the Minister has dealt with the issues raised by both hon. Dr. Kulundu and hon. Michuki. Capital investment is the responsibility of the Government. The Fund is a members' Fund. Was this a loan to the Government or a loan to the respective hospitals? If the Fund is investing on behalf of the members then they expect that the money will be paid back to the Fund. Under what terms did the Fund enter into with the Government in order to do the job which the Government should be doing? If the Government has failed, then it should give way and allow the Fund to do the job. This is how NSSF was destroyed!

Prof. Ogeri: Mr. Deputy Speaker, Sir, unless the hon. Member is not familiar with the Act, those are some of the functions of NHIF.

Section 34(1)(A) reads as follows:-

- "(a) In such investments in a public bank, being an investment in which trust funds or part thereof are authorised by law to be invested
- (b) In investment in hospitals."

Therefore, this investment falls under that category

Mr. Deputy Speaker: Order, Mr. Minister! What the hon. Members are saying is that purchase of capital goods will affect the Fund. Did the Fund give the Government this money as a grant, a loan or what? Strictly speaking, if the Ministry wants to invest in motor vehicles or any other type of equipment, that kind of request should come here. Was this a grant to the Ministry or was it a loan?

(Applause)

Prof. Ogeri: Mr. Deputy Speaker, Sir, this was an investment because the public hospitals and the mission hospitals have offered free service to all the clients who may have been contributors to NHIF.

Mr. Kariuki: Mr. Deputy Speaker, Sir, could the Minister explain whether this "window" of expenditure will be used to access further funds for purposes of buying laboratory equipment, X-ray machines, beds and beddings, for the purposes of supplementing the hospitals which are lacking in a big way? If that is the case, how long will the Ministry continue accessing these funds?

Prof. Ogeri: Mr. Deputy Speaker, Sir, as long as there is a provision in the Act that allows the Board to offer such services, we will accept when they come to us.

Mr. Michuki: On a point of order, Mr. Deputy speaker, Sir. Is it in order for the Minister for Health to mislead this House by confusing investment with expenditure? Expenditure need not be an investment and investment yields returns! You may say health is returns but the funds do not belong to the Government! Is it not the case that he is confusing this House? What is essentially an expenditure wrongly acquired from a Fund is an investment that has no tangible yields in terms of the meaning of the word investment!

Prof. Ogeri: Mr. Deputy Speaker, Sir, I sympathise with hon. Michuki. He must make a difference between an economic investment and a social investment. Hospitals and ambulances happen to be social investment.

(Applause)

Mr. Ndicho: Mr. Deputy Speaker, Sir, ever since the issue of the 63 Land Rovers and ambulances came in, we have not seen a single Land Rover or any other of those vehicles in the districts. Could the Minister tell us the condition of those vehicles now? Are they being fitted with the ambulance kits or are they in the process of being taken to the districts or are they still with the manufacturers? Where are those ambulances right now?

Prof. Ogeri: Mr. Deputy Speaker, Sir, 63

ambulances are now ready for distribution from D.T. Dobie and 15 from the CMC. The rest of the vehicles will be ready in three weeks' time. That will be in mid-April.

Mr. Anyona: Mr. Deputy Speaker, Sir, it may well be necessary for Parliament and the Minister for Public Health or the Government to have another look at the law. This is because if this Parliament enacted a law which says: "The Fund can invest in hospitals" and we do not define what that means, then clearly we all have a responsibility to state what we mean. I do not think we can now, at this stage, begin to claim that we mean this or that when that is not clear in the law.

However, be that as it may, clearly the question of ambulances in this country is a serious crisis and it would be very good news that hospitals can get ambulances. I hope that the Minister will [**Mr. Anyona**] ensure that these ambulances are available as soon as possible.

Now, there is this element which has cropped into this project that the hon. Dr. Kituyi referred to---

Mr. Deputy Speaker: Hon. Anyona, ask your question!

Mr. Anyona: Yes, I am asking my question, Mr. Deputy Speaker, Sir. Apparently, there has been some misconduct and this Parliament cannot turn a blind eye to this, particularly when it has come on the Floor of the House and particularly as it also---

Mr. Deputy Speaker: Order, hon. Anyona! Ask your question!

Mr. Anyona: Yes, Mr. Deputy Speaker, Sir. I was also saying that particularly as it also refers and relates to an hon. Member of this House. Could the Government give an undertaking that investigations will be made into these allegations and a report made before this House as to what happened?

Prof. Ogeri: Mr. Deputy Speaker, Sir, I do not see how the Government comes into that kind of a situation because when the tenders were floated and the tender bids brought in, they were analysed in accordance with the procedures of Government. These vehicles were inspected by the Ministry of Roads and Public Works (Mechanical Department) for safety and idealness to be provided for and I have that report. We sought the Treasury's concurrence on the use and purchase of these vehicles. I have that on record and, therefore, as far as the procedures were concerned, they were followed to detail. Now, what might have happened in the companies there is none of the Government's business.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. There is some scandal relating to this procurement and we cannot separate the two: We are trying to fight corruption. All we are saying is that the Government has a responsibility to assure this Parliament that there was no corruption and that if there

was, action would be taken. We cannot brush it away!

Prof. Ogeri: Mr. Deputy Speaker, Sir, this corruption being mentioned has not involved the Ministry of Health.

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

Dr. Kulundu: Let us hear from the horse's mouth!

Mr. Deputy Speaker: Yes, hon. Dr. Anangwe!

(Applause)

Dr. Anangwe: Mr. Deputy Speaker, Sir, I stand under Standing Order No.73(4) which states:-

"No Member shall impute improper motive to any other Member except upon a specific substantive Motion calling in question the conduct of that Member".

Be that as it may, I have heard hon. Dr. Kituyi allude to and mention my name and I can also hear hon. Anyona beating about the bush without hitting the nail on the head. This means hon. Members are anxious to know what transpired and what was my exact role in this matter.

Mr. Deputy Speaker, Sir, let me begin by---

(Laughter)

Mr. Deputy Speaker: Order! This is Question Time and if the hon. Member wishes to make a Personal Statement, he does not do it under Standing Order No.73(4). So, let us follow our rules. If hon. Dr. Anangwe wishes to make a Personal Statement, he does not do it during Question Time.

Hon. Members: But he has a point of information to make!

Mr. Deputy Speaker: So, Mr. Minister, please proceed and answer the question! Hon. Dr. Anangwe can use Standing Order No.69 at the end of Question Time.

Proceed, hon. Dr. Kituyi!

Dr. Kituyi: Mr. Deputy Speaker, Sir, the hon. Minister for Public Health is telling us that if there is some scandalous and corrupt exercise involving the officers who were purchasing these ambulances in the name of this Ministry and it happens at the company, it is none of the business of his Ministry. The last time he took that attitude was when he was the Minister for Local Government and look at what happened. It is the responsibility of that Minister to look into that form of corruption. First and foremost, he has refused to answer the most important question: What right does he have, as the custodian of the NHIF, transfer money from the Fund which belongs to contributors and he calls it "available resources"? They are not available for capital expenditure by the Ministry. What right did he have to use it in purchasing capital equipment for his Ministry? He has refused to answer that question.

Mr. Deputy Speaker: You see there is no difference between you and him when you are

"tingisharing" the KANU sign!

(Laughter)

Dr. Kituyi: Thank you very much, Mr. Deputy Speaker, Sir. I beseech the Chair, if this is what it takes for him to answer the question, to ask the hon. Minister. The problem we have is to entrust contributors' funds to a Minister who has primary responsibilities for a service Ministry. He is stretching the definition of "investment". Could he **[Dr. Kituyi]**

tell this House how he can justify contributors' money, for example, being used to purchase eight Land Rovers for mission hospitals? How can that be an investment for a contributors' Fund? Is he not abusing the trusteeship of a contributor's fund? Could he answer that if he can understand it?

Prof. Ogeri: Mr. Deputy Speaker, Sir, hon. Dr. Kituyi is quite at liberty to bring an amendment to an existing Act and he should be very well versed with this Act. I have already quoted it Section 34(1)(b) where it states:-

"The Fund can invest their money in the procurement and acquisition of essential medical equipment for provision to hospitals".

That is point number one. Two, I take a dire exception on a reference to the Ministry of Local Government because he has no business doing so. Therefore, if he has any substantive information, he should lay it on this Table.

Mr. Deputy Speaker: Order! Mr. Minister, it pays for you to restrict yourself to the question asked. If you do so, then you will not raise many more issues. So, I think we have dealt at length with this Question, but because the House has shown concern, I think this is a legitimate matter that should be referred to the Health Committee for further investigation.

(Applause)

Next Question. Mr. Munyao!

PURCHASE OF MAIZE IN UKAMBANI

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

(a) Is the Minister aware that there are huge amounts of maize and beans in Ukambani?

(b) Could the Minister make urgent arrangements for the National Cereals and Produce Board to buy the maize and beans rather than allowing private dealers who are buying the food very cheaply?

The Assistant Minister for Agriculture, Livestock and Rural Development: (Mr.

Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Mr. Deputy Speaker, Sir, due to the surplus harvest of maize and beans, the National Cereals and Produce Board (NCPB) has made elaborate contingency plans to purchase as much of the maize and beans crop as would be availed by farmers and traders. The crop will be targeted towards replenishing stocks in the region to serve both commercial and Government of Kenya famine relief requirements or programmes.

Mr. Muniyao: Mr. Deputy Speaker, Sir, the Assistant Minister, whom I respect very much, knows Ukambani very well. This Government is committed to eradicating poverty in this country. Poverty is prevalent in Ukambani region. It is for this reason that we are asking the Ministry, instead of letting private dealers to buy cereals at very cheap prices of Kshs400 or Kshs600 per bag of maize in Ukambani region, to move in and purchase these cereals at market prices. Four months ago, we were buying a bag of maize at Kshs1,500 and a bag of beans at Kshs3,000 respectively.

Could the Assistant Minister allow the NCPB to buy these cereals at the market price? When will the NCPB buy these crops at that price?

Mr. Sumbeiywo: Mr. Deputy Speaker, as far as agriculture is concerned, hon. Muniyao knows very well that I know Ukambani region as much as he does. In early March 2001, when the crop was reported to have been ready for harvest in the region, the NCPB organised to purchase upto 200,000 bags of maize and 40,000 bags of beans respectively, if delivered by farmers. The NCPB has secured adequate funds for the purchase of cereals in that region and other regions in the country.

Mr. Mboko: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House how much money the NCPB has allocated for the purchase of the said cereals from Ukambani? By last week, the NCPB depots in Kibwezi, Wote, Emali, Masaku and Konza had not been allocated any money for the purchase of the said cereals.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, to date, 4,131 bags of beans have been purchased and it is expected that this will increase, especially after the NCPB's recent review of the current price of Kshs2,300 per bag of 90 kilogrammes of beans. The decision was made on 23rd, March, 2001. If the NCPB is not on the ground purchasing cereals, they must be on the way. The constant review of the prices serves, not only to offer a competitive price to the farmers, but also to be in keeping with the market trends.

With regard to maize, to date, some 2,125 bags have been purchased at a price of Kshs1,200 per bag of 90 kilogrammes. The NCPB established these prices in a scenario where traders were paying to farmers prices even lower than Kshs800 per bag of 90 kilogrammes. It is expected that the intake will increase, especially when districts such as Makueni, Machakos and Kitui harvest their

grains. It is understood that the crop in these districts I have mentioned is still in the process of maturing and will be in the market in early April. The NCPB, therefore, has made adequate preparations to receive as much of the harvested crop as possible.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant to avoid answering a question? He has specifically been asked to state how much money has been allocated for the purchase of the cereals in the area. He has not answered that question. Could the Chair order the Assistant Minister to give a specific answer to the question?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, it is my responsibility to give the figures. I said earlier on, that the Ministry estimates to purchase 200,000 bags of maize and 40,000 bags of beans at the prices of Kshs1,200 and Kshs2,300 respectively. We have enough money to purchase the said cereals. I do not want to mislead the House, because I have not calculated the whole amount. But the Ministry has enough money to purchase all the maize and beans that will be delivered to the Board. I would like to appeal to my colleagues to encourage farmers to deliver their maize and beans to the NCPB as soon as they are ready instead of selling their crop to "suitcase" businessmen who operate as a cartel and who are out to fleece farmers. Therefore, I am appealing to hon. Members and other leaders to encourage farmers to sell their cereals to the NCPB.

Mr. Mboko: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading this House. In 1988, in this House---

Mr. Deputy Speaker: Order! Mr. Mboko, that cannot possibly be a point of order. If you want to stand to ask a question, do so. It does not become a point of order just because you have prefaced it with; "is he in order"!

Mr. Sumbeiywo, have you finished?

Mr. Sumbeiywo: Yes, Mr. Deputy Speaker, Sir.

Mr. Katuku: Mr. Speaker, Sir, the situation on the ground is very serious and the Assistant Minister seems to be talking of the four NCPB depots in the whole area of Ukambani. For example, in Machakos District, there are only two depots; one in Machakos Town and the other one is in Matuu. I do not expect a farmer who is down in my constituency to carry a bag of 90 kilogrammes from Machakos Town and deliver it to the NCPB depot. In view of the circumstances on the ground, and the fact that farmers are now being exploited by selling a 90 kilogrammes bag of maize at Kshs700, could the Ministry consider opening at least three temporary depots in each constituency?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, in considering opening up three buying stations as proposed by the hon. Member, the Board has been

instructed to use its mobile trucks to collect the few bags from the small-scale farmers from trading centres. It should be realised here that because of liberalisation, the Ministry is doing its best. I would like to assure the farmers in Ukambani that there were very few buying centres. These were Nairobi, Machakos, Kibwezi, Makueni, Kitui, Mwingi, Meru and Maua depots at the end February, but we have added more buying centres in areas where the quantity of maize and beans is larger.

Mr. Deputy Speaker: Mr. Assistant Minister, hon. Katuku asked you about creating three additional collection centres or stores in the constituencies in Machakos and Makueni Districts. Will you do that or do you have them already? Please answer his question.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, we only have one buying centre in every district, but the Ministry is now working out a programme where we will establish, at least, three additional buying centres for buying the grains whenever there is the right quantity of grains in those areas.

Mr. Mwenda: Mr. Deputy Speaker, Sir, what we hear about more often in Ukambani is pleas for relief food. This time, we are hearing pleas from Ukambani leaders calling for their food to be bought. This is something very strange and we thank God for that. Can the Assistant Minister assure this House that, instead of allowing the middlemen to buy these maize and beans at very cheap prices, the NCPB will move there tomorrow or the day after and purchase these grains?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I said that the NCPB moved to the ground on 23rd March. So, the officers are already there and the stores are already open. Although they are few at the moment, I want to assure the House that the number of the buying centres will be increased accordingly.

Col. Kiluta: Mr. Deputy Speaker, Sir, I know that what I am about to say will sound strange.

Mr. Deputy Speaker: Order! Ask your question!

Col. Kiluta: Mr. Deputy Speaker, Sir, I would like to first correct the impression created by hon. Questioner that the whole of Ukambani is experiencing a bumper harvest. Some parts of Ukambani never got a seed, for example Masinga Constituency and Mwingi District. Is the Assistant Minister aware that there are areas of Ukambani which never got any harvest? These areas are experiencing a total crop failure. What plans does he have for those areas that have experienced a total crop failure?

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, in my answer to part "b" of the Question, I said that we will aim at replenishing stocks in the region to serve both commercial and the Government of Kenya famine relief requirements. The Government is aware that Masinga Constituency, where Col. Kiluta comes from, did not have a bumper harvest.

Mr. Munyao: Mr. Deputy Speaker, Sir, I want to compliment the Assistant Minister for his [Mr. Munyao]

serious trial. He has tried very much to satisfy this House on this Question. Apart from the fact that I come from Ukambani, I am in the Departmental Committee on Agriculture and, therefore, I know a lot about this field. The Assistant Minister has talked about plans. He has even said that NCPB's officers moved to the ground on 23rd March. I came from there yesterday morning and saw no officer in these areas. Could the Assistant Minister implement these plans, so that immediately the NCPB officers can be seen buying these grains? The NCPB has said that the only Kshs2 billion that it had, has been taken away by the office of the President. Could the Assistant Minister confirm that the NCPB has money? The NCPB has said that it had about Kshs2 billion for that project, and that the money has been taken by the Office of the President.

Mr. Sumbeiywo: Mr. Deputy Speaker, Sir, I am happy that hon. Munyao is also an hon. Member of the Committee that is responsible for the contribution of famine relief food. I would like to assure the House that officers were sent to the ground. If they have not arrived there, we will make sure that by tomorrow they will be there. I would also want to ask hon. Members to request farmers not to be sluggish in delivering their crop. Whenever their crop has matured, they should deliver it to the buying centres. I said earlier on that the market has been liberalised for the time being. It has been agreed that the market should be liberalised. I would like to assure the House that there will be a bit of competition on the ground, but my Ministry will make sure that the NCPB has enough money. The Kshs2 billion is a lot of money and it cannot be spent in Ukambani only. It will have to be spent around the whole country to purchase grains from other districts for the purpose of equal distribution of food to other areas. These districts include areas which did not have a bumper harvest like Ukambani; an example of such areas is Lari Constituency, where my friend comes from.

TEACHERS SHORTAGE IN MODOGASHE/DADAB SCHOOLS

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

(a) Is the Minister aware that there is a serious shortage of teachers in Modogashe and Dadab secondary schools?

(b) What urgent measures is the Government taking to rectify the situation?

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

(a) I am aware that there is a shortage of teachers all over the country to the tune of 4,400 teachers for secondary schools and 6,400 teachers for primary

schools.

(b) To rectify the situation, the Teachers Service Commission (TSC) has made an urgent request to employ 4,400 teachers for secondary schools and 6,400 teachers for primary schools. This will include teachers for Modogashe and Dadab schools. The TSC has made the proposal to the Treasury and I have given it my full support. Over the last three weeks, my Ministry officials, the TSC and Treasury officials have held several meetings trying to identify available funds so that we can employ these urgently needed teachers. I can promise the hon. Member that Modogashe and Dadab secondary schools will be provided with teachers if negotiations for funding are completed successfully within the month of April.

Mr. Shidiye: Mr. Deputy Speaker, Sir, these are the only two secondary schools in my constituency. One school has only two teachers and the other one has five teachers. Those schools are about to be closed down because parents are about to withdraw their children from them. Now that the Assistant Minister knows that there is shortage of teachers in these schools, could he tell us the number of teachers he will post there? He has answered my Question in a general way, but I want him to specifically state the number of teachers he will post to these schools. Otherwise, there will be a closure of schools, whose performance has been deteriorating ever since. No student from my constituency has ever joined university because of lack of teachers.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, Modogashe is a single-stream school with 151 students. According to the curriculum-based establishment, it is supposed to have nine teachers, but has eight teachers. It is lacking one teacher for Arabic language. Dadab School is also a single-stream school with Forms One and Two, and has 45 students. It is supposed to have five teachers, but has three teachers. It is lacking teachers in the following combination: History/Kiswahili, English/Geography and Arabic Language.

Mr. Shidiye: On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister is misleading this House. I have the facts on what is happening on the ground because Modogashe Secondary School is in my constituency---

Mr. Deputy Speaker: Order! Why do you not wait and make it a question?

Dr. Wamukoya: Then let me proceed!

Mr. Deputy Speaker: Yes, proceed!

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I think I had given the figures for Modogashe Secondary School and I was giving figures for [Dr. Wamukoya] Dadab Secondary School, which has single streams of 41 students in Forms One and Two. The school is supposed to have five teachers, but it has only three teachers. So, it requires to have two more teachers. I had stated the combinations that these teachers should have.

Thank you.

Mr. Shidiye: Mr. Deputy Speaker, Sir, first and foremost, the information the Assistant Minister has is very wrong. This is because Modogashe Secondary School is in my constituency and I have been there. We have only five teachers, but the Assistant Minister is saying that there are eight. We had more than 70 students who enrolled for Form Four examinations last year and there are more than 300 students in that school.

Mr. Deputy Speaker, Sir, for Dadab Secondary School, we have Forms One, Two and Three. So, the figures that the Assistant Minister is giving this House are all misleading. Could the Assistant Minister come up with a better answer since, I think, he is not giving us an adequate answer because he is telling us that he has enough teachers on the ground and yet there are not enough teachers?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the most important thing here is that there is a shortage of teachers countrywide and all hon. Members in this House know that their areas have a shortage of teachers. This matter has been recognised by my Ministry and we are now working together with the Treasury to see how we can employ 10,000 teachers. When this will be done, Modogashe and Dadab secondary schools will get their full share of the teachers.

Mr. Kihara: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that recently there had been much talk about an even distribution and transfer of teachers, but that exercise had been ignored by teachers? Indeed, even those who were posted elsewhere have never reported to their new stations, especially in Naivasha, which is my constituency.

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I would like to inform the House that we do not have excess teachers to transfer around the country. In July, 2000, when an audit exercise was carried out, the information we got was that we had 8,000 excess teachers. By November, the same year, there were just 5,000 excess teachers. Now, they must be fewer than that. The numbers are dwindling because of natural attrition, retirement, deaths and so on. So, there are no teachers now who can be transferred to other places. However, when we will employ the 10,000 teachers, we will distribute them accordingly.

Mr. M.M. Galgalo: Mr. Deputy Speaker, Sir, despite the fact that in the 1962 KANU Manifesto, it was specifically indicated that the pastoral communities, like the people of Modogashe, were going to be given priority in Education--- Even today, 40 years after Independence, we are unable to get enough teachers in the few schools that are in our area. Could the Assistant Minister tell this House whether this is a definite plan by the KANU Government to underdevelop the North Eastern area because up to now we cannot get enough teachers and yet the Government of KANU has overtrained teachers in this country?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the KANU Manifesto still stands because the people from pastoral communities get favoured when Form One intake is carried out because they also get admitted to secondary schools with lower marks and they also get favoured when they go to the university. So, we are giving better opportunities to people who come from pastoral areas to get education. As far as the issue of shortage of teachers is concerned, all areas are affected.

Mr. Shaaban: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister aware that, children in North Eastern Province perform poorly because of the reasons the hon. Member has given? It is due to lack of enough teachers and especially in science subjects! Is he aware that, that is why students are performing poorly but not because there are no enough teachers?

Mr. Deputy Speaker: Order! Order, hon. Shaaban! You are arguing! You are neither asking a question nor raising a point of order. So, please, learn the difference.

Last question, hon. Sambu!

Mr. Sambu: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the failure by the Teachers Service Commission (TSC) to pay teachers their hardship allowances in areas where they deserve, is one of the reasons why teachers refused to go to certain areas? What steps will he take to force the TSC to remunerate and give teachers fair treatment when they are transferred to hardship areas?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, in the designated hardship areas the teachers are getting their hardship allowances. I know that there are some areas which refused to be designated as hardship areas; like Kitui District, and the teachers there are getting normal salaries like other teachers, but hardship allowance is being paid in designated areas.

Mr. Deputy Speaker: Next Question, hon. Karisa Maitha!

ALLOCATION OF MAJORENI DISPENSARY LAND

Mr. Maitha: Mr. Deputy Speaker, Sir, although I have not received the written answer, [Mr. Maitha] beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that a private developer was allocated land belonging to Majoreni Dispensary in Pongwe/Kidimu in Kwale District?

(b) Is he also aware that the same developer borrowed money from Kenya Commercial Bank and since he is now unable to pay the money, auctioneers have moved in to sell the said land?

(c) What urgent measures is the Minister taking to save the residents from losing this piece of land?

Mr. Deputy Speaker: Is there anybody here from the Ministry of Lands and Settlement?

An hon. Member: There is nobody, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, hon. Maitha!

Mr. Maitha: Mr. Speaker, Sir, this is a very serious matter because the auctioneers are going to sell this Health Centre tomorrow, if this matter is not attended to! What do I do?

Mr. Deputy Speaker: You should go to court and stop the auctioneers from selling it!

Mr. Maitha: No, I have brought this matter to Parliament!

Mr. Deputy Speaker: Hon. Maitha, if the property is being auctioned tomorrow, and the Minister for Lands and Settlement is not here, surely, the best I can do for you is to get this Question answered tomorrow, by which time it will serve no use for your purposes. The Question is deferred to tomorrow afternoon.

(Question deferred)

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. In view of the seriousness of this matter, could you ask anybody from the Government to give an undertaking so that the Health Centre is not sold?

Mr. Deputy Speaker: From where?

Mr. Ndicho: From the Government itself! Tunataka Serikali iseme kwamba, hakuna kitu kama hicho. Na hii ni Serikali ya Nyayo!

Mr. Deputy Speaker: I suppose the person who is selling this Health Centre relies on the Government. Will somebody draw the attention of this matter to the Minister concerned?

Mr. Ndicho: Maj. Madoka should do that!

Mr. Deputy Speaker: Anyway, we will make sure Maj. Madoka conveys this to the Minister for Lands and Settlement. So, we shall proceed now! Next Order!

BILLS

First Readings

THE KENYA WATER INSTITUTE BILL

The Minister for Water Development (Mr. arap Ng'eny): Mr. Deputy Speaker, Sir, I beg to move that the Kenya Water Institute Bill be referred to the relevant Departmental Committee in accordance with Standing Order No.101(1).

THE COPYRIGHT BILL

The Minister for Public Health (Prof. Ongeru): Mr. Deputy Speaker, Sir, I beg to move that the Copyright Bill be referred to the relevant Departmental

Committee in accordance with Standing Order No.101(1).

THE KENYA NATIONAL COMMISSION
ON HUMAN RIGHTS BILL

The Minister for Public Health (Prof. Onger):
Mr. Deputy Speaker, Sir, I beg to move that the Kenya National Commission on Human Rights Bill be referred to the relevant Departmental Committee in accordance with Standing Order No.101 (1).

*(Orders for First Readings read -
Read the First Time -
Ordered to be read the Second Time tomorrow)*

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not know whether these Motions which are moved by Ministers are prepared by the officers of the House or their own officers. In all three cases the wrong Standing Order has been quoted. It should be 101 A. Technically, what has just happened has no effect.

Mr. Deputy Speaker: Order! In fact, hon. Anyona is right. If you read Standing Order No.101, it says: "Every Bill shall be read a First Time without Motion made or question put." Standing Order No.101A states: "A Bill having been read a First Time shall upon a Motion by the designated Minister stand committed to the relevant Departmental Committee without question put." The intention is quite clear and the Chair rules that those Motions have been moved as per Standing Order No.101 A.

*(The Bills were referred to the
relevant Departmental Committees
of the House)*

I also want to take this opportunity to congratulate our sister Dr. Sally Kosgei for being appointed the Head of Civil Service. I believe she will manage that position. I think the President should also be congratulated for appointing this lady. The Presidential Speech was very comprehensive. It contained all the issues that affect us. Although many people have diluted it, even the Leader of the Official Opposition congratulated the President on this Speech. Some people have said that the President normally gives his Speech but there is no action taken on what he says. We do not expect the President to actually implement what he says. This should be done by the relevant people who are placed there. If the organs that fight corruption, like the police and all these people cannot do this, you cannot blame it on the President. The President has the goodwill. I do not expect somebody to say that this President is just talking and nothing is happening. We should direct our attention at those people who are supposed to be carrying out those duties and make sure that they are doing them.

This duty should not be left to the Government only, the public should also be involved. You can stand there and say: "You are doing this wrongly and the order is this!" You should be able to shout about these things. In his Speech, the President mentioned the constitutional review process which is going on. I was happy to hear the President say that he is for the merger. This merger will help unify the whole process. Sometime back, when we were discussing the merger deal half of the Members in the House walked out and went to form their group. God has been very good; he has talked to these people and they are coming back. We are happy that they have also understood. I also want to congratulate hon. Raila's team that has also been accommodative. This is a give-and-take process. We are now back on track and this is a great thing. We should congratulate the President for accepting that fact and giving this matter his approval.

The President also called upon the Opposition and the ruling party to unite for the good of the nation so that we become nationalists and not just people thinking about their parties. When it comes to the issue of getting people together and working for the good of the nation, we should all forget about being partisan. I was surprised this

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS
THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 20th March, 2001.

(The Vice-President on 21.03.2001)

*(Resumption of debate interrupted on 28.03.2001
Morning Sitting)*

Mr. Deputy Speaker: Mr. Manga, you have eight minutes.

The Assistant Minister for Energy (Eng. Manga): Thank you, Mr. Deputy Speaker, Sir. This morning before the House adjourned, I was saying that our public schools' dormitories are very dangerous. I gave an example of a school in my constituency where the girls are normally locked in the dormitory from outside by the watchman when they are sleeping and he goes away. These children cannot go outside even for a short call. It is very dangerous. This has become a tradition in many of these schools. Individual headmasters should take responsibility for this. They should make sure that the conditions in the dormitories are not similar to those in prisons. They install burglar proof gadgets and all the security measures in place and when there is a fire there is no way of escaping. That is what I wanted to say as I send condolences.

morning to hear a statement from an hon. Member who said that the President can stop being a President when he is carrying out a KANU function. The President remains President for 24 hours until he leaves that office. You cannot expect him to say that he will not travel with a motorcade because he is going to a KANU meeting. That is childish!

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

Mr. Deputy Speaker: Eng. Manga, would you like to be informed by Mr. Anyona?

The Assistant Minister for Energy (Eng. Manga): He may inform me, Mr. Deputy Speaker, Sir.

Mr. Anyona: Mr. Deputy Speaker, Sir, I was in the library when this event took place. I was really surprised, because I have never seen it happen before. But I am now pleasantly informed that even the President himself was surprised by what happened. He did not expect it, because that was not the normal protocol. So, I think that is the correct position, and we should not confuse it here.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. While referring to sentiments made by another hon. Member during his contribution to the Motion on the Presidential Address this morning, hon. Manga said that all that, that other hon. Member said about the President was childish. Is the word "childish" parliamentary?

Mr. Deputy Speaker: Very well!

The Assistant Minister for Energy (Eng. Manga): Mr. Deputy Speaker, Sir, I only commented on what was said. But I must also say that, that mentality was childish. I think the hon. Member just wanted to take my time. What I wanted to say is that [**The Assistant Minister for Energy**] it is not proper to say that the President should stop being the President when he attends KANU functions. That should not be the case. I believe that the hon. Member knows that.

[Mr. Deputy Speaker left the Chair]

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

Mr. Mutahi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the usage of the word "childish" in reference to views expressed here by another hon. Member parliamentary?

The Temporary Deputy Speaker (Mr. Imanyara): No, it is not!

Mr. Mutahi: Could the hon. Member withdraw that word then, Mr. Temporary Deputy Speaker, Sir?

The Assistant Minister for Energy (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, I did not say that the hon. Member was childish. I said that, that particular statement was childish.

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. That statement was not made by anybody else other than the hon. Member. The hon. Member has used half of his contribution time praising the President. Will the Chair allow that level of psychophancy to continue in the House?

The Temporary Deputy Speaker (Mr. Imanyara): That is not a point of order, Mr. Kiunjuri.

The Assistant Minister for Energy (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, we have a problem if some people can hate others to the extent of not wanting to hear their names mentioned. If that is the case, I am very sorry about it.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Your time is up, Eng. Manga.

The Assistant Minister for Energy (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, I beg to support.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise to reluctantly support the Motion the reason being that we are used to listening to Presidential Addresses that spell out what we want to hear, but which are totally unmatched by actions.

Mr. Temorary Deputy Speaker, Sir, in his Address, the President was expounding on Government policies. But the question is whether those in Government are going to implement those policies. Much as the hon. Member who spoke before me would want to claim that it is for everybody to help implement Government policies, which I have no quarrel with, the buck stops with the President. If his policies are not implemented by his Government, we shall always talk about the President and his Government.

Hon. Members on the Government side must be more tolerant of criticism. They should try hard to match their words with actions, so as to avoid criticism. Otherwise, it is pointless for them to spend their time hurling insults at this side whenever the Government is criticised. They should be tolerant and listen to criticism, so as to improve their performance, and should know that the buck stops with the President and not even with the Government.

Mr. Temporary Deputy Speaker, Sir, the Presidential Address touched on reduction of poverty and poverty levels in this country. Is he and his Government serious about reducing poverty in this country? This country's economy depends largely on agriculture. A glance at what the Government is doing in the agricultural sector tells us you that the President's sentiments were mere words, and that there is no serious intention of alleviating poverty in this country or of reversing the negative trend in the agricultural sector. If there were such intentions, why would the

Government, for close to a decade, sit on the STABEX funds, which were meant for helping the coffee and tea farmers?

(Applause)

Mr. Temporary Deputy Speaker, Sir, if there was seriousness in the President's sentiments, there would be no debate on which sector should get the STABEX funds. The agreement between the European Union (EU) and the Kenya Government, which is based on the Lome Convention, is very specific. It deals with only two crops, namely, coffee and tea. The tea industry having not been affected, the STABEX money in Kenya is only for the development of the coffee industry. Why do we then hear Government Ministers talk about other sectors? Why do we have debate regarding the areas this money should be spent on? Is this not an attempt by the Government to cause confusion amongst Kenyans? Does the Government not hope that farmers in other sectors will start fighting coffee farmers over this money?

Let us be honest in what we do. Kenyans must be told that the agreement, which is in black and white, and which we happened to lay our eyes on during the consultations initiated for the coffee sector by the Agriculture Minister, is specific that the STABEX funds are meant for the development of the tea and coffee sectors. Kenyans should know that those funds cannot be used for the development of wildlife or any other sector. The funds are specifically meant for the stabilisation of the exports of those two crops, and I would like to repeat that since the tea industry is unaffected, the funds must **[Ms. Karua]** be used for the development of the coffee sector. Why are those funds still being withheld? How are we going to alleviate poverty if we are not ready to disburse this money to the farmers? That is why I said I am supporting this Motion reluctantly.

Mr. Temporary Deputy Speaker, Sir, let thanks be given to the Presidential Address, because they are due to that Office. But let us know that these are empty words unless those in the Government demonstrate seriousness and commitment in what they are doing.

The agricultural sector does not comprise of only coffee and tea. Look at what is happening to the dairy industry? Is it fair for farmers to be asked to buy what belongs to them? What is this "KCC 2000"? Where has it come from to acquire assets which already belonged to the farmers? A farmers' general meeting cannot be held in an atmosphere that is not conducive for the farmers to give their own views. Such a meeting cannot be presided over by a Head of State. Resolutions cannot be bulldozed. If we hope to revive the agricultural sector, and alleviate poverty, we must let the farmers discuss matters freely. As we sit here, an illegal take-over of the KCC assets has been planned by this very Government, which hopes to alleviate poverty. Let us be serious, show commitment and let our actions match what we say.

Mr. Temporary Deputy Speaker, Sir, we have to look around and see what is happening in the sugar industry. Two sugar companies are now going under, and there is shock by this Government over a third sugar factory that is being built. Are we going to concentrate on building another factory, which will also go under, or should we concentrate in bailing out the two factories that are already in a serious crisis? Why is the Government allowing the importation of subsidised sugar from other countries, which is contributing to the collapse of the sugar sector? If the Government is serious about alleviating poverty, it must direct all the available resources for the agricultural sector to bailing out the on-going agricultural concerns.

Mr. Temporary Deputy Speaker, Sir, the misery in the agricultural sector is big. One could talk of the collapse of the cashewnuts industry at the coast, and the cotton industry countrywide as well as the cereals sector. The list is endless. We do not want policies that gather dust on the shelves. We want action. This House can do its bit by passing resolutions that will stop the Government from doing things that hurt the nation. I have in mind the on-going titanium saga at the coast.

Why do we have to hurry and give our mining rights to a foreign company? Why can a Committee of this House not investigate the issue and make sure that it is environmental friendly, and it would benefit Kenyans? What is the hurry for? Is there an interested member of the Government who has shares in the Tiomin Mining Company? That is my suspicion. I think we are not serious. We cannot alleviate poverty when we are making our people destitute. We need to look into those questions. I will say again that the buck stops with the President. It does not do to give us a beautiful Speech. He should match it with actions.

Mr. Temporary Deputy Speaker, Sir, on the livestock sector, what is happening to the Kenya Meat Commission (KMC)? When there was drought, we could have bought the animals and saved the livestock farmers from the loss that they incurred. They would now be having some money to revamp the livestock sector. There has been talk of reviving the KMC, but it has not been matched with action. How are we going to alleviate poverty, when we are letting our livestock farmers to wallow in poverty because of the drought?

Mr. Temporary Deputy Speaker, in the Presidential Speech, there was talk about the power sector. We all know that it is not drought that caused a serious power crisis. There was lack of proper management of the power sector. How can we hope to improve when we have the same inefficient managers, or continue to keep those who made us suffer setbacks in that sector? My view is that the Speech does not show commitment. It is meant for the shelves and the Government appears totally unprepared to take any serious action. I will once again say: Let reason prevail. Members on the Government side must not see their role as shooting up to hurl verbal invective at the Opposition side, when we criticise the Government. Let their argument be full of reason. They should meet our criticism with reasonableness. Name-calling will not help. Maybe, what will help is a take-over of the Government, which we will do in due course.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the President referred to what he called the "benefits" of globalisation. It is a pity that the Speech did not dwell on the very negative effects of globalisation. That brings me to the point that, our Government is too quick to sign international agreements, without reading in-between the lines. Globalisation is being pushed forward by the World Trade Organisation, and very many agreements have been signed, including those that relate to the intellectual property rights. All those agreements favour the industrialised countries, and not countries like Kenya. I do not know of one positive thing about globalisation. It ensures a new world order, where the poor countries will remain poor forever, and the industrialised world will continue to exploit us, like [Ms. Karua] they have done since time immemorial. We do not dictate the prices of our products.

With those few remarks---

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to support the Speech by His Excellency the President. I think that it will go a long way to revamp the economy of this country. I think it is important for us to help the Government to turn around the economy.

Mr. Temporary Deputy Speaker, Sir, in front of me here, is the HANSARD in which hon. ole Ntutu has mentioned me directly by name, and said that my company and I are corrupt and that, we have not paid about Kshs100 million to the Narok County Council. I consider that very malicious and totally untrue. I want to say here and now that, my company or myself do not owe a cent to the Narok County Council. I think the hon. Member knows that the courts of this country are open. He can go along and lodge a case in court to claim whatever he thinks my company owes them!

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate because, for the three and half years that the hon. Member has been here, yesterday was the first time that he stood up on his feet! I thought that he will spend that short limited time to speak about his constituency, and not about me and my company for things that he does not know, and that do not exist at all! I heard a comment by one hon. Member that he does not know him! It is true that they would not know him because he has never stood up on his feet to represent anybody, except that he came to abuse me!

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to start discussing another hon. Member without bringing a substantive Motion?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I am replying to what he said! I have got the right! The hon. Member mentioned me directly by name, and insinuated corrupt and fraudulent things against me! I think I have a complete and democratic right to reply. I would have thought so, but the truth of the matter is that, I have kept quiet about some of those things for a long time. I have been abused by some of those people - him and his compatriots - in the newspapers and everywhere! I have always found no reason to respond. I thought that it was not worth my while! But when people stand on the Floor of this House and attack me for things that do not exist, I have got a right to reply.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I do not want any information! I do not want his information because I am even questioning his capability on so many things! Let me say that the hon. Member who said that I am corrupt, is involved in a catalogue of rent and financial scandals. I have got the Parliamentary Anti-Corruption Committee Report here, and on page 113, RVP 37, it reads:

" Mr. ole Ntutu, his family and clerical officer, the DC, Narok Mr. John Kiminyi, have misappropriated funds including gate collections at the Masai Mara Game Reserve. The figure is about Kshs501 million."

I have the Report here and I can say that even the DC has become "DC wa maisha" in Narok District!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Narok North in order to use the Kombo Report in this House, which was thrown out of the window?

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, this is a matter of reference. I think, for me and Members of this House, this Report will be in the archives of this land. It will be in the history of this country, whatever the matter!

The most important thing is that the hon. Member himself has got a problem with the group ranches right now! The County Council and the Kenya Wildlife Service (KWS) paid group ranches over Kshs100 million this year. No cent was given to the group ranches to pay for the bursaries for school children or anything else! I think that is the big question. There is also the question of the Lodge which is owned by the Ojororua Ranches. The lease is paid by the Mara Safari Club. He knows where over Kshs200 million went! He has not paid that money to the members! I think he will answer for some of those things!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. ole Ntutu, it is hon. ole Ntimama's time that you are taking! He wants to make a point!

The Minister of State, Office of the President (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I hope you will protect me! I think the question of not knowing the Standing Orders has brought the problem! I know the sponsors of the malicious attacks against me. I know where the money is coming from. I know who the pushers are. I know who are behind all those things. I want to say one thing on the Floor of **[The Minister of State, Office of the President]**

this House. They have fired the first shot! We will wage war here on the Floor of this House and outside!

Some of the people are also vulnerable, and they have to be careful. They should know that they are living in glass houses, and we are going to expose them. In democracy, there is somebody called the "whistle blower." There are whistles being blown around here condemning those people--- The hon. Member's compatriots have grounded the Government Printer. They have eaten it all and finished it. Even some of the institutions that they are supposed to look after are being looted every day. There is no way we are going to leave these people. If they do not stop maligning us, we are going to expose them in a big way - both here and among our people. I know what has brought out all this problem. I complained the other day that the Mau Forest is being destroyed, and these are the very same people who are destroying the forest. These are the same people who are doing illegal logging there.

The biggest problem now is that, I have got an area in my constituency called (Pil Polton)? They want to grab it! Yet, I am here, and I am still fit, and I have got my own people. We will not allow an inch of (Pil Polton)? to be grabbed, whoever the people are! I am going to say---

(Applause)

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Yes, Mr. ole Ntutu!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to talk about Mau Forest and he was the one in 1957, who allocated forests to the Colonial Government?

The Minister of State, Office of the President (Mr. ole Ntimama): He does not even know the history of that land. The Colonial Government is gone, and the forests belong to us. I mean, he does not even know anything. He is trying to insinuate scandals, but he cannot harm me with anything.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. ole Ntimama! Address the Chair!

The Minister of State, Office of the President (Mr. ole Ntimama): Pole, Mr. Temporary Deputy Speaker, Sir. The other thing is that these are the people who are involved in the grabbing of the Mau Forest. Right now, you have read in the newspapers about people in Narok complaining that they are also poised to grab Mara Game Reserve. This is the problem because I said - and I am going to continue saying - it does not matter where it happens. We must not destroy the forests where the Mara River is coming from. This is because we are endangering the Mara River and the life of all the wild animals living there. We are also endangering tourism. I have to continue saying so, and I know that it hurts them.

But let me repeat again that, the other day, there was a statement in the *People Daily* newspaper where I

complained about the Mau Narok-Narok-Nakuru Road which, for the last 30 years, has been in the planning, but it has never been repaired. I said that it was discrimination and neglect of the Maasai. I said the wheat, barley, potatoes and cabbages are rotting on that road. I had made a passionate appeal to the Minister for Roads and Public Works so that this road is repaired. Only eight kilometres of that road have been repaired. What did they want me to say? Did they want me to go and hide in my little manyatta and keep quite and say: "Oh yes!"

I entirely agree with the hon. Member who has just talked. How do we eliminate poverty when people cannot take their produce to the market? They cannot take their potatoes and barley to the market and get the money to buy food for their children and pay school fees. How do we eradicate poverty? That road must be repaired if poverty is to be eradicated in Narok District. Definitely, if that is not done, it is not going to augur well for all of us.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Dr. Kulundu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. I wish to start my contribution by commenting on something that was said this morning by hon. Murungi. It would appear to me that we have set a bad tradition in this House, by the way we go about opening our Parliament. It is traditional for us to have various religious leaders coming to say prayers for hon. Members during the State Opening of Parliament. But are we not also in danger of breaching our own rules by allowing the use of strange languages in this House? I am referring to the preacher who traditionally prays last. He speaks in a language that only a few of us are comfortable with. In fact, during the State Opening of Parliament last Tuesday, it was only Mzee ole Ntimama who seemed to understand what that preacher was telling God on our behalf and about us. The Vice-President---

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Kulundu, do you want to be informed?

Dr. Kulundu: No, Mr. Temporary Deputy Speaker, Sir. He also seemed to be lost when that old man was saying his prayers.

The Minister of State, Office of the President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to refer to the Maasai language as a strange language when, in fact, it is one of the Kenyan languages and the prayers are addressed to God? So, God is the other person who understands it.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, any language other than Kiswahili and English is a strange language in this House. That old man kept on saying: "*Olololu, Huu Moi! Olololu, Huu Moi!*"

(Laughter)

We are wondering---

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Dr. Kulundu: Politely rejected, Mr. Temporary Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really right to denounce the prayers that the old man was making, knowing very clearly that this is the only religion that has not come out from the Middle East? It is local.

An hon. Member: What about the *Mungiki* sect!

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, *Mungiki* sect is a local religion. *Dini ya Musambwa* is a local religion, and I do not see why this Government continues giving a lot of prominence to that particular religion.

The Temporary Deputy Speaker (Mr. Imanyara): It is not the Government; it is the Speaker.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, so next time, we would like to ask that old man to pray for us in Kiswahili or English.

Coming to the Presidential Speech, I must say that I found it a lot less inspiring than last year's Speech. Why? This is because I found it to be wanting in terms of exposition of public policy. The President gave a Speech that contained almost the same promises that last year's Speech contained. Here, I am referring to, for example, the Industrial Properties Bill. The Bill is of such momentous importance to this country that, we keep on wondering why this Government is dragging its feet in introducing it to this House. There are so many people out there who are suffering from HIV/AIDS, and I wish to thank hon. Members of Parliament who have talked about the inability of Kenyans to access anti-HIV/AIDS drugs. That is the only Bill that will unlock the gate towards our people getting the HIV/AIDS drugs.

Mr. Temporary Deputy Speaker, Sir, the President also talked about The Traffic (Amendment) Bill last

year, and he is still talking about it this year. He talked about the Children's Bill last year; wonder of wonders, he has also talked about the Sugar Bill and I hope, with all sincerity, that this Sugar Bill will be tabled in this House so that the woes that plague sugar-cane farmers in Western Kenya can be solved once and for all.

Mr. Temporary Deputy Speaker, Sir, the President lamented about drought. We all know that drought caused shortage of water and electricity occasioning severe rationing and loss of jobs. But he did not tell us a single lesson that this Government learnt from that drought. It would appear that the only lesson that this Government learnt from last year's drought was that Kenya no longer needs forests. This Government needs to be taken to school to be taught about the link between rainfall and the existence of forests. The President craves for degazettement and excision of forests for alleged settlement of the landless in this country. It is a topic that is totally incomprehensible to the right-thinking members of the Kenyan society. The President failed to tell us whether his Government still intends to go on with the degazettement of nearly 200,000 acres of forest land. What about irrigation? Has this Government learnt that we have huge fresh water masses in this country in the form of Lake Victoria and Lake Naivasha that could be used to irrigate the northern part of this country and thereby contribute significantly to the availability of food for our people? The President should have talked about the plans that the Government has put in place to ensure that those semi-arid and arid areas of Kenya have got access to irrigation. Only this afternoon, we were treated to a good spectacle; I thought that for the first time, because of the flash of rains we had the other day, Ukambani now has surplus food. That shows that with a bit of thinking and planning, this country could be self-sufficient in food and even be a net food exporter.

He also touched on the question of the Constitution reform. It is gratifying to note that the two initiatives have merged. Let there be no chest-thumping because there was no winner or loser in this merger. But one thing that I want to talk about on the constitutional review is the question of reviewing constituency boundaries. Constituencies in this country have never been clearly defined, to the extent that as we sit here, there are Members who came to this Parliament, courtesy of 2,000 votes plus, whereas some Members came here, courtesy of nearly 40,000 votes. Obviously, there is something [Dr. Kulundu]

wrong with the way we have drawn our boundaries. If we have any lesson to learn from history, it is that in the last two elections, the combined Opposition parties got close to 67 per cent of the Kenyan vote and KANU has consistently got 33 per cent. But then, wonder of wonders, the 67 per cent of Kenyan voters could not yield more seats than the KANU side. There is an anomaly there that must be addressed. I think constituencies must be based on the size of the population. We all talk about development, and when we talk about development, we are talking about people. We do not talk about tracts of land, rivers, mountains and so on; we talk about people. As far as possible, population should be the criterion in constituency boundaries.

Mrs. Kittony: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to send my condolences and also, condolences of members of my organization, to the bereaved people of Ukambani for losing very many innocent students. Secondly, I would like to sympathise with the women and children of Marakwet for the massacre they were subjected to two weeks ago.

Mr. Temporary Deputy Speaker, Sir, while supporting the President's Speech, I would like to commend hon. Members for the way we carried ourselves in this august House, for the first time. Several times I have wondered how wananchi can call us honourable Members if we cannot respect ourselves. I commend Members for respecting the State Opening of Parliament last week.

I also want to commend the Speech because it was uniting. It is time we all turned around and developed this country unitedly. I am saying this because there are a number of things that are happening and we do not seem to take them seriously. In most cases, when we are in difficult situations, women are the sufferers. I would like to commend the Speech and also to commend His Excellency the President for placing women in key positions. I would like to thank him for the appointment of Dr. Sally Kosgey, who has made history in this country as the first woman Permanent Secretary, Head of Public Service and Secretary to the Cabinet. Also, you realise now that we have four other women Permanent Secretaries, one of them was given to us only today; so, we, as Kenyan women, are very delighted for these appointments. I want to say that these appointments were merited. We did not get them on a silver plate. Today, we have a new one in the investment sector. We are very happy for these appointments because to get a woman on the Investments Committee, we would have to go a long way. We are calling for support, so that we can reap the fruits of our sweat.

Mr. Temporary Deputy Speaker, Sir, while thanking His Excellency the President---

*(Dr. Godana and Mr. ole Ntimama
consulted loudly)*

Mr. Kiunjuri: On a point of order, Mr. Temporary Speaker, Sir. Is it in order for Dr. Godana and hon. ole

Ntimama to make loud consultations to an extent that they are disturbing the operations of the House?

The Temporary Deputy Speaker (Mr. Imanyara): I was about to caution them. Dr. Godana, consult in low tones, please.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): We will not have such loud consultations again!

(Laughter)

Mrs. Kittony: Mr. Temporary Deputy Speaker, Sir, while hailing these appointments and calling for hard work, I believe these appointees deserved it because of hard work. That is why I am calling for a united Kenya, so that we can develop Kenya to eradicate poverty. When we talk of poverty, women are more affected. So, it is only unfortunate that we will keep on waiting for the World Bank and IMF to eradicate poverty. I want to say that this is not going to be possible. I am calling on the Minister for Agriculture to give us projects, particularly for women. At the moment, it is planting season in most parts of this country. It is time that the Ministry subsidized the prices of fertilizer and seeds so that women can afford them. If women are given these inputs, they will eradicate poverty in their homes because a woman is the pillar and backbone of the development of our country. I would like to urge the Ministry to take this issue very seriously rather than wait for the donor community, the World Bank or the "big brother". We know very well that while we ask to be given funds, there are other people who go out there and tell them not to give us the funds. When you talk so ill of your country, you should not think that they like you. So, we should support ourselves and eradicate the poverty that is creeping into our country. Therefore, I call upon every Kenyan to know that it is not possible to wait for somebody else to eradicate the poverty in his or her home; it is entirely upon us. This is a challenge to us as Kenyans. The Ministry should give us subsidies, especially to the womenfolk.

Mr. Temporary Deputy Speaker, Sir, on the issue of security, I would like to say that there have been so many problems in this country. I have talked about the Marakwet and the school that just got burnt down. All of us should be vigilant on our security. When it comes to building of our towns [**Mrs. Kittony**] and schools, I blame the Physical Planning Department. This department should be called, as a matter of urgency, to look at the plans. We cannot afford to continue losing lives of our young population because of our own mistakes or greediness. If the Department of Physical Planning took their job seriously, to check and make sure that the buildings that are put up are secure, we would not have lost so many lives in Ukambani this week.

If you saw on television the building that was burnt down, you would have noticed that you could not go through the windows. Maybe, rats could pass through those windows, but not human beings. I would like to urge the Ministry that is concerned with the planning of our towns, schools and homes to take their job very seriously in order to save our lives.

In terms of security, it is very disturbing to find a family or a village being "swept away" and you do not see the person who killed those people. I would like to say that it is upon every Kenyan to be very vigilant and know what is happening around him or her. Even the police should be concerned with human life because incidents of police shooting innocent people have increased in this country. Therefore, we would like that to stop immediately and urge the police to be responsible when looking after the lives of innocent Kenyans.

I am very concerned about education of young girls. I would like to commend the Ministry of Education, Science and Technology for saying that girls can go back to school even if they have been made pregnant. This is a development that will ensure that everybody gets a chance to exercise her democratic ideals. So, the Ministry of Education, Science and Technology should be commended for saying that.

I am also very concerned about the examination results that were cancelled in some schools. I would like to say that there are some students who have committed suicide because they have realised that their future is not there any more. So, I call upon the Ministry of Education, Science and Technology to look at the issues of national examinations, if they want a bright future for our children in this country.

Mr. Temporary Deputy Speaker, Sir, as I support the President's Speech, I would like to say that united we stand, divided we fall. The leaders of this country should vouch on that unity as we received it on the President's Speech.

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

(Applause)

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, first, I would like to start by thanking the President for indicating during the opening of Parliament, that he is now ready to retire. He is now adhering to the call of the

Kenyan masses that he should retire honourably; go home and see how Kenya will be governed by other leaders. It was a good gesture in that what is worrying all Kenyans today is what will happen, come the year 2002. I would like to say that Kenyans are aware now of what will happen. It is now eminent that the President will not contest for the presidential seat, come the year 2002, which was very good of him. I wish he would continue addressing other functions and public rallies and assure Kenyans of the same.

I would like to point out a few things that the Presidential Address did not touch on. I would like to say that the issue of insecurity did not come out clearly in his Speech. It is clear that each and every person in Kenya is now insecure. I would like to inform the House that one has no security even at his or her house. A good example is Laikipia East, where there has been no peace since January. I would like to say that people have been killed in this constituency, our women cannot sleep and our children cannot go to school. In fact, everyday, from 7.00 a.m. to 7.00 p.m., gunfire is heard all over the constituency and there is nothing that can be done about it. I would like to inform this House that we have police officers in that area, but they have not curbed insecurity. When I called upon the Government to allow us to recruit homeguards, it did not agree. It is very unfortunate that this Government is discriminating against my people. I would like to say that we have more than 20 tribes living in Laikipia. The people in all our surrounding areas have been given guns and homeguards have been recruited, but my people cannot be recruited as homeguards, and that is why we continue to be killed. I would like to say that two weeks ago, we buried Mr. Joel Guyo from Ndeiga as a result of insecurity in the region, and nobody is addressing it.

If you look at the slow growth of the economy in this country, you will realise that we should, first of all, address the factors that have contributed to this. Due to the destructive nature of this Government, they have not moved out straightaway to address the issues and know where the problems lie. Look at our national resources; the destruction of our forests. In fact, it should be noted that in mid-1980s, the President came out clearly and campaigned for conservation of our forests, prevention of soil erosion and many trees were planted. What surprised Kenyans is that while the President was addressing this issue, his lieutenants were on the ground trying to plant as many trees as possible while his generals were in the forests harvesting as much as they could. I would like to [Mr. Kiunjuri] say that for every 10,000 seedlings that were planted, 20,000 trees were harvested. I believe that the campaign the President spearheaded was not for real conservation, but for the destruction of this country. From that time we started having problems. The problems of lack of enough water in our rivers and electricity cannot be addressed unless we come together and discuss the issues that affect our natural resources, especially forests.

Mr. Temporary Deputy Speaker, Sir, we have been talking about the IMF because at any given time, this Government has accepted to be a beggar; all the time, it would like to beg. They do not come up with policies on how we can work and have money for the survival of this nation. The only way out for this country is for the President to give a leeway for his successors and, obviously, we have very good seven contenders for the seat, our Minister for Foreign Affairs and International Co-operation being one of them. These people are very capable. They can go and negotiate with donors. Since the President is now leaving this seat in two years' time, he should leave the negotiations to the other people, who will handle this country for the next five years.

Mr. Temporary Deputy Speaker, Sir, last year retrenchment occurred. Our people were retrenched. Very intelligent, hard-working and dedicated Kenyans, who selflessly worked for this nation, were retrenched. All that they were given in terms of their retrenchment benefits was only Kshs40,000. There is no pension. The Kshs200,000 that they were promised is nowhere to be seen. Their wives are now suffering. Their children cannot go to school. They cannot meet their medical expenses and they are languishing in poverty while this Government is comfortably seated here talking about poverty eradication. I fail to understand how you can eradicate poverty when you are subjecting fellow Kenyans to poverty. Today, they cannot even operate any business. In fact, Kshs40,000 is not even enough to operate a hawking business on the streets. It cannot happen. It is high time that this Government addressed serious issues and one of them that is facing us right now is about the tens of thousands of retrenchees, and yet they have not been given anything. They have nothing! After working for that long for this Government, today they are languishing in poverty.

Mr. Temporary Deputy Speaker, Sir, this Government is behaving in a retrogressive manner, whereby any policy that it is drawing is not for development. It is not assisting Kenyans. Whatever we discuss in this House, the following day it behaves on the contrary. The other day we threw out the District Commissioners and the District Officers from our local authorities and municipalities. Last week, we read *The Kenya Gazette* addressing and nominating, once again, the DOs and the DCs. They are back again through the back door. They are once again in the local authorities and we are still talking of improving our local authorities. This shows that the Government is not committed in any way in adhering to the wishes of Kenyans.

Mr. Temporary Deputy Speaker Sir, the President said that the only way to create a calm, predictable and socio-political environment in this country is to enhance our investors to come in. There is no way investors would ever run to this country when we continue mismanaging our resources and political sectors. Socially, politically and

in every field, this Government has really completely failed, and the only way that we can encourage our investors is by bringing in good governors. We kick out all the bad governors. We call for an election whereby instead of bringing in a merger and enhancing partnership, we would be able to bring in a coalition Government that will be able to save this country and we start afresh.

When the colonial masters ruled this country, they experienced signs of the times that they were about to be kicked out. They thus allowed Kenyans to come in and decide the kind of a government they would like. It is only that we are not allowed to choose the Constitution that should be able to rule this country. This is why there is nothing that we shall address in this House, but only hatred. Members of the Government side will be throwing words to us and we shall still be reciprocating. There is no way we shall be able to push ahead and call for investors to come here, for we are still going ahead and excising our forests.

The other day the Minister for Environment announced clearly that nobody will stop him from settling squatters in the forests while he should have addressed the issue of Nyayo tea zones. They are not of any economic benefit to this country and it is high time that the ADC farms and Nyayo Tea Zones were given out to squatters and leave our forests alone, unless the Minister has no agenda towards the extinction of forests. It is high time he addressed this issue. There is nothing going on in the Nyayo Tea Zones. They are corrupt. We have seen everything related to Nyayo like Nyayo Bus and Nyayo Tea Zones collapsing. Everything to that effect has collapsed and it is high time the Minister took into consideration sub-dividing the tea zones per acre and distribute them to our squatters and not to the "State House squatters" that are being settled in Mount Kenya and other forests in this country.

Mr. Temporary Deputy Speaker, Sir, lastly, the health issue is very important and especially in Nanyuki whereby our district hospital today lacks theatre facilities. There is no way caesarian section [Mr. Kiunjuri] operations can be carried out on pregnant mothers. The machines have failed completely for the last two weeks. The hospital is not functioning and yet the Minister and the Government are aware of this. But they do not care about any deaths occurring in this nation and especially in the Opposition zones. Our hospital has continued to be neglected.

I beg not to support the President's Speech.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the Floor. I stand to support the Motion before the House and I will want to start by commending His Excellency the President for one of the most inspiring speeches ever made at the beginning of a Parliamentary Session in this country. It was truly a rallying call to the nation and it was received positively in that spirit, both on the Floor of this House on both sides, as well as in the country at large. The challenge for us as a nation is to keep that spirit of togetherness and of a united country, through leaders sincerely committed to searching for objective solutions to national problems, without succumbing to petty, parochial, regional or partisan political issues, when they have to stand above narrow political calculations.

Mr. Temporary Deputy Speaker, Sir, as the President said, we have come to the end of one of the most gruelling droughts that this country has experienced for a long time. On the Mountain of Basseret in my own district, a mountain which used to produce enough maize to feed that district, we had five consecutive crop failures. The last crop which the farmers planted, indeed, the seeds did not germinate and we are hoping this time they will germinate. We hope this will truly mean the end of the season of hunger and famine. However, we have to think much beyond the momentary end to the drought because droughts have become part of the signal of the climatic change that we have been told of for the last two decades by scientists in the world, but which we have not taken seriously. Obviously, there will be another drought with us very soon. The challenge, therefore, is for our extension workers, and in particular the experts in the Ministry of Agriculture, to come up with new innovative policies and programmes which can be implemented by the Government, so that come the next drought, we will not be subjected again to the humiliation of having to go abroad to ask for famine relief.

Mr. Temporary Deputy Speaker, Sir, I want to dwell on the subject of management and running of schools. Two days ago, we have just seen for yet another time a tragedy in a boarding school with the burning of the dormitory in Machakos. I think this is a matter which should jolt all of us as leaders, and in particular those in the field of education, to begin to re-examine seriously the whole gamut of educational policies and the system of school management. Years back, the Department of Public Health in this country ensured, in accordance with the law, and we know that law is still in force, that every public building met standards of safety and security; of safety, in particular, from the point of view of hygiene and the necessity of escape if a fire were to break out. It seems the Department of Public Health and the Ministry of Health has completely failed to carry out its responsibilities in this regard and, indeed, in other regards as well. I do know for sure that under the statutes the public health officers have enormous powers of control, supervision and, indeed, even of prosecution, and with the hunger for education in this country which has made every community build in a competitive fashion, new schools and institutions, that supervisory role has slipped. The net result has been, because of the insecurity that we experience, builders, communities and school managers have been more concerned about ensuring security of buildings and people inside

them, developing the horrible culture of grills round the windows of public buildings. Windows are for multiple purposes; they were designed by builders initially for the purposes of providing ventilation---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Members, please, consult in lower tones.

The Minister for Foreign Affairs and International Co-operation (Dr. Godana): Mr. Temporary Deputy Speaker, Sir, as I am talking on the subject of safety standards in schools and other institutions, I would wish hon. Members to listen.

I was saying when buildings were designed with windows, the idea was not just to provide for ventilation, but also to ensure that there are escape routes. It is unfortunate now that dormitories are designed with grills which are designed to ensure you do not get in or out through the window and yet, there is no provision for alternative escape routes. I would wish to call upon the Ministry of Education, Science and Technology, the Department of Public Health and the Department of Public Works to carry out a programme in the next few months of visiting and assessing the safety standards of dormitories in every public and private school in this country. Those which do not meet required, standards should be required within a stipulated time, to bring their facilities in line with accepted standards.

Mr. Temporary Deputy Speaker, Sir, I welcome the agreement on the unified constitutional [**The Minister for Foreign Affairs and International Co-operation**] reform process. I would like to congratulate those of our colleagues who had been held out in the so-called Ufungamano Outfit, who have finally realised that, indeed, the only legitimate Constitutional Process can be the Parliamentary-led one and have come back. In the same breath, I wish to condemn those individuals and self-appointed groups outside who call themselves "the revolutionaries", and who have decided to hold the fort and refused to join us. I am sure Kenyans have begun to treat them with the contempt that they deserve.

Mr. Temporary Deputy Speaker, Sir, an hon. Member contributing on the Floor of this House, in his concluding remarks, referred to what he called "unfair" constituency boundary review. I wish he was here. Unfortunately, he has left. I had indicated I was going to respond to him. As we go into a Constitutional Reform Process, we have to be careful as responsible leaders and practise responsible politics. The constituency boundaries system in this country is identical to the systems which operate in Britain, Canada, Zimbabwe, India and other countries which have common law systems and territorially designed parliamentary constituency systems. The criteria for determining constituency boundaries are reproduced verbatim. In all these societies, variations in the geographical and demographic size of constituencies apply in exactly the fashion that they apply here. There is nothing here which is different from elsewhere. For example, at the time of the last general election in Britain, the most populous constituency had 126,000 registered voters, while the least populous constituency had only 23,000 registered voters. At the time of the last general election in Canada, the most populous constituency had only 81,000 registered voters. The least populous, which was also the largest in area, covering two million square miles, had only 9,000 registered voters. We are applying a system which has been accepted as universally fair, just and equitable. Those who are criticising the system are either doing it out of ignorance or malice. I think on both counts, we stand to condemn them.

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

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, at last I have been able to catch your eye after two days of trying.

Allow me, first, to convey my heartfelt and sincere condolences to the Ukambani people, and, in particular, the families who have lost their loved ones during this tragedy. It is a tragedy that we have all felt. The pain felt by the people of Ukambani has been felt all over the country, perhaps not as much as the parents involved, but we are all saddened by this tragedy.

Mr. Temporary Deputy Speaker, Sir, I believe President Moi, in his Speech, forgot to talk about the issue that is in the minds of Kenyans. This is the destruction of the environment and, in particular, the destruction of forests in this country. I have had occasion here to talk about destruction of forests in my constituency. I am not quite sure if the reason why the President did not perhaps mention about the destruction of environment and, in particular the forests is because the person spearheading the fight against forest destruction is Prof. Wangari Mathai. I am not quite sure whether that is the case, but if it is, then it is absolutely wrong. In the last few months, the people of Kenya are talking about shortage of water and the drought. Although the President, in his Speech, talked about drought as the cause of widespread shortage of power and water, he did not actually indicate the relationship between the drought and destruction of forests. Today, it is probably my sad duty to report that the destruction of Kamae and Kinale forests in my constituency is now complete.

The Minister for Environment (Mr. Nyenze): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that the destruction of Kamae and Kinale forests in his constituency is complete and yet, when we visited that area he pleaded with me to let the squatters grow potatoes?

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, the hon. Minister should have taken time to listen to what I was talking about. I said the destruction of Kamae and Kinale forests in my constituency is now complete, thanks to the forest officers and their rangers who have supervised to ensure that this destruction is complete. I was going to praise the Minister because when he visited the area and saw the destruction, he actually agreed with the people of Lari Constituency that they should be allowed to continue cultivating in these areas so that they can have an opportunity to plant trees. The only way of replenishing these forests is by allowing people to replant trees which have been destroyed. When the Minister visited my constituency, he saw for himself that the people themselves have started nurseries where they are raising a million seedlings in one particular area to replenish forests. This has not been done by the forest officers. In the case of Kamae Forest, I would like to take this opportunity to commend the only forest officer who is working with the people and, as a result, they have been able to raise a million seedlings which they are ready to plant when rains start.

Mr. Temporary Deputy Speaker, Sir, the Minister did not have the opportunity to visit the whole of that area. That is the reason why he is saying that forests have not been destroyed. Let me [**Mr. Gitonga**] say that the forests have not been destroyed by the people. I told him on the spot when he addressed the rally there, that not a single sawmill is within Lari Constituency; they are outside Lari Constituency. If the forest officers and rangers had done their jobs properly, this forest would not have been destroyed. Why have the forests been destroyed? How many people have been arrested within Lari Constituency because they have destroyed these forests?

Mr. Temporary Deputy Speaker, Sir, I would have expected the President to say the planting of trees will be left to the people as it used to be in the old good days when there were squatters in the forests. I would not like to have the squatters back in the forest, but I would like them to do temporary cultivation within these areas, so that they can be given the opportunity to replant trees. They only need three years within which they should be able to replant trees which have already been destroyed.

Mr. Temporary Deputy Speaker, Sir, Since 1945, I have never seen one stream that passes through my land drying up. This stream is now dry. Ruiru, Gatamaiyu and the other rivers within that area are now drying up. They are drying up because of destruction of forests. The Minister and the Government cannot deny that. The people who have been given the responsibility of supervising or managing the resources are the ones who are failing the people of this country. This problem is not confined only to Lari Constituency, but is in the whole country where forests have been destroyed without mercy.

The other issue that I would like to talk about is our roads. There are certain sections within our country which are very well known as accident black spots. I wonder if the Government is trying to find a solution to the problem posed by these particular areas. I am particularly concerned about an area in my constituency; this is Soko Mjinga upto Uplands area. Within the last one year, more than 100 people have lost their lives along this area. When I talk about this, I am not talking about the people of Lari Constituency alone, but people from other constituencies have lost their lives here because of the bad road. Is there no way that this Government can help the people find a solution to this problem? One solution that I would like to suggest is that the Government should construct a dual carriageway along that area. If that cannot be done, the immediate solution to this problem could be that the Government could construct a fly-over bridge between Kimende and Uplands areas because that is where in every other month, we lose a life as a result of road accidents.

Mr. Temporary Deputy Speaker, Sir, the traffic policemen whom the Government has stationed along our roads to make sure that there are no accidents and check on unroadworthy vehicles---, all that they need is to be given Kshs100 and then they let vehicles proceed on their journeys. I know it is not all of them who are bad, but by and large, corruption now within the Government is in the Police Force and in a few other Ministries. People say that the police have now been baptised by "roho mtaka kitu". It is for this purpose that I would like to support the Motion which will be moved by hon. Ojode, in which he has asked that the police should be given a salary increment. It is important that this Government should consider forming a commission to work on the terms and conditions of service for the policemen. By doing this, the question of the police being baptised by "roho mtaka kitu" will come to an end. We need to do something about this. If we do not do something about this, then we will be failing this country. It is my earnest request to this Government that it should help the people of this country. It should particularly save the lives of many Kenyans who are dying because of poor roads. The Government should ask its engineers to check once again the designs of sections of roads at which people are dying, and do something about them.

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

Mr. Sambu: Ahsante, Bw. Naibu Spika wa Muda. Katika Hotuba yake, Mtukufu Rais aligusia uchumi. Pia, aligusia uhusiano kati ya nchi yetu na wafadhili wetu. Katika kuweka mkataba kati yetu na wafadhili wetu, ni

lazima tuangalie ni masharti gani ambayo tunayakubali. Si vizuri kutia sahihi masharti tu kwa sababu tunahitaji pesa. Tayari, tumeyaona madhara ambayo yametokea baada ya nchi yetu kukubali masharti bila kuyachunguza.

Tuliahidiwa mikopo na tukawekewa sharti la kupunguza idadi ya wafanyikazi wa Serikali. Sijawahi kuona mkopo wowote ambao unapewa mtu, kampuni ama nchi, ili kuzalisha mali katika viwanda au kilimo, na mwishowe huo mkopo ukawa unasaidia kuwafuta watu kazi. Kwa lugha ya Kiingereza, inasemekana eti kwamba watu wamekuwa "retrenched". Kwa lugha ya Kiswahili, huku ni kufutwa kazi na si jambo lingine. Haya ni masharti gani ambayo tunayakubali na baada ya kupata huo msada ili tuzalishe mali na tujenge viwanda, tunawafuta wafanyikazi wetu kazi? Unapata mume and mke waliokuwa wakifanya kazi katika Wizara tofauti tofauti, wanakutana nyumbani wote wakiwa wamefutwa kazi na hali watoto wao bado wako shuleni. Mume na mke wanalia. Hii imesababishwa na Serikali kutoangalia ni masharti gani inayoyatilia sahihi. Nchi haiwezi kuendelea bila mikopo, lakini ni lazima tuyachunguze masharti ambayo tunawekewa kabla ya kutia sahihi mikataba.

Bw. Naibu Spika wa Muda, Rais pia alizungumza kuhusu COMESA. Kwa maoni yangu, **[Mr. Sambu]** maana ya COMESA ni kukomesha maendeleo. Hii ni kwa sababu sukari inaletwa hapa kutoka Zimbabwe na inauzwa kwa bei rahisi hapa nchini. Tangu lini Zimbabwe ikauza sukari? Ajabu ni kwamba, tutafikia wakati ambapo kiwanda cha sukari cha Mumias kitafungwa. Tayari viwanda vya sukari vya Muhoroni na Miwani vimefungwa baada ya kumalizwa na Wahindi. COMESA itasababisha kufungwa kwa viwanda vya sukari vya Mumias na Nzoia. Huu ni mkataba gani ambao hatukuuchunguza kabla ya kuutia sahihi? Sukari inaletwa hapa kutoka nchi za nje bila kutozwa kodi yoyote. Mkataba wa COMESA unaruhusu tu bidhaa kutoka nje ziingizwe nchini bila kulipiwa ushuru wa forodhani, lakini hauruhusu kutolipwa kwa VAT na kodi nyingine.

Hili jambo halifanyiki kwa sukari peke yake, lakini utakuta kwamba ngano kutoka nchi za nje inauzwa kwa bei rahisi kuliko ngano ambayo imekuzwa hapa nchini. Tumeambiwa eti hii ngano imetoka katika nchi ya Misri. Misri, ambayo hununua ngano kutoka nchi za nje, inapata wapi ngano ya kusaga na kuleta hapa kwetu? Hii ngano inauzwa kwa Kshs24 kwa kilo moja. Bei hii ni Kshs200 rahisi kuliko ngano ambayo imekuzwa hapa kwetu. Sasa hivi, ngano kule Eldoret hainunuliwi na mitambo ya usagaji. Mchele ni vile vile. Tunaambiwa mchele ni mwingi na hata tunapata mchele kutoka Vietnam, lakini kule Mwea mchele unaoza katika mastoo. Ni lazima tuichunguze hii mikataba kwa sababu wakati mwingine tunatia sahihi mikataba ambayo baadaye inakuja kutuletea majonzi.

Bw. Naibu Spika wa Muda, kuna mkasa wa Ukimwi ambao umetokea katika nchi hii yetu. Katika nchi zilizoendelea, kwa mfano, Marekani, tunasikia kwamba wanapata dawa za kusaidia kuzuia madhara yanayosababishwa na virusi vya Ukimwi, siyo kponya maradhi ya Ukimwi, lakini ni kupunguza yale madhara ambayo vile virusi vya Ukimwi vinasababisha kwa mwili wa mtu. Dawa za kupunguza madhara ya virusi vya Ukimwi ziko lakini tunaweka sahihi mikataba tu. Ni heri Waziri wa Afya alete Mswada katika Bunge hili wa kuirekebisha ile sheria ili tuweze kununua dawa kutoka Cuba na tuwapatie watu wetu ambao wanapata madhara ya virusi vya Ukimwi. Hivi sasa, Ukimwi umekuwa mkasa wa kitaifa. Watu wanakufa kwa wingi sana na dawa ziko!

Nimesikia kwa redio leo kwamba wananchi wa nchi ambazo zimeendelea wanaende Cuba kununua dawa bila kujali hizi sheria." Ni heri tuende Cuba tukanunue dawa. Kama watu wanakufa, kwa nini tujali sheria? Yafaa tuwafikirie watu wetu kwanza. Leo aduhuri, Waziri wa Afya ya Umma alisema kwamba, kama kuna kitu kinachosaidia afya ya watu, liwe liwalo, tutakileta kwa vyo vyote vile. Kwa hiyo, yafaa tuende Cuba tukaleta zile dawa za kupunguza madhara ya virusi vya Ukimwi.

Bw. Naibu Spika wa Muda, nataka nizingumzie hali katika Wilaya ya Nandi. Kwanza ninatoa rambi rambi zangu kwa wazazi wa wanafunzi wa Shule ya Upili ya Kyanguli. Ni lazima tuangalie usimamizi wa shule zetu. Shule haziangaliwi, hasa katika sehemu za ukame.

Katika Wilaya ya Nandi, shule ambazo ziko katika sehemu zinazokumbwa na matatizo ya mawasiliano zina shida sana. Sehemu kama hizo hazina walimu kwa sababu walimu hawalipwi marupurupu ya ziada. Ningependekeza Waziri wa Elimu awalipe marupurupu ya ziada ili walimu wakubali kwenda kusomesha katika sehemu hizo. Hii ni kwa sababu, hata ukiwalazimisha walimu kwenda kule, kama hawalipwi, hawatafanya kazi. Kutoka sehemu ya Kamaasai, Kapselele hadi Tinderet, walimu wana shida sana. Kuna sehemu ambako itakubidi utembe kwa mguu karibu siku nzima ili uweze kufika kwa barabara ya lami kwa sababu ya ukosefu wa magari. Tunapendekeza sehemu hiyo ifanywe eneo la ugumu, ili walimu wanaosomesha katika sehemu hiyo walipwe marupurupu ya ziada.

Bw. Naibu Spika wa Muda, pia ningependa kuzungumzia kuhusu maskwota. Kama kuna kabila moja ambalo watu wake walipigwa na mkoloni na kuumiziwa sana ni kabila la Nandi. Watu 17,000 walikufa na theluthi moja ya ardhi yetu ikanyakuliwa, ndio sababu kuna mashamba ya chai. Bado kuna watu ambao wanaishi milimani kama maskwota. Ni kwa nini Agricultural Development Corporation inaondolewa?

Kuna shamba moja la Mhindi kule linaloitwa Chemelil Sisal Estate. Ningependa maskwota katika eneo lile wapewe mashamba. Mhindi hakuja na ardhi kutoka India. Kwa nini tunawabembeleza hao Wahindi? Wazungu waliotutawala walienda na sasa Mhindi ndiye anatutawala. Viwanda vyetu vinatawaliwa na Wahindi na hata

mashamba yetu yanamilikiwa na Wahindi, ilhali watu wetu wanaishi milimani kama nyani na mayonda.

Ni miaka 40 sasa tangu tujinyakulie Uhuru, na ni lazima maskwota wapewe ardhi. Tunaambiwa kwamba ardhi ni ya wenyewe. Wenyewe ni watu gani? Kama uliipata kwa sababu ulikuwa na bunduki na kunitoa katika ardhi yangu: Je, ukiikalia ile ardhi kwa miaka 60 au 70, itabadilika iwe yako kwa sababu ulininyang'anya kwa nguvu kwa sababu ulikuwa na bunduki na mimi sikuwa nayo?

Bw. Naibu Spika wa Muda, ni lazima tuangalie maslahi ya kibinadamu. Hatutaki kuwanyang'anya watu ardhi. Vile vile, hatutaki kuona watu waoishi kama mayonda milimani, ili, ikifika saa za jioni, ni lazima waingie katika nyumba zao na wafunge milango. Kama sivyo, mayonda, **[Mr. Sambu]** nyani, chatu na wanyama wengine wataingia ndani ya nyumba zao wawameze pamoja na watoto wao.

Katika mzungumzo yanayoendelea kuhusu kupunguza umaskini, tunazungumza tu. Wenzangu wanaishi katika mahoteli makubwa! Kule kwetu wanakaa katika Sirikwa Hotel, Chepen na kadhalika. Na yote hayo ni bure tu. Katika upande wa Nandi, tungependa kupatiwa miche ya chai ili tuipande na hivyo tutapunguza umaskini. Ikiwa kila mtu katika sehemu ya Nandi atapanda chai katika ekari mbili au tatu, tutapunguza umaskini. Tupatieni miche ya chai tupande ili tupunguze umaskini.

Kwa hayo, ninaunga mkono Hoja hii.

Dr. Ochuodho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

Before, I start contributing to the Motion, I must say that, earlier on, an hon. Member did say that the Luos have been paid dowry through the appointment of the Commissioner of Police and one Permanent Secretary. I would want also to draw the attention of the House to the Luo tradition. I believe that according to the Luo tradition, like other communities' traditions in Africa, you do not use chicken to pay dowry; you use cows. Our cows are Mumias and Miwani Sugar Factories, the cotton Industry, the fish industry, *et cetera*. So, if anybody wants to pay dowry to the Luos, he should not use chicken. In any case, the Permanent Secretary who was appointed as part of the dowry was dropped today.

Again, according to the Luo culture, when you marry and you divorce, you can go and do what is called *wero*. You can take back part of the dowry. But you will only take part of the dowry once you have married. In this particular case, it is like the *wero* is being done even before the marriage itself has taken place. So, it was really wrong for hon. Munyasia to have said that the Luos have been paid dowry.

However, with regard to the Presidential Speech, actually, it was not a bad Speech, but what made this country go to the dogs is dishonesty and hypocrisy. The Head of State said in his Speech that we need to be tolerant. Do you become tolerant by chasing supporters of *Muongano wa Mageuzi* like rats? Is that what we call tolerance? Is that the tolerance we are talking about? The main problem in this country is hypocrisy, and until and unless the Government realises that there must be honesty in what they say, no matter how good they put their words and no matter how many times we go to churches; if we are hypocritical, we are not going to get anywhere. Maybe, God is punishing us because we are being hypocritical and dishonest. We have seen much of it even in the Front Bench here.

Earlier today, an hon. Member was trying to deny that two Ministers had not made contradicting statements. But really, it is all on record! So, I want to appeal to those hon. Members on the other side, and particularly those on the Front Bench, to say good things and leave aside hypocrisy and dishonesty.

The Head of State's Speech also alluded to enjoyment of peace in Kenya. This is like a selling phrase that we have been dangling before the donor community when we say: "You know, we are an island of peace" and so on and so forth. But have we ever stopped to ask over the past ten years: How many Kenyans have lost their lives in strange incidents and genocide. For example, we recently lost so many Marakwets and Turkanas at the hands of the Pokots. But, interestingly, what does the Government do? Instead of going for the hon. Member who has incited his people to throw out non-Pokots, they go for the innocent, Mr. Cheserek, a former Member of Parliament, who is fighting for the rights of his people. Is that what we mean by saying that Kenya is an island of peace? In any case, why is the Government not releasing the Akiwumi Report on ethnic clashes, which left hundreds of thousands of Kenyans dead, or much worse than those people who have been killed in Rwanda or Burundi, and we still say that we are an island of peace? What do we really mean when we say that we are an island of peace?

Mr. Temporary Deputy Speaker, Sir, the Presidential Speech also refers to Kenya as a country that believes in the rule of law. If I had the means, I would declare Kenya a non-democratic state because the Government is running the country as if the Constitution has been suspended.

Why do I say this? Sample the following: One, the amended Kenya Broadcasting Corporation (KBC) Act, says in part as follows:- "That KBC shall give uniform airtime to divergent political views." But listen to a typical ten minutes news item. Eight minutes are allocated to the Head State and the remaining two minutes are allocated to Members of Parliament from some corner of the country, congratulating the same KANU boss. Really, is that what

we are calling a uniform way of sharing airtime between divergent political views? We have a Government that does not perfect anything. Indeed, it does not know how to respect the laws that this very House has passed. But that is only one example. Today I was scanning through the *Kenya Times* Newspaper and I saw good advertisements talking about scholarships. I understand that many of these foreign scholarships are dished out to a chosen few without drawing the attention of the wider society. Why must I look at The *Kenya Times* Newspaper to get it and yet Sections 78-80 of the Constitution talk against **[Dr. Ochuodho]**

discrimination? Why must the Government put its advertisements only in *The Kenya Times* Newspaper and not in other newspapers and yet it is a newspaper that is owned by the ruling Party? Why do they not put those advertisements in other commercial newspapers so that the wider Kenyan community can reach them? This is because they want only those who read *The Kenya Times* Newspaper, who happen to be KANU supporters to get to know what is happening. That in itself is discrimination, which is against the Constitution.

Recently, the High Court ruled that the Government should stop excision of Hombe Forest. What do we see? In total violation of that court ruling, the Government is continuing to excise the forest with impunity. Do we call such a Government one that respects the rule of law? I really do not know what we mean by saying that it respects the rule of law. I also want to refer to a time when *Muungano wa Mageuzi* was trying to have meetings and of course, we know what the provisions of the law are. We were told that *Muungano wa Mageuzi* should not have those meetings because it is not registered. Recently, hon. Kibaki tried to host a Harambee in hon. Kirwa's constituency with hon. Kirwa's blessings. According to the provisions of the IPPG Report - we were delighted that the Chair played a major role amongst other colleagues in seeing this Report through - we do not need any permit whatsoever to hold a Harambee. Hon. Kibaki still had the courtesy to notify the police, and by the way, he heads a registered party, DP. When he got to Cherengani he was chased away and was not allowed to hold the meeting and you still want to tell us that this is a Government that respects the rule of law.

It is so interesting that even when hon. Members are going to give notification, they are still harassed by the police. Hon. Orengo was beaten in Kisii when he was on his way to the police station to give notification. We have got to a stage whereby you are not just beaten for attending a so-called "illegal meeting", but you are beaten even as you carry out actions that live up to an expectation of the law. Do we really still want to say that such a Government respects the rule of law? In my contention I would say that perhaps the Constitution has been suspended, or the Government no longer respects the rule of law. They should say so. You cannot have your cake and eat it. It is really unfair to claim that Kenya is democratic and yet we are not doing anything to show that.

I also want to draw the attention of the House to the tragedy that we had in Ukambani. It is now clear, going by the explanation given by the Minister earlier today in the House that the bottom line to the problem was the cancellation of examination results. Why has this Government not owned up and taken responsibility for the deaths of 71 innocent Kenyan children? Why does this Government not have the courtesy to admit that they are the root cause of the deaths of those people so that they are held wholly responsible for this? I would want to call upon the Ministry that, although as the Minister argued yesterday that they may not re-mark examinations for all schools across the country whose results were cancelled; some in my constituency in Rangwe; I would think that in the case of this particular school, Kyanguli, in all fairness, the Government should consider re-marking examinations if they really treasure the lives of those innocent children that died for no fault of their own.

The Minister said that the Government will set up a committee to investigate the outcome. How long will it take for that committee to be put in place? Once it is put in place, how long will it take to produce results? Once it produces results, what guarantees have we got to believe that the Government will implement them? It is in that regard that I want to add my voice to the others who have said that the Government should find an immediate way of dealing with those innocent students that are being victimised. Why just victimise the students and yet it takes two to tango? They could not have been involved in the cheating alone without the help of other people.

I also want to draw the attention of the House to what is referred to in the Presidential Speech with regard to separation of powers. Having gone through the Kenyan Constitution there is nowhere where it is mentioned that there should be separation of power. It is assumed normally that there must be separation of powers between the Executive, Judiciary and the Legislature. This cannot be taken literally. If it was to be taken literally that the Legislature's work is only to supervise, how is it that you will find that when there is a road contract the Government which is the Executive, also has within itself a department to supervise? Is it that the Government just wanted to misuse the fuel levy?

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

The Assistant Minister Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to speak on this Motion. I support this Motion in its entirety because His Excellency the President has given us direction, as leaders and also as Parliamentarians on how we should conduct the affairs of this country for the betterment of the

wananchi. The President has underscored the need for unity in this country. Unity can only be achieved if there is respect for institutions that run this Government. In 1963 when we achieved Independence I was a grown up and I used to see **[The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports]**

things happen. There is no time I heard anybody calling for the President of the nation to resign or go home as is happening today. I am saying that because there is no respect for institutions in this country especially that of the Presidency and we even call each other unparliamentary names in this House. The institution of the Judiciary is also not respected by the leaders. If we observe those three, then I think there will be unity.

I am saying that because this has a bearing on the would-be investors in this country. We are in a sort of transition today. The investors want to know what will happen after the current regime. If we are not united we shall scare away these people. This country needs direct foreign investment. If Kenyans do not show unity of purpose, then I cannot see any other way that we will improve the economy of this country. I want to call on the Attorney-General to bring an amendment in this House to allow for a provision whereby, if an individual is popular in his party and is elected to be the torch bearer of the party in an election, he should not be stopped because of the limitation of the two terms. I am sure that this view is supported by a majority of Kenyans.

Hon. Members: Aah! No! No!

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa): I will ignore the catcalls from my colleagues on the other side because I know I am articulating the view that is held by a lot of Kenyans.

I want to talk about agriculture, and I will be forgiven for talking about issues that have already been mentioned here because we, leaders, have the interests of the common man at heart and we might keep repeating issues that affect *wananchi*.

I would like to take this opportunity to thank the Government for the reforms that were proposed through the Presidential Address. I note that the tea and coffee sub-sectors are governed by Acts of Parliament. The Act on the coffee sub-sector is due for review. Sugar-cane farmers in western Kenya were very delighted when they heard that a Bill seeking to regulate the sugar industry would be introduced in this House for debate and enactment into law. I would like to appeal to the Leader of Government Business to give the Bill priority since everybody understands what is happening in the sugar sub-sector. Sugar-cane farmers are suffering a lot.

I would call upon the Minister responsible for the affairs of the Common Market for Eastern and Southern Africa (COMESA) to set up a committee to monitor the diversion of transit sugar into the local market. That committee should also try to establish why, for example, sugar that is transported by road from Zimbabwe to Kenya is cheaper than that produced locally. Something must be happening in that country. The proposed committee should also find out which countries are heavily subsidising the production of certain crops, which end up in our market at a low price thereby lowering the prices of our produce. The Minister should take these suggestions very seriously because these are some of the factors that really undermine the efforts of this country's farmers.

Mr. Temporary Deputy Speaker, I would now like to talk about the micro and small-scale enterprise or the *jua kali* sub-sector, which currently employs more than 2.4 million Kenyans. People who have been retrenched from both the private and public sectors have always invested in this sub-sector. However, their returns are swallowed up by costs because electricity and land in this country are very expensive. People in this very important sub-sector cannot find a better place in which to invest their little money. So, I would like to call upon the local authorities to set aside suitable land for *jua kali* sheds and provide them with water and electricity, because that is the only sub-sector which is currently creating employment. Employment opportunities in other sub-sectors are actually thinning out.

I now take this opportunity to call for the repeal of the Local Government Act because it has a lot of loopholes. As far as the management of the Local Authorities Transfer Fund (LATF) is concerned, councillors are having a free wage. They are paying themselves money for roads and bridge construction, among other imaginary activities, flouting all known Government procurement procedures. For example, in May last year, a councillor at my local authority, namely, Mumias/Butere County Council, paid himself Kshs1.1 million purportedly to construct a small portion of a road, but he did not construct even an inch of the said road. Another councillor paid himself Kshs700,000 on a similar pretext. There are no rehabilitation works taking place in our rural feeder roads. So, we should review the Local Government Act, and the management of the LATF and the Cess Fund.

Mr. Temporary Deputy Speaker, Sir, I will now talk about insecurity in the country. Particularly, I will narrow down to my area of Mumias. Over 3,000 people have been retrenched by Mumias Sugar Company. I commend the company for paying those retrenched very well. The most junior retrenched was paid about Kshs400,000. That money has attracted a lot of gangsters from other areas of the country. There is now a lot of insecurity in Mumias. People are now being killed every day in Mumias as the security apparatus has gone to

slumber. The [The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports]

police only chase after *chang'aa* drinkers, from whom they elicit bribes of Kshs2,000 and set them free. The people who are supposed to be protected have been left at the mercy of gangsters.

Finally, I would like to thank the Government for its intention to introduce in Parliament Bills on children and people with disabilities for enactment into law. These people have been neglected for quite some time. I would, therefore, like to appeal to my colleagues to support these two Bills, as well as the Sugar Bill, when they are ultimately brought here for debate.

With those few remarks, I support the Motion.

Mr. Thirikwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to make a few comments on the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, I have been an hon. Member of this House for over three years now. During every State Opening of this House, hon. Members listen to this kind of address from the President. The Presidential Address appears to have been tailor-made by a politician who knew his listeners quite well. We have heard similar addresses from the President for three years. In his Address, immediately after the greetings, the President, indeed, said that in his previous year's address he talked about the economy, among other things, and gave reasons to justify why all those promises were not fulfilled. He then went ahead and talked about the International Monetary Fund (IMF) and the World Bank. May I remind this House that, particularly in 1999, the magical words in every Government literature were "*El Nino*". If you asked the Government why roads were not passable then, and why hospitals were not functioning, the reply would be "It was because of the *El Nino* weather phenomenon". That was the excuse the Government gave for all its failures over that period of time.

Then, in the period 2000/2001, came in the drought. "Drought" has now become a magic word for the Government. In all its literature, the Government now talks about drought. I read a story in the Press today that the *El Nino* weather phenomenon might come back at the end of the year. If that were to be true, would we suffer in the same way we suffered in 1998? You may say "no", but I am telling you that we would go through the same hell. The *El Nino* weather phenomenon of 1997 showed us our potential problems, including the poor drainage system of our roads, among others. But did we learn from that experience? We seem to enjoy the natural calamities of yester-years, which we use as excuses for our failures in the following years. Let us get serious and avoid using the suffering of the previous years as the excuse for our non-performance. Really, this Government has been in place long before those calamities struck. What has it been doing?

The Government says that the IMF and the World Bank refused to release funds to Kenya because the Opposition was opposed to the release of the same. I wonder what kind of Government this one is. It is the one which runs the show. We are just here as Members of Parliament. It is the Government which enters into negotiations with the two institutions regarding money that is supposed to be lent to this country. We do not participate in those discussions. It is important for Kenyans to know that those institutions refused to release the funds to Kenya not because the Opposition opposed the release of the money, but rather because the Government back-tracked on its commitment to fulfil certain conditions it had agreed on with the two institutions earlier. Normally, when you ask for a loan from any bank, you sit down with that bank and agree on certain conditions to be fulfilled before you are given that loan. That is exactly what happened between the Government and the Bretton Woods institutions. The Government did exactly that. It sat down with those institutions and agreed to meet the conditions. It was told that because it had agreed to the conditions, it would be facilitated to achieve them. So, some funds were released. But what happened? Once the funds were in the pocket, the other thing that followed was: "Go to hell!" Then, we came down here and started calling the World Bank and the IMF all sorts of names. I am not supporting the World Bank and the IMF. I agree that some of their ideas are wrong, but in a gentleman's way, we sat down with those institutions and agreed. I thought that the Government would act in a gentleman's way and agree to implement those conditions. Any time we fail, we give excuses. We must go round and round and look for excuses.

Mr. Temporary Deputy Speaker, Sir, one of the conditions that the World Bank and other international donors gave was the eradication of corruption. They also wanted some Bills to be put in place. Let me say this: It does not matter how many good laws we put in place. Honestly, that is not the issue. The World Bank and the IMF must understand that. Let us honestly define what is corruption, and what constitutes a corrupt act. I am saying that it does not matter whether we put those laws in place or not. If the operating environment is not conducive, it does not matter what law will be put in place. For example, let us ask ourselves the following. We have employed police officers in this country who earn Kshs4,000 or Kshs5,000 each. Then, after some deductions, each of them gets Kshs2,000 at the end of the month! Then, we give them AK-47s to guard Barclays Bank, Kenya Commercial Bank and other banks! The AK-47 has [Mr. Thirikwa] the power to open the door because police officers are human beings! They have children and families to look after.

I am honestly saying; let us create an environment that can discourage corruption. Unless we pay the police officers properly, they will not perform.

Today, most of the robberies in Nairobi are not perpetrated by ordinary Kenyans; they are executed by police officers. How can an ordinary Kenyan go up to the 11th Floor of a building, come down with the money, and then move out of the City of Nairobi? The fact of the matter is that, most of the robberies in Nairobi are conducted by police officers. But I sympathise with them because they have children and families to take care of. They know that they are working and they should be paid well. Unless we make the environment conducive, corruption in this country will not end.

An engineer, for example, goes to various schools and the university for many years. He then returns to the university to master his degree and when he comes out, he is given Kshs20,000 to supervise a road like the Mombasa-Nairobi Highway worth billions of shillings! He will want to retain his status as an engineer! I am saying that the environment is not right. Let us go down, think very hard and come up with the solutions.

Mr. Temporary Deputy Speaker, Sir, many people have talked about deforestation. Along the Tana River, we have the Tana and Athi River Development Authority (TARDA). It has put up an investment of over Kshs70 billion along the Tana River! Then, the Government wants to clear all the forests in Mt. Kenya and the Aberdares. The only thing that makes the Kshs80 billion worth of investments along the Tana River work is the water!

Once you clear the forests, the water will be no more! Really, does it take a man who is sane to understand those things? Can he not understand? We are dealing with the Government that---

With those few remarks, I oppose the Motion.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to join my colleagues in congratulating His Excellency the President for his Speech, in which he set out the agenda for this Session of Parliament. The issues that the President outlined are very critical to the development of this nation and the survival of our people. I do hope that during this Session, hon. Members will concentrate on debating the issues seriously, and try to find solutions to the various problems. I was very impressed to see the manner in which hon. Members listened to the President's Speech with a lot of respect. I hope that, that was the beginning of this House regaining its self-respect. I do not know what the Speaker did, but I would like to congratulate him for making sure that hon. Members stay attentive when important issues are being discussed in this House. This House deserves that respect.

Mr. Temporary Deputy Speaker, Sir, let me join the people of Ukambani who are mourning the death of their children, who perished in a fire. I do understand the feelings of those people because I too, in my constituency, also suffered the same fate this week. Lightning struck Koresai Primary School and killed eight pupils instantly. There are nearly 15 others in critical condition in hospital. I would like to join those who spoke before me, and ask the Ministry of Education to take corrective measures to ensure that our dormitories are designed to certain safety standards, so that in case of a fire, our children do not perish inside them. Equally, I would appeal to the Ministry of Education to deal with the question of lightning, especially in Western Province. That is because many people, including children, die every year because of lightning. The Ministry should provide lightning-arresting equipment. That is not a major issue because the costs are not enormous. Really, we would like to appeal to the Minister in charge of education to address that issue very quickly. He should ensure that lightning-prone schools in those areas are provided with lightning arresting equipment.

Mr. Temporary Deputy Speaker, Sir, the President, in his Speech, anticipated the re-starting of the constitutional review process. I want to join my colleagues in congratulating Members of the Parliamentary Select Committee and those in the opposing side for coming together to embrace a unified common process. It is very important that this nation's leaders get together to discuss issues of national interest as a united leadership. We must stop creating divisions meant to promote specific selfish interests. I have to say that it is good that the few extremists who believe that they alone are the experts of what Kenyans want, have now been left out. I would like to appeal to them to come back and join other Kenyans in that important process.

I was following very keenly the debate about the constitutional review process and the involvement of the Church leaders because I belong to the Church. I was following very closely the manner in which the leaders of churches became so involved with politics. I think they have burnt their fingers. I hope that in future they will know where to stop when getting into such problems.

Mr. Temporary Deputy Speaker, Sir, on the issue of schools, many of our children today are not able to find places in universities because of the limited facilities in those institutions. It is now important for the Ministry of Education, Science and **[The Assistant Minister for Tourism, Trade and Industry]** Technology to think on how many of these children, who are not able to find places in universities or tertiary institutions, should be trained. I would like to suggest that in many of our tertiary institutions, there are possibilities of expanding them in order to admit many of our children who are not able to get into the universities. They must be

trained; they must not be left wasted without any training in the countryside, where they can be tempted to do things that will ruin their future lives. In my constituency, we do have an institution that used to be the headquarters of leprosy studies in East Africa. Today, because leprosy is disappearing from the map of the world, we would like to encourage the Government to start a training institution in that area because buildings are there, but are empty and unused. We would like to train para-medical students, teachers and other professionals in that area. I do hope that there will be restructuring of the system of training to ensure that many of our children are trained, and this particular issue is taken into account.

Let me now touch on the problems that we have with the local authorities. I know that many of us would like to see local authorities given more powers and authority to manage their own affairs locally. But the examples and experiences we have had so far seem to indicate that our local authorities have got a major fundamental problem with the councillors that we elect. I would like to suggest that the Ministry of Local Government finds a way of ensuring that in future, those people who are elected to be councillors, at least, meet certain minimum qualifications that enable them to understand the functions of the local authorities to which they have been elected, to enable them provide services to the people of that area.

If you take the example of Nairobi City, there are so many problems that people go through in trying to get basic services, especially water, which is very fundamental. It is a sad story. One cannot believe that we can continue to watch things deteriorating in the capital City of Nairobi and we do nothing about it, because the law requires that anybody can be elected to the council. That situation must be addressed and changed. In that connection, I would like to support the proposal which had been made here before, that Nairobi be divided into several boroughs, and let the people living in each borough manage their own affairs. This is because I think in that way, the responsibility will be taken over by the citizens who will know whom to elect as councillors in their own areas, and they will know who will manage their affairs and provide services better.

I want to mention something about privatisation of our institutions, particularly parastatals. This is an issue that has been discussed for quite some time. There are many people who feel that the Government is too slow in privatisation. There are others, including myself, who feel very sceptical about that. I feel that these parastatals represent the assets of the nationals of this country. They have been built from the proceeds and taxes paid by our people. I do not believe that the Government has the right to sell them off without consulting or giving the owners of these assets an opportunity to own them. I would like to propose that rather than people putting pressure on us to sell these assets without consideration; sometimes as we struggle with prices offered; the Government looks at the possibility of finding some funding to enable Kenyans to own some of these parastatals. For example, there is sale of the Telkom Kenya Limited. If it is possible for us to find money from some place that would enable Kenyans to buy the portion of shares that we want to sell, let us sell only the shares that we cannot afford, because we are likely to end up owning nothing. I think selling parastatals which have been built by public funding without consultation with Kenyans is not acceptable.

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

Mr. P.K. Mwangi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Presidential Speech. When the President was addressing the nation from Parliament, he touched on the issue of economic growth. But I still wonder: How can this country develop, or how can we achieve economic growth without roads? For quite a number of years, this country has been running without good roads. In some places, there are no roads, but paths. Some people used to pass through--- They try to navigate to where they can get a road because there exists nothing called a road. We thought that by introducing the District Roads Boards, we would be able to have better roads. But we came to understand later on that we would not get anything. Since the Attorney-General failed to advise this House accordingly---- It is high time we started learning from the mistakes of others. If the Attorney-General has failed to do his job, he should resign. Otherwise, it is very bad for one Government institution to make it fail. It was very bad for us as hon. Members because we were embarrassed and frustrated. We are seen as if we are doing nothing in this House. It is high time the Government, if it thinks that we have to achieve economic growth, developed our own roads so that farmers can transport their produce from their farms to the markets.

We cannot forget that in order to achieve economic growth, we should promote the **[Mr. P.K. Mwangi]** agricultural sector. It is the backbone of this country. For quite a long time, the Agricultural Finance Corporation (AFC) has failed. Some of the people who made these institutions fail are still in this House and, maybe, they used the finances from these institutions to come to this House. It is high time the Government financed the AFC, so that farmers can be able to get loans in order to purchase fertilizer and other farm inputs. This morning, we were told that the supply of fertilizer was given out through tenders. At the same time, we have a Government which started a farmers' organisation, and now it cannot be able to support them. I think it is advisable that those grants which come in the form of fertilizers pass through the farmers' organisations and even farmers' banks such as the Co-operative

Bank of Kenya. If we can advise our own university students to go and get finances from the Kenya Commercial Bank in order for them to fund their education, why can we not use the farmers' bank to guarantee these fertilizers for our own farmers? By so doing, we would be improving our agricultural sector and helping our people to fight poverty.

The other issue that the President touched on was education. The education in this country has continued to deteriorate. There was a time when we even started adult classes to fight illiteracy.

Where are they now? Nobody could carry out those teaching responsibilities because they were never given any incentives. Now, we are moving backward. I think, within some few years, we will be having so many illiterate people, more than we had in 1978.

Mr. Temporary Deputy Speaker, Sir, it is high time that the Government implemented the Koech Report. This Commission used taxpayers' money and it is criminal for this Government to "sit" on it. We should not have half-baked students. Reducing subjects is a useless job. We have done nothing. We want quality education which will help our children. Still on the same issue, nowadays education seems to be the preserve of the rich. Children from poor families can no longer achieve education. In my own constituency, more than 50 per cent of the pupils who had passed their KCPE could not join secondary schools due to lack of school fees. If the President could understand that there was drought last year, then the Government could have subsidized the fees by half. So many pupils did not join secondary schools due to lack of school fees. The other day, we were told that 30,666 Form Four leavers who passed their KCSE would not be able to join university. This Government is still sitting down, doing nothing to make sure that the children of Kenya achieve quality education. We should not be singing. This is a chorus. We are not in church; we are a nation. We should stop this chorus of "*Amani, Amani*" and start working! It seems that when the older generation moves out of this nation, the young generation will be left behind some 50 years just because of the mistakes of this Government. I think it is high time this Government apologised to Kenyans and the UN for the mistakes it has done.

Mr. Temporary Deputy Speaker, Sir, still on education, I think the way we can help this nation is to support our youth polytechnics. Our youth polytechnics should move away from the traditional courses and offer modern courses like computer courses. Currently, for a student in a youth polytechnic to get a computer course, he has to move from the rural area to an urban area where he will pay a lot of money. But if we could utilise these youth polytechnics in our own villages, we could achieve more. They should move away from traditional courses.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the issue of health. In my own constituency, if we have to help this nation develop economically, we should address the issue of health. Malaria and typhoid are the leading killer diseases in this nation. Right now, our people are using a lot of money on these killer diseases. Yesterday, I visited one of the dispensaries and I found more than 300 patients complaining of malaria. All of them could not even get drugs. The Government should supply drugs to health institutions even without relying on cost-sharing money because our people are suffering from abject poverty.

Mr. Temporary Deputy Speaker, Sir, before my time runs out, I would like to inform this Government that waiting for the President to launch the last Constituency AIDS Committee cannot hold us from getting money to assist us fight HIV/AIDs. Let the money be released immediately because people are dying. At the same time, when they are saying that they are fighting HIV/AIDs---That is why I am telling them this is a chorus. Since October when I launched my own Constituency AIDS Committee, we have not received even a single penny to be able to go ahead. Do they expect us to use our own money? It is high time this Government implemented policies which have been discussed and agreed on because a good elder is the one who implements what has been agreed on. I think this Government lacks elders.

Mr. Temporary Deputy Speaker, Sir, the other issue is security. The security of this country has been badly affected by utterances of some of our leaders and the Government failing to take responsibility. When somebody incites his own people to evict a particular tribe from their area, has our Constitution changed? That person could have been taken to a court of law and charged accordingly. But he is let to go scot-free because he [Mr. P.K. Mwangi]

belongs to a certain political party. That is totally wrong and it portrays a very bad picture of our Government.

As my colleagues have said, the conditions of police officers should be improved. They are working under deplorable situations. You will agree with me that a police officer who is supposed to feed himself and educate his family earns only Kshs1,000.

Thank you.

The Assistant Minister for Local Government (Mr. Hashim): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii nitoe maoni yangu juu ya Hotuba ya Rais. Kwa hakika, Hotuba ya Rais ilikuwa na mafunzo makubwa na maelezo mema. Pia, ilikuwa na hekima na busara kubwa.

Hotuba hii imeleza matatizo yote yanayokabili nchi hii kuanzia katika nyanja za kiuchumi na kisiasa.

Imesisitiza namna gani Wakenya wanaweza kuwa pamoja na ikatoa mwongozo wa vipi wanataka wawe. Kwa hakika hivi sasa, wakati umefika kwa sisi viongozi kuangalia jinsi gani Kenya itaweza kuenda mbele, na tuangalie hatari ambazo zinaweza kuifanya nchi hii kuwa mahali pasipo na usalama.

Hivi sasa, ukabila umejitokeza na hii ni hatari sana. Ni makosa kwa jamii yoyote kutaka kutumia ukabila kama chombo cha kupata Urais. Kenya ina makabila 42 na kila kabila lina haki kamili katika nchi hii. Wengine wasitumie wingi wao kama sababu kubwa ya kutaka kuchukua kiti cha Urais na kutawala Serikali kwa maslahi ya watu wao. Jambo hili likitokea, litatutia hofu. Hivi sasa, limetutia katika hali ya wasiwasi na tashwishi kubwa, hususa sisi jamii ambazo ni ndogo katika nchi hii. Mkoa wa Pwani, Kaskazini Mashariki na sehemu zingine za Kenya zimeingiwa na hofu kwa sababu tunaona makabila makubwa yanataka kuchukua hatamu za uongozi wa nchi hii kutumia ukabila. Hii ina maana kwamba sisi wengine tutasahauliwa. Kwa hivyo, ni lazima tuwe tayari na wima kupambana na harakati kama hizo. Tusipofanya hivyo, tutakuwa hatujaangalia maslahi ya watu wetu na Wakenya kwa jumla. Maslahi ya Wakenya lazima yaangaliwe kwa uangalifu mkubwa, na yaangaliwe ni maslahi gani kwa Wakenya. Kwa hivyo, ndugu zangu, ni lazima tuwe na mikakato kama hiyo.

Hivi sasa tunaweza kusema kwamba kuna jamii ambazo zimesahauliwa. Mfano mwema ni watu ambao wanatoka Mkoa wa Pwani. Ningependa kusema kwamba kila jambo ambalo lilikuwa linasitahiki tufanyiwe, bado hatujafanyiwa licha ya kwamba eneo letu lina mazao na mali ya kutosha. Ningependa kusema kwamba watu wengi kutoka Mkoa wa Pwani hawafanyi kazi katika mashirika ya umma ambayo yako katika mkoa huo, na hii ni kwa sababu ya kunyanyaswa. Pia, njia ya kufanya mazao kutoka maeneo hayo yapate soko hayatiliwi maanani. Ningependa kusema kwamba miaka 37 tangu tupate Uhuru, hakuna jambo ambalo limefanywa kuwasaidia wavuvi wa sehemu hiyo. Serikali haijachukua hatua yoyote kuwasaidia wavuvi katika Wilaya ya Lamu, ambayo inategemea uvuvi. Lakini Serikali imeweza kuwapa ridhaa wakulima wa kahawa hata kama si Wakenya wote ambao ni wakulima. Ningependa kusema kwamba kuna watu ambao ni wakulima, wafugaji na wavuvi. Kwa hivyo, ni lazima tuangalie jinsi ya kuwasaidia Wakenya wote bila kutumia ukabila au kuangalia sehemu ambayo mtu anatoka.

Bw. Naibu Spika wa Muda, ningependa kusema kwamba demokrasia katika nchi hii imekuwa ikielezwa au ikifahamishwa kwa njia ambayo itaweza kuridhisha watu wengine na kuwafanya watu wengine wasiwe na maana, licha ya kwamba demokrasia ina maana ya "wingi wa maoni". Mara nyingi imekuwa kwamba ni maoni ya watu fulani ndio demokrasia, na maoni ambayo si ya watu fulani si demokrasia, ijapokuwa wingi wa jambo lile umetoka katika watu ambao wametoa maoni tofauti tofauti. Sioni ni sababu gani baadhi ya watu au viongozi wanamlaumu mhe. Raila kwa kushirikiana na KANU. Ni haki yake ya kisiasa kufanya hivyo. Pia, ni jambo ambalo linaleta maslahi kwa nchi hii. Shida kubwa tulionayo ni kwamba hatuungalii mambo sawa sawa. Mhe. Raila amefanya hivyo kwa maslahi ya Wakenya wote.

Kwa hakika, jambo moja ambalo limeudhi au limewarudisha Wakenya nyumba ni kula rushwa miongoni mwa wafanyikazi wa Serikali. Wakenya wamepata aibu kutokana na jambo hili. Ningependa kusema kwamba kuna Mtaliano mmoja ambaye alitoka Somalia mwaka wa 1968, na alitumia uwezo wake wa kifedha kupata uraia wa Kenya. Mtu huyu ambaye anajihusisha na madawa ya kulevya alipata uraia wa nchi hii na kisha akatumia pesa zake ambazo alizipata kutokana na biashara hiyo mbovu, ambayo imeathiri watoto wetu, kuwa Mbunge. Ningependa kusema kwamba mtu huyu alikuwa Mbunge wa Lamu.

Mr. Shambaro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister actually confirm to this House that such a serious offence had taken place in Lamu, such that even a personality smuggled himself into Kenya and was eventually elected as an hon. Member of this House? Could he substantiate his remarks?

The Assistant Minister for Local Government (Mr. Hashim): Bw. Naibu Spika wa Muda, ningependa kusema kwamba kuna ushahidi wa kutosha. Tukitumia Kanuni za Bunge, ninaweza kuleta watu hapa kuthibitisha ya kwamba Mbunge huyo wa zamani amekuwa akifanya biashara hiyo mbovu. Ni vipi mtu ambaye hana biashara yoyote---

The Temporary Deputy Speaker (Mr. Imanyara): Ulisema kwamba ni Mbunge?

The Assistant Minister for Local Government (Mr. Hashim): Bw. Naibu Spika wa Muda, nimesema kwamba alikuwa Mbunge. Bw. Abu Mohammed alikuwa Mbunge baada ya kutumia peza zake ambazo alizipata kwa njia mbaya, na kuna ushahidi wa kutosha. Ningependa kusema kwamba aliwahi kufanya makosa kama haya huko Somalia na kutoroka nchi hiyo. Hivi sasa, anafanya biashara hiyo na ana uhusiano mkubwa na watu ambao wanafanya biashara chafu kama hiyo. Ningependa kusema kwamba sisi Wakenya tumepata aibu kubwa kwa jambo kama hili kwa sababu, mtu huyu ambaye si Mkenya aliweza kuwa Mbunge. Sheria ya nchi---

Mr. Shambaro: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni kweli Waziri Msaidizi anaweza kuthibitisha kwamba jambo kama hilo lilitokea katika nchi hii?

The Temporary Deputy Speaker (Mr. Imanyara): He is out of order because there are rules governing elections to the House.

The Assistant Minister for Local Government (Mr. Hashim): Bw. Naibu Spika wa Muda, uthibitishaji

wa jambo una aina nyingi; kuna kuthibitisha kwa kuleta ushahidi wa makaratasi na pia kuna kuthibitisha kwa kuleta mashahidi wenyewe. Nina ushahidi wa kuleta watu hapa Bunge. Ninaweza kuleta watu zaidi ya laki moja kuthibitisha kwamba mtu huyu anafanya biashara mbaya. Ni aibu kwetu kama Wakenya kuweza kuwakilishwa na mtu ambaye si Mkenya, na hasa anayejihusisha na mambo machafu kama hayo.

Sisi, katika nchi hii, ni lazima tuzingatie maslahi ya wananchi kwa sababu ikiwa hakuna mwongozo katika Bunge hili, kutakosa mwongozo kote nchini. Shida iliyokumba Wakenya, kama vile nilivyosema hapo awali, ni kwamba hakuna haki katika utoaji wa huduma. Ningependa kusema kwamba baadhi ya maeneo fulani yamesahauliwa, na kama maeneo hayo yangetiliwa maanani, leo Wakenya wangepata nafasi kubwa sana. Inasikitisha ikiwa leo, baadhi ya Wakenya watasema kwamba wanataka kuwa Rais wa nchi hii kwa sababu wanataka katika kabila fulani, ilhali baadhi ya Wakenya hawana hata kitambulisho. Ni taabu kupata kitambulisho. Wengine wetu wanataka Urais hali wengine wanataka haki ya uraia. Ni lazima sheria iletwe katika Bunge hili ili tuweze kuthibitisha kwamba Mkenya ni Mkenya, mradi tu awe anatoka katika moja baadhi ya makabila 42 ya nchi hii.

Ningependa kusema kwamba watu wangu wa Lamu wana shida kubwa sasa hivi kwa sababu hakuna usalama wa kutosha, kwa sababu barabara ya Kiunga na Somalia iko katika hali mbaya. Kwa hivyo, ningependa kwamba barabara hii itengenezwe ili iweze kuwasaidia wananchi, ili uchumi wa sehemu hiyo uweze kuinuka. Ukosefu wa maji na shida za watu kumiliki ardhi ni baadhi ya matatizo ambayo yanawakumba watu wa Lamu, na ni lazima tuyaangalie.

Bw. Naibu Spika wa Muda, ninashukuru.

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this opportunity. I would like to start my contribution by joining my colleagues who have sent condolences to the victims of Kyanguli Secondary School. I would also like to wish those who are in hospital quick recovery. I have just come from Kenyatta National Hospital (KNH), and it is painful to bear the situation where you find a patient with about 90 per cent burns.

On the same note, I would like to urge the Ministry, because I remember that the Minister concerned indicated that they have given directives that dormitories must have adequate exit doors, to follow up the circulars, to ensure that they are implemented. I do not see the reason why we should have a dormitory which has metal grill doors and one cannot pass through. If, for example, in that particular case, the windows had no metal grills, the students could have escaped through them.

On the same issue, I also found it very painful when I visited Machakos General Hospital, where some of the patients had been admitted only to find that some had not been given drugs. I had to get out of my way to go and buy some drugs for these patients. It is so painful. When I got in touch with the Medical Officer of Health (MOH), he said that he was not aware of that. That is a sign of irresponsibility.

In addition to that, I want to also raise the issue of pollution in this country which, of course, touches on the Minister for Environment. My constituency has two main rivers which pass through it. These are Athi and Thwake rivers. As we are talking here, water in Athi River has turned green because of pollution coming from industries in Athi River Town, which is just near here. Even if you go to Athi River Town, you will experience a very bad smell emanating from some of the industries there, and the Minister has done nothing to ensure there is no pollution of Athi River.

Mr. Temporary Deputy Speaker, Sir, Thwake River, which also cuts across my constituency, has been the source of water for the people in that constituency. It has been polluted by Machakos and Kathiani towns. It was very amazing when I visited Thwake River recently. I was shown by the residents of that area, sewage water full of bandages from Thwake River, which means the level of pollution is so high. I would want to urge the Minister concerned to move in and arrest the situation because several people have lost their lives due to cholera and other waterborne diseases which are related to such kinds of pollution.

Mr. Temporary Deputy Speaker, Sir, coming to the issue of the Presidential Speech, I want to [Mr. Katuku] agree with the President on one issue; that we must work together and especially on the issues to do with reviving the economy of this country. The President touched on the opportunities we have along what we call "The African Growth and Opportunities Act 2000". You would bear with me that as we talk now, Africa has a market value of about US\$1 trillion in the USA market which is open. Kenya alone has about 304 items which can be sold in the USA market. These opportunities exist there. We can export textile products, honey, beef, animals and so on. We have so many items, even art and craft items. However, we have a big problem which the Minister for Tourism, Trade and Industry must address in conjunction with the Minister for Foreign Affairs and International Co-operation. We have the trade attaches.

For example, in the USA, I would imagine a situation where we have only one attache. How can he assist Kenyans to get access to such markets? I would want to appeal to this Minister to be serious on this issue. He should get more salesmen out there to assist Kenyans access those markets which are available there. If it were possible, we can have in each state in America several attaches, salesmen and other people who can market our commodities out

there. We are told that export promotion centres are doing something. If you get to those centres, you will notice that people are not getting adequate assistance to help them market their goods out there. You go there and you are told to get to the website. You are talking about a website to a Turkana who has never seen a computer. With our technology level, we need to do a lot.

Mr. Temporary Deputy Speaker, Sir, I imagine a situation where we should open information and data centres in this country, where people can walk in and get this information, for example, about the market needs in the USA or Britain. Through this information, people can get access to necessary contacts and get in touch with such people, so that they can export their commodities. Without doing that, there is no other way of improving our economy.

Mr. Temporary Deputy Speaker, Sir, a number of hon. Members have talked a lot about the issue of agriculture and I would also like to share my concern. Agriculture being a major source of our income, is not given the attention it deserves. In our Budget, we should allocate more money to the Ministry of Agriculture and Rural Development in order to assist farmers in this country. It is a pity that farmers in this country have all been retrenched by this Government. For example, tea, coffee, cotton and sugar farmers have all been retrenched. They have been retrenched in the sense that they are not being assisted and, therefore, they are not improving crop production. They are putting more of their income into the production of crops, but the outcome is very low due to poor methods of farming and poor technology. Our farmers are not able to cope with this kind of situation and compete effectively with farmers in other countries.

Mr. Temporary Deputy Speaker, Sir, you have seen a situation where a soccer team is dismissed due to poor performance. For example, if Harambee Stars goes out there and loses a game and it continues to lose every game, then the whole bench and all players are dismissed and a new team is put in place. I think the time has come for farmers in this country to take note of how poorly the Government continues to treat him, and make the right decision. The right decision will be to retrench this Government. We need to retrench some people who have failed us, and I think we should start from the top. This is a serious issue and we need to help our farmers get out of these problems and be able to compete favourably with other farmers in the world. We are now talking of cheap imported sugar. Our farmers cannot compete favourably with other farmers in other countries because prices of farm inputs and fertilisers are high.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the issue of freedom of association which is enshrined in our Constitution. According to our Constitution, Kenyans have the freedom of association, speech and worship. When we talk about reviewing our Constitution and yet, we do not obey the current Constitution, I think we may not get anywhere. If we abuse the current Constitution by denying our people the right to assemble, or hold meetings, then we are not doing much. Even if our Constitution is written by angels and we do not respect it, we will not achieve anything. I would like the current Constitution, even if it is flawed, to be obeyed to the letter. It is sad that hon. Members cannot meet their constituents or assemble wherever they want. For example, supporters of *Muungano wa Mageuzi* and hon. Members who seem to be opposed to some opinion cannot be allowed to hold meetings. That is a violation of our Constitution. Our Constitution must be respected if this country truly believes in the tenets of democracy.

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

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 29th March, 2001, at 2.30 p.m.

The House rose at 6.30 p.m.

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 29th March, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ADOPTION OF THE NINTH PIC REPORT

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

THAT, this House adopts the 9th Report of the Public Investments Committee on the accounts of State Corporations laid on the Table of the House on 27th July, 2000.

QUESTIONS BY PRIVATE NOTICE

ACTION AGAINST CORRUPT POLICE OFFICERS

Mr. Murungi: 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 police officers from Nkubu Police Station are demanding bribes of Kshs100 from every Land-Rover owner entering Nkubu Market through Nkubu-Mikumbune Road?

(b) Is he also aware the said police officers have ignored warnings from their superiors not to demand bribes?

(c) What urgent steps is the Minister taking to ensure that the concerned police officers are dismissed from the Police Force and charged with corruption?

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

(a) I am not aware of the alleged taking of bribes by police officers along Nkubu-Mikumbune Road.

(b) Arising from my reply in (a) above, parts (b) and (c) do not arise.

(A cell phone rang in the House)

Mr. Deputy Speaker: Order, hon. Members! Could the hon. Member with that cell phone, please, take it out of the Chamber? To avoid this kind of situation arising again, hon. Members should kindly leave their cell phones

[**Mr. Raila**]

seriously, about police harassment, bribe-taking and extortion on our highways and remove those roadblocks?

Maj Madoka: Mr. Deputy Speaker, Sir, the

outside the Chamber. But that hon. Member should be honourable enough and take that phone out!

Mr. Murungi: Mr. Deputy Speaker, Sir, I am wondering whether the Minister can look at me in the eye and repeat what he has said. I was with the Minister at Nkubu Market on 6th December, 2000, and I informed him about this problem and he promised to take some action. I am now surprised to hear him say he is not aware about this matter. Is he in his right mind, or has he gone bananas? Could he confirm or deny whether he was with me at Nkubu Market on 6th December, 2000, and that I told him about this matter problem?

Maj. Madoka: Mr. Deputy Speaker, Sir, first of all, I do not take very kindly to the nasty remarks by the hon. Member. It is true that I was with him at this particular place and he told me that police had been taking bribes. I checked with the police officers and I found that no reports about bribe-taking had been made. Therefore, I am not aware that any bribes were being given!

Mr. Deputy Speaker: But, Mr. Minister, the hon. Member made you aware about this matter on 6th December, 2000?

Maj. Madoka: Mr. Deputy Speaker, Sir, he told me about this but when I checked, there was no evidence to show that any bribes were being taken! Therefore, I am not aware of any bribes taken.

Mr. Deputy Speaker: Order, Maj. Madoka! The Question is talking about bribes being "demanded" and not being "given."

Mr. Raila: Mr. Deputy Speaker, Sir, the Minister ought to take this House seriously. He is not taking this House seriously when he denies that bribes are being demanded. Each time he travels through a roadblock, he finds policemen and he knows that they demand bribes. In the absence of a state of emergency, why do we have permanent police roadblocks on our highways? What are those police roadblocks doing, if not only soliciting bribes from innocent motorists? When will this Government finally take complaints of the Kenyan people

Government takes everything seriously that is said about the police. I wish to state that when people say policemen are demanding bribes, I am not aware of that!

Mr. Deputy Speaker: Order, Maj. Madoka!

Just answer the question put to you.

Maj. Madoka: I am answering that question because hon. Raila said these police officers are there to demand bribes. These people can only prove that the police officers are demanding bribes if there is evidence that they have actually demanded a bribe!

Mr. Deputy Speaker: Order, Maj. Madoka! That "demanding" was just a rider. The Question was "when are you going to remove these roadblocks?"

Maj. Madoka: Mr. Deputy Speaker, Sir, we are not going to remove those roadblocks on our roads. It all depends on the particular areas where they are placed. I have personally dealt with the various cases that have been reported on these roadblocks.

Mr. Wamae: Mr. Deputy Speaker, Sir, is the Minister aware that there are about eight roadblocks from Nyeri to Nairobi? Is that justified by security reasons? Why do you have to keep those eight permanent roadblocks from Nyeri to Nairobi?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not sure that there are eight roadblocks between Nyeri and Nairobi, but I will check on that.

Mr. Sambu: Mr. Deputy Speaker, Sir, if the Minister denies that the police officers on those roadblocks take bribes, is he aware that when the Shaggy and Akamba buses collided last year, the Shaggy bus had just passed a police roadblock where passengers were removed by police officers from one Shaggy bus to another one which was overloaded? That is why so many Kenyans died. Why do we have those roadblocks if they are used by police officers to demand bribes?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am going to repeat what I said earlier. I am not aware that bribes are being demanded, and I am not going to deny that there are no bribes being demanded, but I am not aware.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, is the Minister in order to refuse to answer the Question, when these hon. Members pass through the roads every morning and witness this vice taking place? From Nanyuki to Nairobi, there are 14 roadblocks! I have been counting them everyday! The Minister does not seem to know what is happening! Is he sure of what he is telling the House?

Maj. Madoka: Mr. Speaker, Sir, I have not denied that there are roadblocks. I will check on the number of those roadblocks. Let me also add that we keep on reviewing our position about these roadblocks. Indeed, there are times when there may be too many roadblocks on the way and we have advised the Commissioner of Police to check on it.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Minister tell us what the distance should be from one roadblock to another, on average?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do not think we have got any specified distances between roadblocks. I think it depends on the various districts and the jurisdiction area of the officer commanding that particular area.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, since hon. Murungi has now brought this matter to the attention of the Minister responsible for internal security, could he now order the Commissioner of Police to ensure that these people do not take bribes any more?

Maj. Madoka: Mr. Deputy Speaker, Sir, I stated earlier that when hon. Murungi told me about this, I came and briefed the Commissioner of Police. He came back to me and said he had not been able to establish that bribes were being taken.

Mr. Murungi: Mr. Deputy Speaker, Sir, in answer to my question, the Minister says he is not aware that there is bribe-taking by police as no police officers are deployed on the same road. Even the day the Minister was there, there were policemen on this road and they are there even now. Could he undertake to do further investigations on this matter and come back to the House with a proper answer? This answer is not based on any facts! The People of Imenti South will be surprised to hear that there are no police officers on this road when they are paying them Kshs100 everyday!

Maj. Madoka: Mr. Deputy Speaker, Sir, I have not said there are no police officers deployed there. That is why I did not read that part of the statement!

Mr. Murungi: Mr. Deputy Speaker, Sir, it is clear that the Minister has not dealt with my Question and he has not done his homework well. I am requesting the Chair to send the Minister back to go and establish, as a matter of fact, whether there are police officers posted on the Nkubu-Mikumbune Road, and whether they are demanding bribes of Kshs100 from every Land-Rover? He should also take some action and report back to the House.

Mr. Deputy Speaker: Maj. Madoka, you have been asked to state whether you will ensure that no police officers are deployed on the said road. What is your answer?

Maj. Madoka: Mr. Deputy Speaker, Sir, when I was there, there were policemen on that road because I saw them. So, today, I do not know whether they are there or not. After that incident, the Commissioner of Police told me that they were not [Maj. Madoka] going to have them there. So, I am reporting what I was informed.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. The Minister has not dealt with our request that he goes back and establishes the facts on the ground and comes back with a proper answer to the House. The mere fact that the Commissioner of Police told him something since we are saying something different should itself ring a bell that the Minister should do something. Could he undertake to do further investigations?

Maj. Madoka: Mr. Deputy Speaker, Sir, I will comply with that request of the House.

Mr. Deputy Speaker: Thank you very much.
Next Question!

PAYMENT OF DUES TO RETRENCHÉES

Mr. Kiunjuri: 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 civil servants who were retrenched last year have not been paid their dues amounting to Kshs200,000 each?

(b) What immediate action is the Minister taking to ensure that the full amount is paid?

The Minister of State, Office of the President

(Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I beg to reply.

(a) All civil servants retired under the Retrenchment Programme have completed and returned all their forms and the following documents have to be produced before they are paid their dues: Civil Service Reform Programme III Form; Pension Commutation Option Form; copy of the national identity card and the bank account number through which the dues are to be paid. The amount payable is not uniform because it is determined by the grade and salary level of the retirees, number of years worked and the terms of service. The average benefit payable is, therefore, about Kshs235,000 with some retirees earning less and some higher. For non-pensionable retirees, the full amount of severance pay, salary in lieu of notice and "golden handshake" have been, and will continue to be paid as the retirees return the Civil Service Reform Programme III Forms.

My office has released several Press statements through print media and the radio appealing to the retirees to return or submit the following documents to their respective Permanent Secretaries: CRC Form III, Pension Commutation Option Form, copy of the national identity card and the bank account through which the dues will be paid. As soon as the documents stated above are returned to the Government, benefits will be processed and paid without further delay.

Mr. Kihara: Mr. Deputy Speaker, Sir, I understand that one of the agreements that Civil Service retirees are required to sign is to the effect that they will never seek any employment in the Public Service. They cannot be consultants or take any job in the parastatals or any other public organization. Is the Minister satisfied that these conditions are fair to the retiring civil servants whose do assist those people, particularly from North Eastern Province, who have filled in their forms correctly but have not been paid their dues?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, as a matter of fact, I do not know of anybody who has filled in his form and has not been paid. Probably, it is just taking the normal processing time. If the hon. Member knows anybody who has filled in the forms and stayed for a week or two in Nairobi, I will be very grateful to know who he is.

experience is important to this nation?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, that is normally the understanding between the retirees and the Public Service. But I do not know whether there are any special conditions which should probably be considered by the Government. But definitely, it would not be normal for the retirees to be re-employed in the Public Service under the normal circumstances.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the truth of the matter is that, now it is almost six months since those people were retrenched. Secondly, when the Government retrenched these civil servants, it was clear that they were going to compensate or pay them their dues amounting to Kshs235,000. Now, it is six months down the line and they have only been paid Kshs40,000. Could the Minister explain to this House how he expects those people to survive with only Kshs40,000? These people are supposed to feed their families and educate their children with Kshs40,000 only, yet that money had been provided for by the Government.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, if there was any confusion at all, definitely it arose from the retirees' failure to follow the normal procedure as laid down. I am sure if they could do what they are required to do; for example, submit the forms through their Permanent Secretary promptly, I do not see why there could be any delay in paying their dues immediately.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I would like to put it to the Minister that the Government was not honest in dealing with these retirees because, if they had wanted these people to be paid their dues, they should have insisted on the retirees filling out these forms and having everything in order before retiring them. The fact that they were retired and then asked to fill these forms seems to me that the Government was buying time. Is that the position or not?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, definitely, we are not buying time. It is the normal procedure.

Mr. Shill: Mr. Deputy Speaker, Sir, we know for a fact that civil servants who are retrenched go through nightmares in Nairobi. There are retirees who have filled in the forms correctly, but for the last two months, they have been staying in Nairobi. Could the Minister tell us what he will [Mr. Shill]

Mr. Muchiri: Mr. Deputy Speaker, Sir, since the Permanent Secretaries are stationed in Nairobi, could the Ministry authorise those forms to be passed to the retirees through the District Commissioners? It is very expensive for the retirees to travel from upcountry to Nairobi.

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, the forms are submitted to the Permanent Secretaries. Whether for some reason the Permanent Secretary gives

the forms to the District Commissioners to facilitate them getting to the retirees, I would not vouch. Definitely, it is the Permanent Secretaries who are responsible for the exercise.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, could the Minister confirm that the Government believes that the retrenchment of the civil servants was fair?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, this process went through all the stages, including passing through the House, and I am sure everybody agrees that it was fair.

Mr. Deputy Speaker: Order, Mr. ole Ntimama! You were asked to bring to the House a Sessional Paper to outline the details of this retrenchment and you have not done it. So, it has not gone through this House as you have alleged.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is pathetic that the Government decided to retrench civil servants aged 28 years old, leaving those aged 60 years. These are the most potential brains that we have in this nation and there is not justification for us taking that action. Now, the Minister is confusing the whole House that---

Mr. Deputy Speaker: Order, Mr. Kiunjuri! Ask your question.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, is the Minister telling the House that out of the thousands of retrenchees, none of them has complied with the requirements, and hence none has been paid?

Mr. ole Ntimama: Mr. Deputy Speaker, Sir, this is a very confusing question because I am sure the majority of the people who have been retired have filled in those forms and have been paid their dues.

Mr. Deputy Speaker: Next Question!

DISBANDING OF KCB SUBSIDIARIES

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

(a) Is the Minister aware that the Managing Director of Kenya Commercial Bank has disbanded some KCB subsidiaries, for example, Savings and Loans Kenya Limited, Kenya Commercial Finance Company, and is also intending to sell Kencom House?

(b) What economic/financial justification is there for taking such drastic measures in disposing of the assets of [The Minister for Finance]

The KCB is currently undergoing major restructuring and rationalization of its operations. The efforts they have put in during the last two years are beginning to bear some fruit as evidenced by their financial results. In order to support the restructuring and ensure quick return to sustainable profitability, the Kenya Commercial Bank and its subsidiary boards have recommended the proposed mergers.

The issue of the sale of Kencom House is subject to litigation, and since the matter is in court, it is not advisable for me to comment on it.

Mr. Ojode: Mr. Deputy Speaker, Sir, it looks as if the Minister is not controlling the Treasury. The Kenya Commercial Bank is under his docket, but he is not aware that even Savings and Loans Kenya Limited is being merged with the KCB. The Savings and Loans Kenya Limited is up for sale. The Managing Director wants to sell Savings and Loans Kenya Limited to Barclays Bank. As I am talking here, Barclays Bank has already submitted an application to go into the business of managing mortgages. The Minister is also saying that he is not aware that other subsidiaries of KCB are up for sale.

KCB Group of Companies?

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

(a) I am not aware that the Kenya Commercial Bank Managing Director has disbanded some KCB subsidiaries, such as Savings and Loans Kenya Limited and Kenya Commercial Finance Limited. However, I am aware that KCB and subsidiary boards have agreed to merge or integrate the Savings and Loan Kenya Limited and Kenya Commercial Finance Company Limited into Kenya Commercial Bank Limited. This proposed merger or integration is, of course, subject to the approval of the Minister for Finance as provided for under the Banking Act, and the shareholders of the KCB in an annual general meeting. The same is yet to be implemented after all the approvals have been obtained. I am similarly aware that Kencom House has been sold to KCB Staff Pension Fund.

(b) The KCB is currently undergoing major restructuring and rationalization of its operations. In reaching the strategic decisions to merge or integrate the subject subsidiaries, the KCB Board fully recognizes the on-going importance of their product as being vital to KCB core business. However, expensive subsidiary structures are not needed to deliver these products to customers. In fact, product sales can improve using the extensive KCB branch network. For Savings and Loans Kenya Limited, there is a recommendation before me at the moment by the Central Bank to disband it. However, no decision has been made at this point in time.

As for Kenya Commercial Finance, the KCFC and KCB are carrying out similar and even competitive roles. By merging their operations, it is expected that the bank will benefit from economies of scale and increased utilization of resources. Most of the customers of Kenya Commercial Finance are already customers of KCB, and for them, this will mean dealing with one relationship point. Savings will be realised on a number of expenses which will be reduced or eliminated altogether, for example, directors' emoluments, pension scheme contributions, office rent and maintenance and other operating expenses. These are estimated at about Kshs90 million a month. Savings in staff costs included above are due to reduction of jobs for the integrated staff by about 45.

Mr. Deputy Speaker, Sir, I want to share with him, but---

Mr. Deputy Speaker: Order! I will allow you to share with him whatever you want in the form of a question. If you have documents to lay on the Table, yes, do so, but I will not allow you to make a speech.

An hon. Member: It needs co-operation!

Mr. Ojode: Let us just co-operate on this issue, Mr. Deputy Speaker, Sir.

(Laughter)

Mr. Deputy Speaker: Order! I do not know whether he is talking about co-operation or a merger, but, hon. Ojode, for the time being, I want you to ask a question.

Mr. Ojode: Mr. Deputy Speaker, Sir, let me give him the background information and then I will ask the question.

Mr. Deputy Speaker: Order! You have done enough!

Mr. Ojode: The Minister should know---

Mr. Deputy Speaker: Order! Hon. Ojode, I am going to move to the next Question.

Mr. Ojode: Mr. Deputy Speaker, Sir, is the Minister aware that the KCB Training School in Karen is being sold at a throwaway price? An acre of land where those buildings stand is going for Kshs900,000.00

Hon. Members: What? Aha!

Mr. Ojode: And yet the valuation report refers to a figure of Kshs3 million. I am not against the Minister, but I wanted to ask him whether he is aware---

Mr. Deputy Speaker: Order! You have done it. You started by asking if the Minister was aware of all those things you have stated. Now, I want the Minister to tell us whether he is aware or not.

Mr. Okemo: Mr. Deputy Speaker, Sir, I think, in my response, I did say that I was aware of Savings and Loans Kenya Limited having been recommended for disbandment. I did say that the Kenya Commercial Finance Corporation has already been approved for disbandment because of the similarity of the functions it carries out with the KCB. However, I am not aware of the sale of the KCB Staff Training Institute and at Karen at Kshs900,000 per acre.

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. I had decided not to raise an issue, but I have been forced by circumstance to do so. As you know, I initiated and supervised the construction of the Kencom House when I was the Executive Chairman.

An hon. Member: You are touching on an issue of *sub judice*!

Mr. Michuki: Whether the issue is in court, the fact is that the bank is forcing Pensions Fund to buy Kencom House without involving itself in the principal sale. So, we can discuss the principal sale.

Mr. Deputy Speaker, Sir, when we get a building like Kencom House, which was purposely tailored to show the strength of finance in the hands of Kenyans, are we not showing our children that tomorrow, we shall be asking hon. J. Nyagah to cut part of Kenya and issue a title deed which we can sell to settle debts? Could the Minister tell us why, even Savings and Loans Kenya Limited deals with long-term mortgage cases for the building society has nothing to do with the KCB? So, the Kenya Commercial Finance Company (KCFC) takes deposits although it is not part of the ailing commercial activities. So, where is the synonymity between the KCB, Savings and Loans Kenya Limited and the KCFC?

Mr. Okemo: Mr. Deputy Speaker, Sir, I am surprised that hon. Michuki can comment about the KCFC and KCB carrying out dissimilar functions. If you take your memory back, the KCFC was established because of the provisions of the Banking Act at that time, which stipulated that a commercial bank would not lend loans for a period exceeding three years. But, of course, as you are aware, that provision was removed. Therefore, the existence of KCFC as an independent financial institution is unnecessary because that function can be carried out by a normal commercial bank.

When it comes to the question of Kencom House, it is very difficult for me to comment on the [Mr. Okemo] sale because it is the sale which is actually being challenged in court now. If I comment on that, then, obviously, I think I will be acting *sub judice*.

Mr. Kombo: Mr. Deputy Speaker, Sir, is the Minister telling this House that stripping of assets by the KCB is a good thing for the economy of this country? Is it not just an excuse for Mr. Gareth George to justify his balance sheet and his salary of Kshs60 million, which he is paid in advance?

Mr. Okemo: Mr. Deputy Speaker, Sir, I am not condoning stripping of assets, as hon. Kombo puts it. The question of the land where the KCB Staff Training Institute stands at Karen being sold at Kshs900,000 per acre has come to my attention through hon. Ojode. I would like to request that I share that information with hon. Ojode and appropriate action will be taken to stop that sale if, indeed, it is going for Kshs900,000 per acre.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Before Savings and Loans Kenya Limited and the Kenya Commercial Finance Corporation were sold, what was the value of those two corporations? Were they

established by an Act of Parliament? If so, why was the matter not brought to Parliament for approval before they could be sold?

Mr. Okemo: Mr. Deputy Speaker, Sir, these are actually subsidiary companies of the KCB and there is no Act of Parliament that established any of them. Therefore, the merging of the KCB and the KCFC is a management decision that was taken as part of the restructuring process.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. Hon. Ojode raised a very serious issue and before he shares the information with the Minister, could he substantiate the allegation that an acre is being sold at Kshs900,000, plus the buildings, so that we can know what exactly is going on? Who is this person who bought this particular plot?

An hon. Member: It is a Mzungu!

Mr. Sifuna: Even if they share the proceeds, the House should know who exactly bought that particular piece of land.

Mr. Deputy Speaker: Yes, Mr. Ojode!

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Minister confirm or deny that the following branches are being sold before I tackle that issue of hon. Sifuna? They are as follows: Mashariki Branch, Muindi Mbingu Branch, Harambee Branch and Kehancha Branch. These branches will close down as from 14th April, 2001.

Mr. Deputy Speaker, Sir, the Printing Branch of the KCB is up for sale. The new computer which links the bank with the Nairobi Stock Exchange, and which had just been installed and refurbished at Kshs24 million, is also up for sale.

Mr. Deputy Speaker, Sir, the Savings and Loans Kenya Limited, which the Minister is talking about and which made a profit for the last one year, and was manipulated by the management. However, according to the available records, this company made a profit of Kshs114 million, but the management only declared a profit of Kshs24 million. When they were asked the reason for that anomaly, they alleged that the difference was transferred to the main office expenses account.

Mr. Ojode: Mr. Gareth George was brought there by Dr. Leakey who has so far been retired. The main duty of Mr. Gareth George is to loot the KCB assets. Could the Minister confirm or deny---

Mr. Deputy Speaker: Order, hon. Ojode! The Standing Orders state very clearly that you must not use the occasion of a question to make a speech. Let me now say that for the last time.

Mr. Ojode: (inaudible)

Mr. Deputy Speaker: Hon. Ojode, you have not asked any question!

Mr. Ojode: You have cut me short, Mr. Deputy Speaker, Sir! Let me ask the Question.

Mr. Deputy Speaker: Mr. Raila, proceed. Mr. Ojode, I will come back to you later.

Mr. Raila: Mr. Deputy Speaker, Sir, according to the written reply from the Minister, he says: "I am similarly aware that Kencom House has been sold to the KCB Staff Pension Fund." The court issue notwithstanding, is the Minister aware that the KCB management is in the process of contracting the management of the KCB Pension Fund to the Barclays Fund? We know that the Barclays Bank is in the business of banking, competing with KCB. Is that not a contradiction? Will he confirm or deny that Mr. Gareth George is being paid Kshs5 million per month, and that he came from Barclays Bank?

Mr. Okemo: Mr. Deputy Speaker, Sir, I am not aware of a lot of these facts. In fact, a lot of valuable information is coming from the hon. Members of the House. I would very much like to share that information with those hon. Members that have it. As far as Kencom House is concerned, the matter is in court and I do not think I will comment on it. However---

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

Mr. Okemo: Can you stop being agitated? Can you save me, Mr. Deputy Speaker, Sir?

Mr. Sambu: You cannot abuse me!

Mr. Deputy Speaker: Order! He is responding to---

Mr. Sambu: He cannot abuse me! Who is he? What is wrong with him?

Mr. Deputy Speaker: Order! Hon. Sambu, I now require you to withdraw from the precincts of Parliament for the rest of this afternoon's sitting.

(Mr. Sambu withdrew from the Chamber)

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. I am following up hon. Kombo's question. Hon. Kombo categorically asked this Minister to confirm or deny whether Mr. Gareth George is paid Kshs60 million per month. Can the Minister confirm or deny this fact?

Mr. Okemo: Mr. Deputy Speaker, Sir, I would like to categorically deny that Mr. Gareth George is getting Kshs60 million per month.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. Hon. Sifuna had asked hon. Ojode to substantiate the allegation that some hectare of land was going for Ksh900,000. Hon. Ojode had promised that he would do that. Would I be in order to ask that he does so now?

Mr. Deputy Speaker: Yes, you are in order.

Mr. Ojode: Mr. Deputy Speaker, Sir, I would request you to give me time so that I can answer him. This is my response: Mr. Gareth George was paid K£150,000---

Hon. Members: Substantiate!

Mr. Ojode: I will come to that!

Mr. Deputy Speaker: Order! Hon. Ojode, are you in a position to substantiate what you have said or not? What you are saying now is not substantiation by any stretch of the imagination.

Mr. Ojode: Mr. Deputy Speaker, Sir, I would request the Chair to allow me time to develop what I wanted to say, and then I will substantiate. I will table everything here; do not worry!

Mr. Deputy Speaker: The matter of substantiation should be dealt with now.

Mr. Ojode: I want to substantiate, but let me build up what I wanted to say.

Mr. Deputy Speaker: Order, hon. Ojode! You will either substantiate or not. You can say other things later, but not now. Now is the question of substantiation.

Mr. Ojode: Mr. Deputy Speaker, Sir, Mr. Gareth George is selling this plot to the Karengata Cowboy in Langata. This is an association for Karen and Langata *Wazungu*. Gareth George---

Mr. Deputy Speaker: Hon. Ojode, you have been in this House long enough to know what substantiation is all about. Are you in a position to substantiate or not?

Mr. Ojode: I will table the document on the question of land, but for now let me develop what I want to say.

Mr. Deputy Speaker: Do it now!

Mr. Ojode: I will do it now, but not immediately because I have to go out and get the things.

Mr. Deputy Speaker: Hon. Members, when you come to the House having decided that you will make certain statements, you ought to know that you will be called upon to substantiate on the spot. That has been the practice in this House and there will be no exception. So, hon. Ojode, stand up and substantiate or withdraw.

Mr. Ojode: Mr. Deputy Speaker, Sir, let me first of all finish this one then I will go and bring---

Mr. Deputy Speaker: No! Do it now!

Mr. Ojode: I withdraw that particular statement if that is the case. You are forcing me---

Mr. Deputy Speaker: Order! If you cannot substantiate that allegation, I will move on to the next Question. Lay your documents here on the Table now. I will deal with that first.

Mr. Ojode: Mr. Deputy Speaker, Sir, I am requesting the Chair to give me time to pick up the documents then I will lay them on the Table on Tuesday.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. As far as I know, there is no provision in our Standing Orders which says that you must substantiate on the spot. You can request to substantiate tomorrow or the day after. Our Standing Orders do not require that you must do it on the spot. So, Mr. Ojode is right to ask for time to substantiate this one tomorrow, if he has the papers.

Mr. Deputy Speaker: Order, Mr. Mwenje! I do not know which Standing Orders you are talking about. They must be from another forum. The Standing Orders are silent on that matter. Where the Standing Orders are silent, as I have had occasion to remind you before, you take recourse to Standing Order No.1. You must not form this habit of arguing even when you do not have the facts.

Hon. Ojode, are you substantiating or not?

Mr. Ojode: No, I did ask for time, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: When you have come with a Question and you are going to ask a supplementary question through which you make allegations, it is only fair that you come armed with documents which substantiate those allegations you wish to make. So, are you substantiating or not?

Hon. Member: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: I am dealing with this issue first.

Mr. Ojode: Mr. Deputy Speaker, Sir, would it be in order for me to bring the documents on Tuesday?

Mr. Deputy Speaker: Fair enough. Hon. Members seem to have a lot of interest in this matter. To be fair, if hon. Ojode has documents that will substantiate the allegations he has made because they are also of a very serious nature, the Chair will allow him to table those documents on Tuesday.

Mr. Ojode: Mr. Deputy Speaker, Sir, you [Mr. Ojode] know very well that I had already said I will substantiate on that day; I did state that I would be able to bring the documents here on Tuesday. The Minister has not answered my question. Let me ask my last question. Can the Minister deny or confirm that there is a computer project being undertaken by the Kenya Commercial Bank at a cost of Kshs560

million? This tender has been awarded through single-sourcing to a company which cannot do the work.

Mr. Okemo: Mr. Deputy Speaker, Sir, I know that there is computer project that the bank is undertaking now, which involves procurement of computers. I do not have the details that the hon. Ojode has. I would like to carry out thorough investigations and report back to this House on those various allegations. That is important.

Mr. Deputy Speaker: How much time do you want?

Mr. Okemo: Mr. Deputy Speaker, Sir, if hon. Members really want me to conduct a thorough investigation, they should give me about two weeks.

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

Mr. Deputy Speaker: Order! That was the last question. Mr. Minister, I have given you 14 parliamentary days to bring back that statement.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Minister has indicated that I should share with him the information that I have. I would want the Minister also to note this before I table that information.

Mr. Deputy Speaker: Order! No; that is the end of that Question.

DE-GAZETTEMET OF PROVINCIAL ADMINISTRATORS

Mr. Sifuna: 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 the Government de-gazetted Provincial Commissioners, District Commissioners and Divisional Officers from being councillors in all councils in the Republic?

(b) Is he further aware that every council is supposed to have one nominated councillor for every three elected councillors?

(c) When will the Electoral Commission inform parties concerned to nominate councillors to replace the de-gazetted provincial administrators?

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

(a) Yes, I am aware. The Government had de-gazetted provincial administrators as councillors. However, it was later realised that we acted before the law was amended. Consequently, they have been reinstated as councillors, vide Gazette Notice No.1613 of 16th March, 2001.

(b) Yes, I am aware.

(c) This question has already been overtaken by events arising from my answer in "a" above.

Mr. Sifuna: Mr. Deputy Speaker, Sir, you will now agree that this Government is totally confused. There was a Motion here in 1998, by hon. Obwocha, demanding that provincial administrators be removed from the councils. After one year, the Minister de-gazetted all provincial administrators from being councillors. After another one year now, he is gazetting them again. That is the confusion. When did the Minister know that they had acted before the law was changed? Was it after I had submitted my Question or after?

Mr. Kamotho: Mr. Deputy Speaker, Sir, this Question is by Private Notice; so it reached us just the other day. We acted when we wrote to the Electoral Commission of Kenya (ECK) to inquire about existence of vacancies as a result of removal of DCs from councils. The ECK replied that there were no vacancies because the law had not been changed. Therefore, we had acted *ultra vires* by de-gazetting the appointment of DCs as councillors in local authorities.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I thought that, normally, the conduct in a civilised society is that if you think that a policy is good, and there is a contradiction between it and a law, this means that the law is bad. You do not change the policy, but you change the bad law. Can the hon. Minister for Local Government jog my mind on which particular part of the law states that the PCs, DCs and DOs shall be councillors? Can he remind this House of this?

Mr. Kamotho: Mr. Deputy Speaker, Sir, Section 26(b) of the Local Government Act, Cap.265, empowers the Minister to nominate councillors to represent the Government in various councils. This section has not been amended and the Minister is not, therefore, obligated to act on a Private Member's Motion.

Mr. Maitha: Mr. Deputy Speaker, Sir, I am the Shadow Minister for Local Government of the Democratic Party of Kenya. The Act the Minister has referred to does not mention anywhere a DO, a DC or even a PC. Which law did he read to this House if it was not Cap.265?

Mr. Kamotho: Mr. Deputy Speaker, Sir, the point is that when the law talks of a Government officer, this is an open cheque. You can appoint any officer, be he an agricultural officer, an educational officer, an environmental officer or a DO, as a councillor.

Mr. Ndicho: Thank you, Mr. Deputy Speaker, Sir. In answer to part "b" of the Question, [Mr. Ndicho] the Minister has said that he is aware that the law provides that for every three elected councillors, there will be one nominated councillor. In Thika Municipal Council, we have 12 elected councillors. This means that a third of the 12 councillors is four councillors. This makes a total of 16 elected and nominated councillors. In Thika Municipal Council,

we have 17 councillors instead of the 16 councillors who are provided for by the law. The 17th councillor is the KANU Executive Officer for Thika District, who was appointed by the Minister's predecessor. In view of the contravention of that Section of the law, would I be in order to ask the Minister to conform with the provision of that law and remove that extra councillor, so that his answer to part "b" of the Question will be in conformity with his actions?

Mr. Kamotho: Mr. Deputy Speaker, Sir, I have not conducted any census of the councillors in Thika Municipality. So, I would not know how many councillors it has.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. I know that the Minister is not charged with the responsibility of conducting census. In any case, when the Government conducts a census in this country, it gives us the wrong figures. For example, it reduced the number of Kikuyus and Luhyas---

Dr. Kituyi: Ask your question!

Mr. Ndicho: Are you the Deputy Speaker?

Mr. Deputy Speaker: Order!

Mr. Ndicho: Mr. Deputy Speaker, Sir, I am the hon. Member of Parliament for that area. I represent Thika Municipality and I know my councillors. The Minister knows that as much as I do because I have written him a letter to that effect. Is it in order for the Minister to refuse to answer a Question whose answer he knows very well? I have given him the actual figures! There are 17 councillors in Thika Municipality instead of 16 councillors. I am now the *bona fide* hon. Member of Parliament for the area.

Mr. Kamotho: Mr. Deputy Speaker, Sir, I would like to assure hon. Ndicho that I will verify the allegations he has made. If I find them to be true, I will---

(A mobile telephone rang in the Chamber)

Mr. Deputy Speaker: Order! Could the owner of that mobile telephone kindly take it and himself out now? You cannot be hon. Members if you are hiding little things like mobile phones in your coat pockets. Please, let this be the last time the Chair is pleading with you not to bring mobile phones into the Chamber. If you do bring them with you, make sure that they are switched off. Otherwise, we will take a more drastic action because of this little gadget called "cell phone", which is really not necessary.

Mr. Kamotho: Mr. Deputy Speaker, Sir, I said that I am going to verify the allegations made by hon. Ndicho. If I discover the anomaly, I will then act in accordance with the law.

Mr. Munyao: Mr. Deputy Speaker, Sir, we know very well that this Government rules by confusion. I have with me here a copy of Kenya Gazette Notice No. 1613 of 16th March, 2001, in which the Minister issued the said notice. I wonder whether this notice is legal. It has been signed by the wrong person, namely, Mr. J.J. "Komocho". We do not have a Minister by that name in this House. Could he confirm whether he is the one who signed this gazette notice?

Mr. Kamotho: Mr. Deputy Speaker, Sir, that is a printing error. I think it will be corrected.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the other day, the Speaker lectured us about the dignity of the resolutions of this House. This House did resolve that Provincial Commissioners (PCs), District Commissioners (DCs) and District Officers (DOs) would cease to be nominated councillors. Would I be in order to ask the Chair to order the Minister to de-gazette these officers from being councillors throughout the country, so as to restore the dignity of this House?

Mr. Deputy Speaker: Hon. Members, all of us are duty-bound to respect the resolutions of this House. I can understand the Minister giving the excuse that the law has not been amended to facilitate the de-gazettement of the said officers from being councillors, but the import of the particular resolution of this House was that he should put in motion the amendment of the relevant Sections of Cap. 265, to conform with the resolution. So, Mr. Minister, that is what you have to do.

(Applause)

Mr. Kamotho: Mr. Deputy Speaker, Sir, I think hon. Members of this House are already aware that we are in the process of overhauling the Local Government Act. I have assured Kenyans that the Bill by which the Act is going to be reviewed will be ready for debate by this House before the end of August, 2001. So, the particular resolution of this House will be taken care of then.

Mr. Mbela: Mr. Deputy Speaker, Sir, in view of the fact that the Statute Law (Miscellaneous Amendments) Bill is going to be brought to this House again, could the said amendment be incorporated into that Bill? The particular resolution will be taken care of much faster that way.

Mr. Kamotho: Mr. Deputy Speaker, Sir, we have already written to the Attorney-General about [Mr. Kamotho]

the matter. So, the question of incorporating the particular bit of the Local Government Act into the Statute Law (Miscellaneous Amendments) Bill should be directed to the Office of the Attorney-General.

Mr. Maitha: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to pass the buck to the Office of the Attorney-General? He knows that he is the one who is supposed to ask the Attorney-General to do the job for him.

Mr. Deputy Speaker: Hon. Maitha, the Statute Law (Miscellaneous Amendments) Bill also provides hon. Members with a chance to propose amendments to it. The House can amend the Bill. So, really, you are not saying anything new to the Minister.

Mr. Munyasia: Mr. Deputy Speaker, Sir, the Minister adopts a very liberal interpretation of Section 26(b) of the Local Government Act. But could he tell us why in Sirisia Constituency, which has two town councils, he has been appointing one DO to be a nominated councillor in both Sirisia and Malakisi Town Councils? He should have appointed another public officer to be a nominated councillor in one of the town councils. Why did he zero down on a DO?

Mr. Kamotho: Mr. Deputy Speaker, Sir, that is our practice. When more than one local authority fall within the same administrative unit, the officer in charge of administration in that area is automatically appointed a nominated councillor in those local authorities.

Mr. Kombo: Mr. Deputy Speaker, Sir, is the Minister saying that it is legal for one Member of Parliament to represent two constituencies simultaneously? Nominating a DO to represent the Government in two local authorities simultaneously implies that, that DO is a councillor in two local authorities at the same time. Is that legal?

Mr. Kamotho: Mr. Deputy Speaker, Sir, I do not think there is anything wrong with that. Even an individual can be a member of the boards of directors of 10 or 20 companies. In any case, such a person attends the meetings of those companies when they are called. He tries as much as possible to avoid conflict in the days of the meetings for the various companies.

Mr. Deputy Speaker: Could you ask your last question, Mr. Sifuna?

Mr. Sifuna: Mr. Deputy Speaker, Sir, now that the Minister admits having made a mistake, could he tell the House the specific reasons for his decision to de-gazette the Provincial Administration officers from being nominated councillors in the first place?

Mr. Kamotho: Mr. Deputy Speaker, Sir, when I acted to de-gazette PCs, DCs and DOs from being nominated councillors, I did so on the basis of some legal advice by the Law Reform Commission and the Attorney-General's Chambers. But when we wrote to the Electoral Commission of Kenya (ECK), the ECK raised questions on the legality of my action. So, I had to rescind it.

Mr. Deputy Speaker: Very well. Let us proceed to Mr. Maitha's Question.

ALLOCATION OF MAJORENI DISPENSARY LAND

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

(a) Is the Minister aware that a private developer was allocated land belonging to Majoreni Dispensary in Pongwe/Kidimu in Kwale District?

(b) Is he also aware that the same developer borrowed money from the Kenya Commercial Bank (KCB) and since he is now unable to pay the money, auctioneers have moved in to sell the said land?

(c) What urgent measures is the Minister taking to save the residents from losing this piece of land?

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, first of all, I wish to apologise to the House because my Ministry did not reply to this Question when it was called out yesterday!

Mr. Deputy Speaker: It might be interesting to know why!

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, there was some internal confusion which led to the situation. But I can assure you that it will not happen again! Having said that, I beg to reply.

(a) I am aware that plot LR No.Kwale/Majoreni/1499 was adjudicated in favour of a Mr. Karagania, and has a freehold title deed.

(b) I am also aware that Mr. David Karanja Kamau, who is the current owner, secured a loan of Kshs70,000 from the KCB. However, the Ministry is not aware that the land is being sold.

(c) The land is a private property and the Ministry cannot interfere with registered proprietor's right of enjoyment!

Mr. Maitha: Mr. Deputy Speaker, Sir, in 1979, Pongwe/Kidimu Location residents accepted a Government request to allocate land to build a community dispensary with funds from the UNICEF. The Government used Kshs3.5 million to build a dispensary and five staff houses. There is a clinical officer and five nurses in that dispensary. The dispensary is fully owned by the Government. In 1981, the Government adjudicated that area and allocated the

dispensary plot to a Government officer, who resold it to a private developer. The private developer took a loan from the KCB---

Mr. Deputy Speaker: Order!

Mr. Maitha: I am asking the question, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: No! You are making a statement!

Mr. Maitha: Mr. Deputy Speaker, Sir, my question is: The Ministry of Lands and Settlement and the Ministry of Health are both Government Ministries. Could the Minister tell us how the Ministry of Lands and Settlement could allow somebody to sell a plot with Government facilities, like the dispensary at Pongwe/Kidimu?

Mr. Nyagah: Mr. Deputy Speaker, Sir, my understanding is that the local community requested for a dispensary to be put up. Unfortunately, they chose a property that belonged to an individual! I think that is where the confusion arises. They proceeded to construct--- From the information that the hon. Member has given, it appears that the land on which the dispensary was built belongs to an individual, and not the Government!

Mr. Kanyauchi: Mr. Deputy Speaker, Sir, hon. Maitha has said that the Government advanced the local community Kshs3.5 million to build a dispensary on that piece of land. How on earth could the Government spend some money to develop a community-based health centre on a private property? How could that happen? How could the Government make such a fatal mistake!

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, from the advice that I have got from the Member of Parliament from that area, that is the gracious Lady next to me, and hon. Maitha, it appears that there is some confusion which requires to be clarified. It appears to me that one of our officers gave the land to himself, "on top of a dispensary!" It requires that I investigate the matter further. I did not have that information before I came here!

Mr. Deputy Speaker: That is fair enough! I will defer the Question to Thursday next week to give the Ministry some time.

(Question deferred)

Let us move on to the next Order. Could you proceed, Maj. Madoka?

MINISTERIAL STATEMENT

SHOOTING OF MOTORISTS BY ADMINISTRATION POLICEMEN

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, on the 27th of March, 2001, hon. Ngenye Kariuki requested for a Ministerial Statement in connection with the incident in which a motorist was shot dead, and another one injured along Kiambere Road in Nairobi.

Mr. Deputy Speaker, Sir, on the night of the 25th and 26th March, two motorists namely; Mr. Francis Kihara Kibugi, driving a motor vehicle registration number KAG 160E, a Mercedes Benz 200; and Mr. George Thaburi, driving a motor vehicle, registration number KAN 587B, were involved in a minor accident along Bunyala Road. Following that accident, it is alleged that Mr. Kibugi sped off and did not stop. As a result, Mr. Thaburi decided to follow him along Bunyala Road into Kiambere Road with a view to sorting out that accident matter. It is reported that Mr. Thaburi caught up with Mr. Kibugi on Kiambere Road, next to the gate of hon. Maalim Mohamed's residence. He then drove in front of Mr. Kibugi's car and stopped. The two got out, and they are said to have engaged in an argument before one was shot dead and the other one wounded.

Mr. Deputy Speaker, Sir, acting on a call from the Control Room from the Nairobi Area, police officers from Kilimani Division visited the scene of the incident and found Mr. Kibugi lying on the road with a bullet wound on his back. He was taken to hospital, where he was pronounced dead on arrival. The policemen involved allege that they thought it was a carjacking incident, and that was why they shot at the two people!

Mr. Deputy Speaker, Sir, at the scene of the incident, five spent cartridges of 7.62 millimetre calibre were recovered. Following that incident, the two administration police officers have been charged with murder, and they have already appeared in court. Since the matter is in court, it is not considered appropriate to divulge any more details on the issue.

[Mr. Deputy Speaker left the Chair]

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

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, the Minister in charge of internal security has really tried to give evidence. But we do not want to pursue that issue further because of the reason that he has given. But in this country, we trust the police. They are trained to identify people. Is the Minister convinced that the police officers in question, who were just across the road, could have mistaken the people who were shot? If they have been guarding there for some time, they must have known the neighbour. Could it have been mistaken identify? They knew the person and the car that he drove! Could it have been genuine mistaken identify?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, all I can say is that we feel the shooting was, definitely, unwarranted. Therefore, that is why those police officers have been arrested and charged in court. We have just to wait for the verdict.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, this person, who happens to be my constituent, is a prominent businessman in town. But that notwithstanding---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Consult quietly. You are in the Chamber.

Proceed, Mr. Kariuki.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, there is no reason why the APs should resort to killing a very innocent person when he is on a highway. They were supposed to be guarding houses. The APs were wrong to condemn him as a carjacker, whereas they had no details. They never asked those people to stop. Can the Minister confirm or refute the fact that the APs are low-calibre security officers without adequate education and proper training? They are trigger-mad and happy killing people, rather than maiming them. What is the Minister doing to stop this type of occurrence in this country?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, we train administration police officers very well. But these incidents do occur. As I said, the incident is regrettable, and we will wait for the outcome.

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, the Minister said that they thought it was a carjacking incident. If that was an incident of carjacking, do the police officers kill both of them; the carjacker and the victim of carjacking? How can it be so?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I have said that, that was the most unfortunate incident, and we certainly feel that they did not act properly. I cannot comment on that any further.

Mr. Ngure: Mr. Temporary Deputy Speaker, Sir, this started--- (inaudible). For a long time, Mr. Kibugi was working with the Old East African Trading Company, and he was somebody who was noticeable because of his long beard. So, the APs could not have mistaken him for a carjacker, being a neighbour. But one thing does not come clear: When you station APs at residences of Ministers and senior Government officials, who becomes the commandant so that he or she orders the shooting? Is it the Minister or they decide arbitrarily to use firearms?

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I think the police officers acted independently.

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I think if it is a matter of clarification, we have given the Minister a chance and anything more than that should involve a Motion or something else.

So, next Order!

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

The Temporary Deputy Speaker (Mr. Poghisio): On what?

POINT OF ORDER

MINISTERIAL STATEMENT ON EXCISION OF FORESTS

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the Speaker ruled on Tuesday that the Attorney-General should make a Ministerial Statement today, on the issue of defiance by the Government of court orders stopping further excision of forests. The surveyors worked the whole day last Sunday. So, this is an urgent matter. The Speaker urged the Front Bench to ensure that, that message gets to the Attorney-General. We have got the Leader of Government Business and the Deputy Leader of Government Business in this House, and the rulings of the Speaker should be respected by the Government. At least, even if the Attorney-General is not available, the Leader of Government Business should be here to explain to the House why the Attorney-General is not here and when he is going to be here.

Hon. Members: Hon. Khaniri, tell us!

The Temporary Deputy Speaker (Mr. Poghisio): Point taken.

Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(The Vice-President on 21.3.01)

(Resumption of Debate interrupted on 28.3.01)

Yes, Mr. Ojode.

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. I am grateful that you have recognised me, so that I can contribute to this very important Presidential Speech debate. I would want to start by appealing to the Ministry of Agriculture, Livestock and Rural Development to, at least, do something on the collapse of the sugar factories in Western Kenya. I am saying that because the majority of the sugar factories are covering a bigger area in terms of development. If they are closed, our farmers will not get something worthwhile to do, in **[Mr. Ojode]** order to solve their economic problems.

I also wanted to contribute a bit on the issue of the Kenya Commercial Bank. Maybe, you were not in the House when I was raising this Question, but there was a ruling sometime back by Mr. Slade that---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! You know that we want the hon. Member on the Floor to be heard. So, I would request those of you who are withdrawing to do so slowly and quietly; and those who of you who are consulting, please, consult in low tones so that we can follow him.

Mr. Ojode: Thank you, Mr. Temporary Deputy Speaker, Sir. There was a ruling by Mr. Slade that substantiation alone does not necessarily mean bringing documents. He said that you can hear, see or read. But it does not have to be that you have to bring the documents. In any case, the documents will be here on Tuesday. But having said that, I want the Minister to note that when Mr. Gareth George was brought to the Kenya Commercial Bank, there was a contract agreement which was signed. Apparently, that contract was not even seen by the Minister himself. He has not seen the contract to date. The contract says, among other things, that should Mr. Gareth be fired, the KCB will pay him Sterling Pounds 600,000.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ojode! Are you dealing with facts that you can substantiate here?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, if you want, you can order for the contract agreement. You are allowed to do that.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ojode! You may be treading on not-so-safe ground because I remember that the Speaker's ruling from here gave you a chance to substantiate some time later. If you are not prepared to do that, you can comment on the Presidential Speech from a different direction. Avoid those things that you cannot substantiate.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, on the computerisation project, they wanted to do it through single-sourcing. They found a company by the name of M/S Info-system from India, and this company was brought by Mr. Sadik who is the Information Technology Director.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ojode is making so many allegations about the going-ons at the KCB. Could we ask him to substantiate his claims regarding this computer project at KCB?

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, I will substantiate. I do not normally stand here and make allegations. This time round, I will not substantiate it on Tuesday; I will substantiate it now. But let me say this---

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think that it is enough for hon. Ojode to say that he will substantiate. Hon. Munyasia has requested the Speaker to order him to substantiate now before he continues. Could he do that, or could he withdraw and apologise?

The Temporary Deputy Speaker (Mr. Poghisio): If Mr. Ojode is not prepared to substantiate--- I have already advised him. So, if he is going to say the next thing, he must substantiate.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, these people think that I am just talking for the sake of it. I

hereby table the computerisation project. But let me go on because my time is going.

I am saying that this computerisation project---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mr. Ojode, you know what it means to substantiate or to table documents.

(Mr. Ojode laid the documents on the Table)

Mr. Ojode, if those documents are unacceptable, we will---

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, let me give some history on what I have tabled. This was a computerisation project of Kenya Commercial Bank branches. There was one company which was brought by Mr. Siddiqui, the IT Director of Kenya Commercial Bank. This company was sourced from India but it was the lowest in terms of rating. He quoted US\$7.1 million. The other two which came in later, after they had realised that they were doing it through single-sourcing, also quoted some amount as follows: Compliance to functional requirement software, Bankmaster RS; the vendor was Kindle Banking System. The percentage per score on rating was 89.70. The second one was Flexcube Iflex Solutions. It was rated at 82.14 per cent. The third one was Pinnacle Infosys System which was brought from India. It was rated at 80.18 per cent. It was the least. On the actual amount, Iflex Solutions quoted US\$2.9 million; Bankmaster RS quoted US\$4.9 million and Infosys System quoted US\$7.166 million and it was the least rated. It was rated at 61.33 per cent. What is the justification of giving the tender to somebody [**Mr. Ojode**] who quoted highest and who has been rated lowest? Is that not direct theft?

Mr. Temporary Deputy Speaker, Sir, this letter is written by the staff of KCB to the Managing Director, Gareth George, and copied to one person known as Leakey. For the benefit of my colleagues, the letter says in part:

"Gareth George,

Date: 23rd February 2001

Computerisation Project

You will recall on 7th November 2000, we wrote to you and drew your attention to what we thought were shoddy dealings by your IT Director" This is Mr. Siddiqui."

Mr. Siddiqui was brought from Commercial Bank of Africa (CBA) by Mr. Gareth, where he was earning Kshs250,000, but here, he is earning Kshs750,000. The letter goes on to say:-

"After that, we think you did not supervise him well and as usual, the Mhindi endeared himself to you and you went to sleep. You will have to wake up to a rude shock. We are now forced to ask this question: Is Siddiqui fit and the proper person to adjudicate in the choice of which is the best software system for KCB? We think that Siddiqui---"

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. While we are all concerned with the activities of this colonialist at the KCB, I recall the Chair ruled here that hon. Ojode will substantiate his allegations next Tuesday. It is hard to take this opportunity to attempt to substantiate what he is supposed to substantiate on Tuesday, next week. Is he in order to do that?

Mr. Ojode: That is a frivolous point of order, Mr. Temporary Deputy Speaker, Sir. Can I go on?

Mr. Wamunyinyi: Is he in order?

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

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, then they say:

"Mr. Gareth, you are going to find yourself buying a Mahindra from India like the police did, and have since lived to regret."

This is the KCB staff writing this letter and not Ojode or even Parliamentarians. For how long are we going to have something like this? This is direct theft.

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

Mr. Ojode: It is over. I thought you were going to give me more time?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! There is a request by the two new Members of Parliament who are here and we would like to give them a chance to make their maiden speeches. When I saw the Member of Parliament for Kapenguria stand up, I thought, maybe, we should give them the earliest opportunity to make their maiden speeches. I would like to remind hon. Members that maiden speeches should not be interrupted.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr.

Temporary Deputy Speaker, Sir. Hon. Ojode had been asked to substantiate his allegations. Although we have time limits, when a Member is asked to substantiate his allegations, the time does not lapse before he completes his substantiation. He was not contributing to this debate; he was substantiating. Could he be allowed to complete substantiation?

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Substantiation means you try to give validity to what you are saying. But if you go on reading something forever, we will not wait for that to end. I know that all you needed to say, you could have said it in that time that you had. I believe you could have done it within that time. So, it is the Chair's ruling; knowing that there was adequate time given to Mr. Ojode to substantiate.

Proceed, Mr. Moroto.

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am Samuel Chumel Moroto, Member of Parliament for Kapenguria. I am standing here, first, to clear the air because some people have mistaken me. Before coming here, I was a teacher---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Members! I would ask that the Member introduces himself and his constituency before he proceeds with what he has to say.

Hon. Members: He has done that!

The Temporary Deputy Speaker (Mr. Poghisio): He did not say it.

Hon. Members: Hongera!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): I am Samuel Chumel Moroto, Member of Parliament for Kapenguria.

An hon. Member: He is a Pokot!

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

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Kapenguria is a place where the [**The Member for Kapenguria** (Mr. Samuel Chumel Moroto)]

42 tribes in Kenya are living. I was elected by these 42 tribes and I am now thanking them. If anybody was elected by his or her community, that is not Moroto. I am here by the blessings of the 42 tribes and even beyond. If you go to Kapenguria, you will find that we have got people from other countries like Sudan, Uganda and other places living there peacefully.

(Applause)

Mr. Temporary Deputy Speaker, Sir, before I came here, I was a teacher for 20 years, teaching Kenyans. I would like to say that during that period, everybody enjoyed my activities there. That is the reason why, later on, I was elected as the Chairman of the Kenya National Union of Teachers (KNUT). I stayed there for five years before being elected again as the Executive Secretary of the KNUT---

An hon. Member: Kapenguria Branch!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, I was elected the Executive Secretary of the KNUT, West Pokot Branch and not Kapenguria. I would like to inform hon. Members that West Pokot is a district. In that case, these teachers come from all over the country. I enjoyed their support for another five years. During the by-election, these teachers and the entire community supported me. When I talk about the "entire community", I mean the people who live there. I would like to take this opportunity to thank those good people of Kapenguria Constituency because they have made me come this "good" House.

Mr. Munyasia: August House!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, "August House" is the right phrase. I am happy to get those "good" terms from him.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Address the Chair.

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, I would like to introduce myself to all Kenyans. When I was a teacher, and at the same time the Executive Secretary of the KNUT, West Pokot Branch, I also performed other duties. I would like to inform this House that I am a Christian and I became the Secretary of the National Council of Churches of Kenya (NCCCK), where we preached peace. We were initiating peace among Kenyans who lived there; that is, both in West Pokot and Trans Nzoia Districts. I would like to say this here so that the few people who run here and there, maybe, for their own benefit, to understand that this is a different man and not the one they are talking about.

(Applause)

At the same time, my home - Kanyarikwai - borders Trans Nzoia and West Pokot Districts. Even now, I support

Kenyan citizens. I support three Luhya students.

An hon. Member: Name them!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, one is in Alliance Boys High School; another one in Mangu High School, and the last one in Starehe Boys Centre. My brothers, hon. Dr. Wekesa and hon. Wamalwa, are my witnesses. The two hon. Members know this and they have seen these students.

An hon. Member: These people have intermarried---

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Yes, I also have girlfriends from Bukusuland and so forth!

(Laughter)

I also support a Kikuyu girl who is now in Nasokol Girls' Secondary School. She is in Form Three.

(Applause)

Now, if somebody says that hon. Moroto is a tribalist---

An hon. Member: Why should you suspect that?

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, I just want you people to get that.

Now, may I also thank our friends who came and supported me in the last by-election. I would like to thank the Chairman of my party, who is also the President of this Republic; he came and supported me.

May I also thank hon. Raila and the NDP team, who came and supported me.

Hon. Members: Co-operation!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, may I also thank FORD(K) Members because they were there. I would like to say that as they were campaigning, they went to other places and told people, especially, hon. Dr. Wekesa and hon. Wamalwa because they know me, to vote for Moroto and not for Mr. Sindano. That is why I am here!

(Applause)

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

*(Mr. Wamunyinyi and Mr. Munyasia
stood up in their places)*

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Wamunyinyi! Order, hon. Members! When I say that there should be no interruption, I just mean that.

Hon. Members: Endelea!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, even hon. Wamunyinyi was there supporting me. I do not know what is wrong here.

(Applause)

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

An hon. Member: Kaa chini. That is why he won! Continue, Mr. Moroto!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Sit down, hon. Wamunyinyi!

(Mr. Wamunyinyi stood up in his place)

Order, Mr. Wamunyinyi! Mr. Wamunyinyi, did you ever make a maiden speech?

(Loud consultations)

Order! Order, everybody! Allow the new hon. Member of Parliament to finish his speech. This is a maiden speech!

Proceed, hon. Moroto!

Hon. Members: Wewe, kaa chini!

The Member for Kapenguria (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, may I now turn to my area, after thanking those people for the good support they gave me. I just want to say that there are some things that happen and it is said that the Pokot community is involved in cattle rustling activities, while, we, the Pokot, as I said earlier on, live with the 42 tribes, plus others, in that district peacefully. These things are done by thugs like the ones we have in Nairobi and other parts of the country. I would like to say that it is a total lie to say that the whole community is involved in cattle rustling. As I stand and speak here, already, the Turkanas have entered into West Pokot and taken away 500 head of cattle. They have also killed people. The Minister concerned and other officers have been informed about it. We cannot say that it is all the Turkanas who have raided West Pokot, and we cannot blame our colleagues who are here. I would like to say that the people who have raided West Pokot are just thugs and they must be pursued and stern measures taken against them.

(Applause)

Mr. Temporary Deputy Speaker, Sir, may I end my contribution by thanking the people of West Pokot and everybody else.

Mr. Wamunyinyi: Mr. Temporary Deputy Speaker, Sir---

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

Hon. Members, I will also give this opportunity to our new Member of Parliament, hon. Magara, to make his maiden speech.

(Applause)

The Member for South Mugirango (Mr. James Omingo Magara): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank you most sincerely for giving me a chance to contribute to the Presidential Address. But first, before I say anything about the Presidential Address, there are a few issues I would like to highlight in this House.

An hon. Member: Tell us your names!

The Member for South Mugirango (Mr. James Omingo Magara): Mr. Temporary Deputy Speaker, Sir, my names are James Omingo Magara, Member of Parliament for South Mugirango Constituency. I was elected on 12th January, this year on FORD(K) ticket.

(Applause)

First and foremost, I would like to take this opportunity, again, to thank most sincerely my constituents of South Mugirango for having given me a chance to serve in this august House. Secondly, I would like to say that my constituency attracted national attention, and thus it was called "a National Constituency". All those Kenyans who stood by me during the trying time, to a point of almost losing my life, I thank you most sincerely.

(Applause)

Mr. Temporary Deputy Speaker, Sir, for the people of South Mugirango and, indeed, Kenyans, this was the right thing to do. Despite the fact that we were working against all odds, the people of South Mugirango displayed integrity. They refused to be compromised by material things. We should do the right things with our taxes. There should be discipline in the way we use our taxes. My people did what was supposed to be done. They refused to prostitute their political stand and aspirations.

[The Member for South Mugirango (Mr. James Omingo Magara)]

Through their integrity, I am challenged here in this House to represent them. I am honourably serving this House on behalf of South Mugirango people and, indeed, I made my pledge.

True to my words, when I look into the aspirations of Kenyans and those of South Mugirango people, it gives me a reason to believe that there was a cause worth dying for. You know as much as I do that I almost lost my hands and head under the tyranny of the current regime. I am prepared today, regardless of whatever happened then, to fight for the liberation of this country, even if it means having one other hand chopped off. Indeed, it is true to say that when you intimidate somebody through pressure, you only make them hard and even more determined. It is pressure that makes diamond harder than stone. Indeed, I am harder than stone today.

(Applause)

Mr. Temporary Deputy Speaker, on the economy of this country, I believe the Head of State, in his wisdom, gave an inspiring Speech in this House. For the first time, I was touched by the Presidential Speech. For the first time, there was reconciliation in this House. Unfortunately, the implementors of the same, the Government as it were, are actually not serious. Challenge me there, you hon. Ministers; instead of sitting in your offices and formulating policies for this country and implementing what the President has actually outlined, most of your time is spent running after the President, to such an extent that the flags on your vehicles have to be replaced almost every week. For example, if the Head of State is going to open an agricultural show, the entire Cabinet follows the President simply because of seeking favours or to earn allowances on that particular day. Most of them, perhaps, are following the President for purposes of allowances and imprests. How do you expect to revitalise this economy if you cannot control your spending? It is only unfortunate that the Ministers know as much I do, that it is important that we control our expenditure, given the dire circumstances we are currently experiencing.

Mr. Temporary Deputy Speaker, Sir, for the last 24 years, our economy has gone down the drain. It is like this Government has been on a holiday for the last 24 years and only realised recently that the economy is going down the drain and registering a negative growth rate. This is excusable for a Government that has just come back from a holiday. Unfortunately, we have been sitting here watching things happen. Even when decisions are supposed to be made by Ministers in their offices, they wait until the Head of State forms a commission. You wonder whether they are in control of the Ministries. Yesterday, we all heard the Minister for Education saying that things will now happen because the President has set up a commission. If he had not set it up, nothing would have happened.

Mr. Temporary Deputy Speaker, Sir, on the policy issues, we are now talking about reduction of poverty. Pathetic as it may be, the people who are struggling to revamp this economy, are the same people who have ruined the economy by "strangling" the agricultural sector which is the backbone of this economy. You wonder what will happen next. A case in point is KCC. We are now selling shares to people who already own the company. The sugar industry has collapsed because of cheap imported sugar. We all know the people who import this sugar, but nobody touches them. The Minister comes here to say that we do not have enough sugar in the country. However, two days down the line, sugar from Brazil docks at the port. Does it take two days for a ship to sail from Brazil and dock at the port of Mombasa? Such policies are made to allow the fat cats to import sugar. However, such fat cats should know that their time is up.

Mr. Temporary Deputy Speaker, Sir, we keep grumbling that the donors are shifting goal posts. Unfortunately, just like in a game of football, you cannot score an own goal and expect the referee to take the blame. Why are we not implementing policies and guidelines we put in these beautiful Papers laid on the Table of this House? Unfortunately, implementation is an issue which is not being taken seriously.

Mr. Temporary Deputy Speaker, Sir, some Ministers have abdicated their responsibility. I sympathise with His Excellency the President of this Republic. There was a meeting which the Minister for Finance was supposed to chair, but because, unfortunately, something went amiss, he did not appear in the meeting. The President is really running up and down doing what the Ministers really ought to have done. No wonder he has no confidence in all of them. The other day, he said he cannot give them power because they are incapable and they all clapped.

(Applause)

Mr. Temporary Deputy Speaker, Sir, on the issue of insecurity, it is unfortunate that we are watching this country go to the dogs. When the security system in this country eventually collapses, we will all suffer. Nobody will be spared, not even the Ministers. When thugs walk into buildings, they may not even know that a Minister lives in that [The Member for South Mugirango (Mr. James Omingo Magara)] building. If we are Kenyans of goodwill, we must be serious about some of these things. A few years ago, Nairobi was referred to as "the City in the Sun". Now, tourists cannot come to Nairobi because their necklaces will be snatched and their women raped. How do you expect them to bring in money from their countries to a country full of insecurity?

Mr. Temporary Deputy Speaker, Sir, it takes so little to correct a situation. But I am telling you that it will take us colossal sums of money to bring back the lost glory of this Republic. I am disappointed that we do not take the leadership of this House seriously. We have to re-focus our objectives. It does not matter whether you are in the Opposition or the Government; when we talk about national issues, let us collectively sit and reason together because the President said in his Speech that we need to be tolerant.

An hon. Member: He did not mean it!

The Member for South Mugirango (Mr. James Omingo Magara): I believe he did. Hon. Ministers should

get serious and bring issues in this House that will help the nation. The Government has the key to correct the situation and bring back Kenya to where it is supposed to be. Unfortunately, our seriousness as hon. Members of this august House is in question. No matter how long it takes, we must understand one factor; that if we are not prepared to sacrifice the comfort of our houses for the sake of urchins in the streets, they will walk into our bedrooms and things will be worse. True to my words, it is important to realise that a wrong will always be a wrong even if everybody does it. Similarly, a right will remain right, even if nobody thinks about it. If you are serious as hon. Members in terms of directing the destiny of this nation, it is important that we really focus our attention to national issues. Let us forget about partyism because parties will come and go, but the country will remain. I believe we all must now reason with our brains and not our stomachs. All hon. Ministers and hon. Members have an obligation to this nation, and history will judge us very harshly. If you cannot die for a cause, then you are not even worth living for anything. If you cannot make sacrifices in order to fight corruption in this system, then you are not worth living.

Mr. Temporary Deputy Speaker, Sir, painful as it is to admit it, I have worked with the Government and I know that this country is actually a wealthy nation. We meet our tax targets, but nobody knows where the money goes. I believe we can do something to make our country better if only we are serious.

Thank you, Mr. Temporary Deputy Speaker.

Mr. Mbela: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to add my voice in thanking the President for his Speech on Tuesday last week. To me, this was an honest and sincere Speech. I would like to direct myself to a section where he said that there has been a slow growth of the economy. I particularly would like to quote that part and it states:-

"When I addressed the House last year, I highlighted some of the problems facing our country.
Principal among them is the slow growth of the economy".

I agree with that very honest statement and feel that when there is a shortage, it should be shared equitably. I am a little disturbed at the way the Ministries are run. You will find that most of the Ministers would rather look after their own areas. I am privileged by this House to chair the Committee on Energy, Communications and Public Works. I once did a study and found that, in the last 15 years, 85 per cent of the money for roads has been spent west of Nairobi. One wonders: Is there no Kenya to the east of Nairobi to be given only 15 per cent? Again, if you study it further, you will find that out of that 85 per cent, most of the money is spent east of Kericho.

(Applause)

We have had problems recently, particularly because of the gross irresponsibility in spending the money collected as Fuel Levy. Unfortunately, we heard untrue allegations which were made that the Kenya Roads Board Act, which we passed in December 1999, was against the Constitution. Even if you study the judgement that was given by the judge, he came out with nothing unconstitutional about that Act. In any case, if Mr. Mwau had no *locus standi* just a little earlier on, how did he suddenly become "a friend of the court" and given the opportunity to challenge that legislation enacted by this Parliament? Above all, he was eventually given costs to be paid from an institution which the judge had earlier said did not have to exist legally. I am not a lawyer, but I am sure those who have followed various judgements know that when there is an issue affecting the Constitution, we normally have a bench of three judges to be able to give an opinion that can last. However, suddenly, a very curious decision was made which, according to what the Committee has studied, was completely wrong and certainly unlawful.

Mr. Temporary Deputy Speaker, Sir, we believe that the Fuel Levy collected up to now amounts to Kshs5.6 billion and has been delivered to the Ministry of Roads and Public Works. Out of that amount, only Kshs210 million has been given to the 210 constituencies. If each constituency had been [Mr. Mbela] given its Kshs5 million share, only Kshs1 billion could have been consumed, and yet the Ministry refuses to part with the money which is more than Kshs5 billion and legally they are not supposed to do so. When this House passed the law amending the Finance Bill and directing that the money should be paid direct to the Kenya Roads Board, there was no other system where the Ministry could be given money to spend on roads that affect mainly one district. I will give you an example. A road called Eldama Ravine-Makutano-Lessos Road was given Kshs899 million without any tender being advertised. Another road in the same area called Muchongoi-Marmanet-Marigat was given Kshs900 million with a mobilisation fee of Kshs300 million being paid, and yet it is against Government policy at present to pay mobilisation fees, certainly not as much as Kshs300 million for no works done and no security being given.

Mr. Temporary Deputy Speaker, Sir, I speak knowing that I have been ordered by my colleagues to be Chairman of the Coast Parliamentary Group. We feel very disheartened because we have been treated like "*mtoto wa kambo*". We feel that there are a lot of projects which have been in existence for the last 30 years but they have been ignored. I was reading in the Press the other day where the Coast Province was quoted as having gone into partnership with some other provinces to vote for some Presidential candidates when eventually there is a change. We will vote, but

we will only vote for those who are actually going to realise that in the Coast Province, live some people who deserve some respect.

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

The Temporary Deputy Speaker (Mr. Poghio): Will you take his information?

Mr. Mbela: Yes, I will take his information.

Mr. Munyasia: Mr. Temporary Deputy Speaker, Sir, I would like to inform hon. Mbela that his "natural and traditional allies" are his friends from Western Kenya and when the time comes, he should consider us!

(Laughter)

Mr. Mbela: Thank you very much Mr. Munyasia for that reminder, but do not forget that even if we come from grass-thatched houses, we still deserve a bit of respect. When I see some of the roads being tarmacked, I am reminded of Taveta roads which were put in the Government Estimates in 1972 and they have never been tarmacked. The Malindi Airport expansion which takes in a lot of tourists and which caters for 60 per cent of Kenya's tourism has been ignored in preference for Eldoret International Airport. The Kenya Cashewnuts Factory was looted and those who carried out that criminal act have been allowed to go scot-free and the Attorney-General has refused to prosecute them. On Ramisi Sugar Factory, in fact, I have realised that a lot of my colleagues are very tribalistic. They did not raise a lot of noise about Ramisi Sugar Factory, but now you hear a lot about other sugar factories like Muhoroni and everybody wants to riot on the streets. They forget that the closure of all the sugar factories upcountry was propagated from the Coast Province, and yet they quickly swallowed the idea that Coast Province does not produce sweet sugar. I can go on and on. However, one of the biggest land grabbers we have come across in this country is called Kenya Wildlife Service (KWS). I noticed that they had gone to Tana River to take over the wetlands. I am very proud of the 300 women who decided to demonstrate naked to show that they disapproved of such acts.

Mr. Temporary Deputy Speaker, finally, we are very disappointed that nothing has been done about the squatters at the Coast Province. We have the land but, unfortunately, whenever the opportunity arises for any settlement scheme, these pieces of land are allocated to squatters from upcountry. How much can you do for one community? We would like to join hands with Western Kenya. Thank you very much for the invitation, but I would also invite you to come and vote for the Presidential candidate from the Coast Province.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I am also interested in what His Excellency the President noted about the improvement of the weather conditions. We would like all the diesel generators, which were contracted until the end of June this year, to be returned as soon as the contract expires. Otherwise, the situation was man-made and the country has paid very heavily for that big mistake.

With those remarks, I beg to support.

Mr. Ndicho: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words concerning the Presidential Address. I would like to touch on two areas.

The first one is about my constituency, Juja, and the second one is on national issue.

I will start with Thika. The Presidential Speech touched on the Poverty Eradication Programme in this country and revamping the economy. We cannot eradicate poverty neither can the Government do it when it is ignoring the plight of hawkers; people who have got no formal employment. These are people who have come from **[Mr. Ndicho]** school and have no formal employment. Some of those people are those who have been retrenched. They are so many as a result of the population explosion. The majority of Kenyans today are in the unemployment bracket and yet there is a tendency by the Provincial Administration to harass them under the guise that they are operating along road reserves.

Mr. Temporary Deputy Speaker, Sir, currently there is an ultimatum which has been given to the people at Githurai, Thika and Ruiru by the District Officer (DO) Ruiru, to remove their wares from the areas where they are operating. I confronted the DO, Ruiru, and told him that it was not going to be possible for him to remove those people from those areas without giving them alternative sites to move to. These people have gone out there after being retrenched while others are there due to the population explosion, unemployment or after having dropped out of school *et cetera*.

Mr. Temporary Deputy Speaker, Sir, I told the DO the following:

"If your Government has exhausted the usefulness of these people and it wants to do what Idd Amin did by putting all the people who he felt were unnecessary in his Government in a tipper and dumping them in Lake Victoria, we are going to resist that."

I am telling the DO to leave those people alone. The same trend is happening in Nairobi. He is saying that it is the policy of the Government to remove people who are encroaching on road reserves.

Mr. Temporary Deputy Speaker, Sir, as you go towards Thika, at the roundabout near Kasarani Police Station, there is an Asian who has built a very strong building called Roy Transporters and he has put all his petrol tankers there. The building stands on a piece of land next to the junction of one of the roads leading to Kahawa West. However, this person is not being told to remove his structures from the road reserve. However, the Africans who are running their small-scale businesses like selling sofa sets, beds and chairs are the ones who are being targeted. We are going to resist this move in the strongest terms possible.

Mr. Temporary Deputy Speaker, Sir, if you move from Mombasa to the western part of this country, you will find the same trend everywhere. So, it is upon the Government to either show the young people in this country what to do or leave them alone because the Government has failed to provide employment for them. When they look for informal employment for themselves, the Government wants to interfere with them. If they do that they will be creating a very dangerous trend because these people will join the crime world and, therefore, the crime graph will go up.

Mr. Temporary Deputy Speaker, Sir, Thika Municipal Council has increased rates and rents for houses and charges in bus parks and for the matatu operators by 500 per cent. If President Moi's Government is unable to pay teachers and civil servants their salary increments, where will these individuals get money from when charges at the bus parks and those paid by matatu operators have been increased by 500 per cent? I have told them to stop that exercise. I will tell those people not to pay a single cent. So, they had better take what they have been taking. However, if they insist on taking 500 per cent, we are going to say no.

Mr. Temporary Deputy Speaker, Sir, I would like to come to the other issue of the constitutional review process. The current Constitution of this country was written in the United Kingdom by the whiteman. After it was written in London; Mzee Jomo Kenyatta, Jaramogi Oginga Odinga, Tom Mboya, Mbiyu Koinange, Martin Shikuku, Daniel arap Moi and Masinde Muliro, were all invited to go to London and view the new Constitution that had been written by the whiteman. When they saw it, they found that it was only transferring power from the whiteman to the blackman. They did not raise a finger or object it because it was favouring them. The current Constitution is not what the liberators or the Mau Mau fighters wanted because it left out a very fundamental matter and this is the issue of land.

Mr. Munyasia: On point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Ndicho in order to falsify history and say that the Independence Constitution was only written by the whiteman and our people were asked only to sign it, when we know that the Independence Constitution was negotiated before it was put in practice.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I wish to treat that with the contempt it deserves. I will to continue. I was saying that the current Constitution---

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

The Temporary Deputy Speaker (Mr. Poghisio): Proceed, Mr. Ndicho!

Mr. Ndicho: Than you, Mr. Temporary Deputy Speaker, Sir. You were in the Parliamentary Select Committee that came out with nothing!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ndicho! Address the Chair!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I am talking about a fundamental issue that was left out of the Constitution and this is the issue of land.

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the [Mr. Angwenyi] hon. Member for Juja to mislead this House that the founding fathers of this nation never negotiated our Constitution; which we have used for 40 years?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Angwenyi, you are taking Mr. Ndicho's time!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, this man is a heckler!

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Ndicho! Proceed!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I wish to talk about the issue that was left out in that constitution which I have read quite adequately.

Mr. Temporary Deputy Speaker, Sir, the issue of land was left out of the Constitution because the whiteman never wanted the issue of the land to be touched because he owned all the land. Now, we are in the process of writing another Constitution. I do not know whether to support the merger of the Ufangamano and the Parliamentary Select Committee or not. I am at a loss because the constitution of a country does not favour the rulers. That is why the current Constitution is not favouring President Moi because it is giving him a limitation of time. So, I was really hurt to hear that some Pokots, Samburus and Tugens have sued a Whitewoman called Karku Gariman, who owns 98,000 acres of land there. When these pastoralists went to graze their cattle there---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order! There should be silence there at the back! Order, Mr. Kanyauchi!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, after suing the whitewoman, it is impossible for those people to come to hear their case here in Nairobi.

Mr. Temporary Deputy Speaker, Sir, we are sitting on a time bomb. The Government has appointed Mr. Charles Njonjo to be the Chairman of the Land Commission. But we know that Mr. Njonjo will not come up with anything of any substance in so far as land matters are concerned because he is a beneficiary. Subsequently, I have decided to launch what I am calling "Kenya Land Claim Commission" because we need a commission here in Kenya to know who owns which land and how much land it is. Possibly, before we invade that land, we must have a Commission to identify that land. That commission has to be launched and Dennis Akumu will be the Secretary-General of that Commission.

Mr. Temporary Deputy Speaker, Sir, we are serious about this because we cannot talk of Kenyans who are landless while others own large tracts of land which they do not use.

Mr. Temporary Deputy Speaker, Sir, leaving the issue of the Constitution aside, I know that you cannot play a game with President Moi and win it. These people are playing a game with President Moi and they are not going to win the game; be it soccer, poker, drafts or chess. President Moi is a master of all these games! If these people are now playing that game with President they will not win. The Ufungamano Initiative will not win that game. The Constitution should be written by other people and the Government should be very far from where the Constitution is being written. It is an exercise in futility for them to say that they want to write it with the Government.

Yesterday some people were sacked from the Government, one of them being Dr. Richard Leakey. I am very happy that Dr. Leakey is gone. The next person to go should be Mr. Gareth George and the woman he brought from Zimbabwe to take over the job of the wife of Minister Chris Okemo. Four women were also promoted yesterday and they are all Kalenjins. Is there no other person who can be elevated?

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in congratulating---

(A mobile telephone rang)

The Temporary Deputy Speaker (Mr. Poghio): Order! There is a mobile telephone ringing in the House!

Hon. Members: It is hon. Angwenyi's!

The Temporary Deputy Speaker (Mr. Poghio): Mr. Angwenyi, is that your telephone?

Mr. Angwenyi: They just like saying: "Angwenyi"!

The Temporary Deputy Speaker (Mr. Poghio): Order! Hon. Members, you know that a ruling was made by the Chair that you should make sure that before you enter the Chamber, mobiles telephones are switched off.

Mr. Musila: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute---

*(Mr. Munityasia walked across the Floor
without bowing to the Chair)*

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to draw your attention to what hon. Munityasia has just done. He has moved across the Floor from that side and sat down without bowing to the Chair. Is that in order?

The Temporary Deputy Speaker (Mr. Poghio): No, it is not in order. Mr. Munityasia, you can correct that.

(Mr. Munityasia bowed to the Chair)

Proceed, Mr. Musila.

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to associate myself with the sentiments expressed by my colleagues in congratulating his Excellency the President for the excellent Speech that he delivered from the Chair. The President did touch on very important matters affecting our nation. We all acknowledge that there are very serious economic problems which need to be addressed.

There is the issue of unemployment which has caused untold suffering to our people. As you walk through the streets you notice that there is a high rate of unemployment. There are many school-leavers out there, even in the rural, areas who are unemployed. The state of the economy of our country has caused very serious problems to the extent that the services that the Government offers to our people have continued to deteriorate. I would like to touch on three of the services that I think have deteriorated very much. First I would like to touch on health. I would like to take this opportunity to commend the many health workers out there; doctors, nurses and others who are working tirelessly to save lives. Some of my colleagues and I witnessed this in Kenyatta National Hospital yesterday when we went to see

the patients there, particularly, the children from Kyanguli School who were burnt. We should appreciate the hospital staff over there because they work very hard, even those in the rural areas. I am sure you will agree with me that the state of the health of our nation has continued to deteriorate. Hundreds of AIDS victims die every day and there are over 2.2 million people who are infected with the HIV virus.

We have laid a lot of emphasis, with very good reasons, on AIDS. However, we seem to have overlooked some other very serious diseases which are affecting our people and are killing them in their thousands. I am talking about malaria which continues to be one of the major killers of our people. One of the reasons why malaria has continued to be a major killer is because the bacteria have become resistant. This has been so because our people out there are not able to afford medicines that are required to treat malaria. Most people die because they are infected by the resistant strain of malaria. In a nutshell, health services have become inaccessible to our people because they have become very expensive. Since the introduction of cost sharing in our hospitals, a lot of people out there are suffering and they are unable to be treated for their diseases. I am, therefore, calling upon the Government to ensure that they increase the resources for hospitals so that our people, who up to now cannot afford this high cost of treatment, are able to access treatment of all types of diseases, including malaria.

The second service that I am concerned about is education. Increased poverty in this country has had a very negative effect on our education system. Every day students drop out of secondary schools because their parents are unable to pay school fees. For example, In the year 2000, over 200 students dropped out of school in Mwingi District for lack of fees. This is due to the high fees that are being charged. For example, Kshs20,000 and above is beyond the reach of many parents. How does the Ministry of Education expect poor parents, some of whom are living on famine relief to afford Kshs20,000 or more in school fees? Even in primary schools now we have dropouts, and this is as a result of the various levies being imposed on parents. Some of these levies like activity fees and building fund are unauthorised. Something must be done if we are to maintain a high standard of education in this country.

Indeed, I would like to remind the House that in the year 2000, the Ministry of Education did not release even a cent in form of bursaries to secondary schools. The standard of education has continued to deteriorate because of this. Students are dropping out of secondary and primary schools and if this trend is not checked we may end up reversing the gains that this nation has already achieved in education. I call upon the Government to increase the bursaries that can be given to students particularly for parents who cannot afford to pay school fees.

The third service that is of much concern to me is provision of water. One of the most serious problems facing this country is non-availability of water, particularly, in those areas which are arid and semi-arid.

Up to now there are people in Mwingi District who have to travel for over ten kilometres in search of water.

Mr. Temporary Deputy Speaker, Sir, we will be very unfair to our people if we allow them to travel ten to 20 kilometres in search of water. How do we expect a woman who has walked for 20 kilometres to come back and engage herself in nation building? It is very serious and we cannot allow it to continue. If we allow it to continue, we will be doing a great disservice to our country.

I would like to appeal to the Government to put more resources in water development projects. We would like to see every village having a borehole. We would like to see every one or two villages having a dam, so that these dams can be [Mr. Musila]

used even by our livestock. I am not saying anything new. We have continued to lament about lack of water in this House. It appears to me that no one listens to this because it has been talked about many times. If, by any chance someone listened, no action has been taken so far. I am appealing, on behalf of the people of this country, that the Government should put all resources into provision of water. Even if we will have to stop other development projects to ensure that we make provision of water the first priority in our development projects, we will be improving the quality of life for our people, particularly those in arid and semi-arid districts.

When we talk about lack of water, a lot of people do not appreciate the problem. A masterplan on water development should be put in place, particularly in arid and semi-arid areas, my district being one of them. This will be a great service to the people of this country.

With those few remarks, I beg to support.

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, any person who writes a speech for the President in a country like Kenya, will not fail to pick on the constitution, the economy and security. We on this side, are taking issue with the Presidential Address because when he talked about the Constitution, he did not tell us what the Government, or the ruling party, feels should be put in the new constitution. We are dealing with a very dangerous situation. The President came here and said that he was very happy that there was a merger between the parliamentary-appointed Commission for Constitution Review and the Ufungamano Initiative, which was okay. However, this Government has not involved Kenyans in deciding the type of constitution Kenya should have. When you go to the countryside, you find leaders talking about a new constitution, but they are not asking Kenyans what kind of a constitution they would like to have.

We have been ruled through a constitution which was borrowed from the colonial system. This is why we have

had chiefs, District Officers, District Commissioners, and the Provincial Commissioners. These are people who exercise authority over our people even though they are not elected by the people. Even in Great Britain, from where our Constitution was borrowed, nobody is allowed to rule over another one, unless he has been elected by the people. We are now going through a transitional period and after a year or two we expect to have another President and a new constitution in place. Since the Government is not asking us the type of constitution we want in place, we shall have a piece of paper defining the powers of the President, and dealing with the overlap in the powers of the Judiciary and Executive. That is not adequate. I would have expected that even before this constitution-making process starts, this Government would prepare Kenyans to engage in a debate and out of that debate decide the type of constitution they would want to have. I would have expected this Government, even before we pass the Bill on constitutional review, to have exposed Kenyans to other constitutions such as those of India, South Africa and Great Britain for comparison purposes. We are cheating our people and giving them propaganda, that we will change the Constitution, without educating them on the type of constitution we want to have.

Mr. Temporary Deputy Speaker, Sir, with regard to our economy, Kenya has been developed from the proceeds from the sale of coffee. Coffee was introduced in Kenya by the settlers. All over the world, there is no single country which does not have a commodity which it depends on for the growth of its economy. For example, if you go to South Africa, its people will tell you that they do not play around with their gold or wine. If you go to Botswana, its people will tell you that diamond is very important to them. If you came to Kenya during the late Mzee Kenyatta's era or during the colonial times, we would have told you that coffee was our gold. This is the same coffee which is now going to waste. If you go to areas where there is large-scale coffee farming, you will see that the farmers have neglected it. Is this Government serious about reducing poverty? It does not take care of coffee farmers. The STABEX funds should be used to save this crop. Those who are in power think that this money should go to the so-called "marginalised" areas. For 20 years they have been talking about marginalisation and they cannot change their policy. If we continue with this policy, then we should forget about reduction of poverty in this country. If what drives us in this country is ego and the belief that we must marginalise some communities, I must say that, that is the wrong approach.

If you look at Kenya, you will see that it is only the tea sector which is performing. Tea is now being grown on a small part of the country; it is not as widely grown in the country as coffee. I am appealing to this Government to save the coffee industry in order for this country to succeed in economic recovery.

Mr. Temporary Deputy Speaker, Sir, the Presidential Address did not offer any policy which can save our agricultural sector. When will the Government realise that the coffee sector is performing very badly? The President did not even tell us whether we will have the Coffee Act amended during this Session. This is very sad. If the coffee industry is to be saved, this Government will have to take some steps such as reduction in taxes. Taxes that were imposed on the coffee crop when it was doing well are still there. These taxes do not **Mr. Kibicho** depend on coffee prices in the market. There is a 15 per cent levy which goes to the Coffee Board of Kenya. If these taxes and expenses are reduced, coffee will yield returns, which will encourage farmers to cultivate the crop. But what we are doing right now is to ruin this country's economy completely.

Mr. Temporary Deputy Speaker, Sir, we notice that this country's roads are concentrated in one area. That is bad economic planning. Why do we not accept that even if a road is built in, say, the Northern Frontier Districts, it is for Kenya, so that we can salvage this country?

On security, this Government must be more serious than it is now. We cannot talk of security when all indicators show that there has been no improvement. Ten years ago, one would walk from the City Centre to Lavinton without any worry. Today, as you take a drink in a bar, if you see strange people enter, you tend to think that they will order you to lie down and search your pockets for money. What policies has the Government put in place to bring confidence back to our people?

What is lacking are clear policies or positive steps in implementing the policies that may have been put in place. What we have witnessing in the last days in office of President Moi is very dangerous. Unless something is done about it with immediate effect, we will have a very serious crisis when President Moi's term of office comes to an end. While presenting his Address, the President talked very freely and told us, as leaders, to think of this country's welfare as he exits from office. However, as leaders, instead of pondering on what the President told us, so as to have security and continuity, some of us are planning on how to persuade him to seek a third term of office. We are thinking of bringing Motions here to facilitate the extension of the President's term of office, something which the Constitution cannot allow.

*(Several hon. Members stood up in their places
to catch the Speaker's eye)*

The Temporary Deputy Speaker (Mr. Poghisio): Proceed, Mr. Haji!

Mr. Kibicho: Mr. Temporary Deputy Speaker, Sir, why are you giving part of my time to the hon. Member?

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

Mr. Kibicho: No, it is not, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order! Mr. Kibicho, you kept quiet when hon. Members sought to catch the Speaker's eye, prompting the Chair to give the Floor to the hon. Member.

Proceed, Mr. Haji!

The Assistant Minister, Office of the President (Mr. Haji): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important debate.

First of all, I would like to send my condolences and sympathy to the bereaved families of Kyanguli Secondary School fire tragedy victims. Those children lost their lives in a very sad way. As parents, we all feel hurt. We pray to the Almighty God to console the families that lost their children in that tragedy.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate His Excellency the President for the very excellent Address he presented to this House. I think that was a very well thought-out policy statement, which also set the pace for us as Members of Parliament. The most important of all that he said was his call for us to be tolerant of each other and work as a team irrespective of our political ideologies and parties. It is true that this country is going through a very difficult time, particularly on the economic front. This has contributed to a very high level of poverty.

Mr. Temporary Deputy Speaker, Sir, as I reflect on all these problems, particularly the dilapidated infrastructure following the ravaging *El Nino* weather phenomenon of 1997, I recall an incident in 1983 when I led a delegation of 17 District Commissioners to the United Kingdom (UK) to observe the way that country used to carry out its road construction works. The equivalent of our Roads Department in the UK is called "Road Laboratory Unit". One of the persons who addressed us said: "In Kenya, you do not need tarmac because, in ten years to come, you will not be able to maintain those roads." His argument was that, because we do not have hills, mountains and snow, earth roads would serve us well. We were very annoyed. We thought that we were being insulted or belittled by the white people. But I now realise that what that white man said was, indeed, the truth.

Mr. Temporary Deputy Speaker, Sir, in order for us to achieve our objectives of delivering services to our people, there is need for us to have good infrastructure. We know that many countries go through economic difficulties. We know that ten years ago, Russia was one of the big nations of the world. Today, it is as poor as any other country. Japan is now facing a similar problem. The United States of America, which is supposed to be policing the world, is also being threatened by economic crisis. We cannot say that all this came about as a result of poor leadership.

[The Assistant Minister, Office of the President]

What we know is that these are some of the things that are bound to happen once in a while. Kenyans are known to be very hardworking people. Even in the 1970s, when we had the oil crisis, we managed to overcome that crisis because of our unity and hard work. I would, therefore, like to appeal to Kenyans, particularly to the leaders in this House and leaders of the various religious denominations, that we strive to hold Kenya together. God willing, we will overcome some of the problems we are facing today.

Mr. Temporary Deputy Speaker, Sir, I come from a new district called Ijara. As we all know, a new district is just like a new-born baby, whose needs are always numerous. I would like to register my appreciation to the Office of the President, through the Drought Recovery Programme, for the excellent programmes they have put in place to assist the people of that area. I will further register my thanks for the on-going activities of clearing bushes and grading of some of the roads that were destroyed by the *El Nino* rains of 1997 and subsequent rains.

I will further register my appreciation for the programmes put in place by the Ministry of Water Development and appeal for further assistance by ensuring that the District Headquarters, at Masalani Township, is supplied with water. The township is seven kilometres away from River Tana. That river is the only source of water for Masalani residents. Whenever the pumping station breaks down, people waste a lot of time fetching water seven kilometres away, not to mention the fact that patients in hospitals cannot do without water. We will not mind any type of water that we get. Even if we get raw water, we will accept it. So, I appeal to the Ministry to do something.

With regard to the Ministry of Agriculture, Livestock and Rural Development, I am pleased that the Deputy Permanent Secretary has been promoted to a Permanent Secretary. He has been given a key Ministry. Ijara produces more than 70 per cent of the livestock in North Eastern Province. But we have been invaded by tse-tse flies because of the *El Nino* rains. There are a lot of bushes. But the Permanent Secretary is doing something and we really appreciate his efforts. He should strive to cover all the affected areas.

Mr. Temporary Deputy Speaker, Sir, I cannot forget the assistance that has been given to the district by the Permanent Secretary, Ministry of Health, by upgrading the Masalani Health Centre to a sub-district hospital. The services have now improved and with the new 4WD vehicle, patients can be moved from any place to Masalani for treatment.

Mr. Temporary Deputy Speaker, Sir, people should not concern themselves very much with when President Moi will retire.

An hon. Member: Why?

The Assistant Minister, Office of the President (Mr. Haji): I will give you the reason! You cannot force somebody to retire! It is through the ballot that one can be retired. We should concern ourselves with the economic recovery of this country. We should concern ourselves with the unity of this nation. To me, that is the priority. It is wrong and undemocratic to force somebody to retire. We are practising a parliamentary system that was borrowed from Britain. In Britain, people---

Mr. O.K. Mwangi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that it is undemocratic to talk about the retirement of the President, when the Constitution is very clear as to how and when a serving President should retire?

The Assistant Minister, Office of the President (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, it is true that the Constitution stipulates that. But the Constitution is in the process of being reviewed. We will launch a popular demand that President Moi should continue beyond the year, 2002. If the House will insist that he must retire, then all Members of Parliament should not seek re-election. That is because if they have the right to be elected, the President also has the right to be elected. It is not you people who will decide! I heard my brother, hon. Ndicho say that he will appoint a commission to look into the land issue in this country. I want to say today that, we will appoint people for the re-election of President Moi, come the year, 2002.

Mr. Temporary Deputy Speaker, Sir, the other point that I would like to raise relates to Somalia. Somalia is our neighbour and it has been forsaken by the world community. My time is up, but I have made my point!

Mr. Kanyauchi: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to start from the point where my colleague has just stopped; on the issue of the Presidential retirement. I wish to touch on a few issues that were not categorically covered by the Presidential Speech. One of them is the retirement of the President. I think it is extremely absurd for anybody to argue that, a Constitution that is still existing, should be flouted. As far as we are all concerned, President Moi is supposed to retire in the year, 2002. Anybody who imagines otherwise is---

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member admit that in the year, 2002, he will also retire?

Mr. Kanyauchi: Mr. Temporary Deputy Speaker, Sir, I am not President Moi! The

[Mr. Kanyauchi]

Constitution stipulates clearly that President should serve for two terms. In any event, I have only served one term. So, really, the issue of my retirement does not arise.

Now, having said that, I do not want to anticipate debate on that issue. I am told that a Motion has been brought before this House---

An hon. Member: By a mad person!

Mr. Kanyauchi: Somebody says "by a mad person", but I do not know. I think it is an hon. Member who has brought it. We will wait and see the pros and cons of that Motion. But I just want to say that, the extension of the presidential term is the joke of the 21st Century!

Now, the second point that I would like to mention is that the President should have been categorical on the life of this Parliament. It appears that this country is ruled through rumours. For months, we have been hearing rumours about the exit of Dr. Leakey. It became a reality just the other day. For months, we have been hearing rumours that this Parliament will be dissolved in November. The President should have been categorical and told the House that this will not be the final Session of Parliament, and that the House will run its full term. But he did not say so. He ought to have said so.

Having said that, I would like to add that the President was not categorical on how he will tackle the economic slump that this country is experiencing. A country like Kenya is just like a company. If a company does not perform well economically, and makes losses year in, year out, it is put under receivership. In the case of a government, it resigns if it cannot manage its economy, its hospitals, schools and other institutions. The worst example is the Muhoroni Sugar Company, which is 100 per cent owned by the Government. How can you put such a company under receivership, without directly touching on the economic integrity of the whole Government? It means that the Government has lost its economic direction. It is unable to know where it is heading. Without a proper economy, which is the heartbeat of any country, no government can move on.

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

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

Mr. Temporary Deputy Speaker, Sir, we have held several seminars in hotels, with a view to eradicating poverty. But poverty eradication is not something that can be discussed in seminars and five-star hotels. It does not make any sense. What are they trying to eradicate? Certainly, not poverty! If anything, they are just increasing poverty. We should go to the root cause of poverty. We should provide basic infrastructure. Let me give an example of my own constituency. It is a fishing constituency. All we need are proper roads to move the fish from landing beaches to the markets. The other facility we need in my constituency is electricity, so that we can keep fish without rotting. Those would be practical solutions of eradicating poverty. But if we are going to have seminars in five-star hotels and pay huge bills, I do not think that we know what we are trying to do. We are certainly not trying to eradicate poverty, whereas the Presidential Speech was talking about the problem. But he did not put much weight on it or offer solutions, as to how we are going to eradicate poverty.

With those few remarks, I beg to support.

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the Presidential Speech. I am confounded many times when we talk about poverty, as if it is a passing phenomenon or seasonal concept. Poverty is the relationship in every historical epoch, and it is the relationship that we have or we do not have. You are poor or you are not. You have much or you have less. That less is defined by the parameters of the time we are talking about poverty; poverty and slavery is not the same thing as poverty under colonialism, and it is not the same thing as poverty after colonialism. Therefore, again, poverty takes the range of being historical, develops and diminishes as you create the opportunities, incentives or disincentives, for it to mature. So, to come up in 2001, and declare poverty a major enemy, is, probably, to overlook some historical lessons. Poverty has been with us and will always be with us, depending on the human hunt for property and wealth for self-aggrandisement. You can attach poverty in economic categories, social values and philosophical aspects. Wherever you are, you will discover that poverty exists even in the so-called wealthy countries today.

Today in Kenya, we have economic conditions that promote the development of poverty or diminish poverty among the ranks of certain people who are well placed. If you do not have enough control of the factors that produce poverty, then, you will be poor indeed. You may be poor in Northern Kenya, but not in terms of how many livestock you have and what you can generate, if you had equivalent exchange for that commodity. But in Northern Kenya, in relation to other areas, you can have poverty that is geographical in a sense. [**The Assistant Minister for Roads and Public Works**]

Pastoralism, which is a socio-economic formation of its own and has its own rules and values to obey, cannot be compared, but can be contrasted with a non-pastoral economy. An economic formation of agriculture has its own rules and parameters and can be measured, but again, among the pastoralists and the agriculturalists, you still find the differences. So, what produces poverty is not only the historical factor, but there are relationships between the various forces of production. You can produce because you have a basic resource in an area, but the distribution and exchange of that resource can propagate poverty. Consumption can also be another factor.

Today, in this world, we have a major problem that emanates from a non-equivalent exchange. We produce enough sisal, but at one time, that sisal could give us a tractor if we sold four sisal bundles in four lorries than today, when you need 60 sisal bundles to fill one lorry. They are non-equivalent. You produce very dearly and you earn very cheaply. You produce today the same barrel of oil which, tomorrow, you will demand more money for. So, there is no equivalent exchange. The discrepancy between what you produce and what you get, in fact, produces and makes poverty very problematic.

Here in Kenya, you can take the example of land among the other economic factors. How land is distributed and exchanged, determines what is also grown on it and how much is earned from it. The equivalent is that you either have land which is productive or land that is non-productive or you produce less commodities which have high prices and more products that cost less. So, overall, we have an economic condition that is not synonymous with development; unemployment is not synonymous with development. That is poverty because in our modern economy, production and land are intertwined. You cannot take one and divorce the other, in the absence of industrialisation. You have yet to over-grow the stage of development where we cannot rely on agriculture.

In a political dimension, we also have the crisis of infrastructure. The crisis of infrastructure, in the political sense, can be summarised in the Constitution that we have. The Constitution that we have, if it is not the Constitution that we want, must be changed. But which direction does a constitution take? Whether we admit it or not, historically, a constitution reflects the voting block power of the ruling class. In this country, I do not think that we are going to promulgate a Constitution for the poor because unless the poor can do it for themselves, somebody will have to do it for them. It is us who do not want to be poor. How can we promulgate a Constitution that addresses the problem of the poor?

We have a very great contradiction that is also very anti-democratic. The same privileges that we want, as a growing class, may not be the same for the majority of Kenyans in the countryside. Therefore, we are going to promulgate ideas and contradict ourselves, but within the State, we are going to cover-up by having a Constitution and an

infrastructure with super structure for carrying through our policy. The basic question that we can ask today in confronting the crises of our times - social, economic, and the Constitution - is whether poverty has been growing or decreasing over the years.

On the problem of landlessness, has it been increasing or decreasing in our country over the years? How do we critique one area of Kenya versus another? This is an uneven development. Is it narrowing or widening? If we were careful, clear and honest about development, we would probably not have taken a path like we have done, that in the end would have raised more questions than answers. When we have a crescendo, then, we are about to forget that, for a country to develop, you need stability. Once that credibility is challenged by the world parameters that deny the very essence of stability, that is when you have a country in anarchy; a country that has to strive to get one part of humanity reconcile with another; that is when one is poor and the other one rich. Such a country cannot thrive in a society such as this, which has few resources to distribute among its population.

Mr. Temporary Deputy Speaker, Sir, the President exposed a policy that is public in essence, and which to some extent, discloses why the "potholes" are likely to derail the development of this country---

With those few remarks, I beg to support.

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

Mr. Khamasi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to comment on the Speech by the President. One of the things that came out very clearly in the Presidential Speech was tolerance. The President was very clear about it that we have got to be tolerant of one another, so that we can be able to create unity and lead this country well. I think tolerance has got to start from the people who govern. The Government must show tolerance in the first place. In this country, we have got a constitutional right of assembly. The Government has demonstrated very clearly that it has been intolerant about people constitutionally assembling and selling their political ideologies. What we have witnessed in the recent past has no semblance to what the President is preaching in terms of tolerance. We have seen legal gatherings being broken up by **[Mr. Khamasi]** the police and the Provincial Administration for no apparent reason. We have seen legitimately convened *Harambees* and political rallies being broken up by the security agencies without any special reasons. Indeed, if the President is preaching tolerance, then we expect the same Government to be tolerant. We are told by none other than the Head of State that they know that the Members of the *Mageuzi* group are organising to break into police stations and steal armoury and actually commit crime and yet, with the available resources, these people cannot be arrested and charged in a court of law. We cannot understand the reasons for that.

Mr. Temporary Deputy Speaker, Sir, I think it is necessary to give Kenyans alternatives on how they can access news. The Kenya Broadcasting Corporation (KBC) has become a monotony to Kenyans. All we hear is actually KANU manifestos and policies being sold on the national television. I urge this Government to free the airwaves countrywide. Let us not confine radio and television stations to Nairobi and its environs. We would like to see a situation whereby the Nation Television, for example, can extend its coverage to the remotest parts of this country. We want to see KTN, *Kameme* FM and others doing the same, so that Kenyans can get an opportunity to judge what is going on in the country. There is no point in the present day and age to confine radio and television stations to Nairobi. Our neighbouring countries have gone countrywide for many of the television and radio stations that operate in their countries. I urge the Government to free the airwaves to all corners of this country.

Mr. Temporary Deputy Speaker, Sir, in the Presidential Speech there was a lot of emphasis on the economy of this country. Indeed, the President was very clear that unless we can strengthen our relationship with our development partners, we cannot achieve the revival of our economy. True to the letter. Why does the Government not do exactly that? We must stop blaming the donor community when it is us who have failed to implement the policies that we have made with our development partners. Simple examples show why our economy is in a mess. For example, the Nyayo Tea Zones; a substantial part of it is in Kakamega District and it has been left to go to waste. Part of it, which is in use, is leased out to multinationals like the George Williamson who mint a lot of money in those parts which are useful. All this money is taken back to their respective countries. Why can the Nyayo Tea Zones not be given to the local county councils in the areas in which they are, so that our indigenous people can benefit from them?

There is mention, in the Presidential Speech, of benefits from the textiles in terms of exports to USA under the African Growth and Opportunities Act (AGOA). Already, we have been told that unless there is proper governance, we shall not benefit from this. What is the Government doing to make sure that there is proper governance in order for Kenyans who deal in textiles to be able to benefit from that?

Mr. Temporary Deputy Speaker, Sir, the oil industry is another big source of revenue in this country. Where does all that money go to? Every day, oil prices are being increased and oil companies are making a lot of money. We do not encourage our people to play a substantial role in this business. The oil companies have formed cartels that go on fleecing money out of the ordinary mwananchi and yet, the Government is there as if nothing can be done to save the situation.

Mr. Temporary Deputy Speaker, Sir, I want to talk about regional integration. The East African Co-operation (EAC) situation is a welcome move but let the Government assure our partners that we shall be straightforward when dealing with them. We have heard in the past that there is doubt on the part of our partners within the Community about our dealings with them. It is necessary for the Government to assure our partners within the EAC that they will be straightforward and that they will do the right things to make sure that the Community will continue to exist. I am a little bit sceptical about the COMESA business. I come from a region which produces sugar and what we have seen of late is pathetic. Two companies have already gone under, the classic example being Muhoroni and Miwani. Too much sugar is being brought in from the COMESA countries and the Government is sitting there doing almost nothing to protect the business of the indigenous people as if it is not their responsibility. A lot of jobs have been lost and very many families do not have a livelihood just because we have agreed that the sugar comes in from the COMESA countries and we are very badly hit.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the environment. Our forests must be left intact. We must face reality. There is no time when every Kenyan on the Kenyan soil will have land for himself. Time has come when we must teach Kenyans that each and everybody cannot have land. The question of forests being encroached on and then being degazetted has got to stop. It will not help this country. For how long shall we do this? Today, it is being done and in the next ten years or so, other people will encroach on the forests and excise them in the name of providing land for the indigenous people. That must stop. Harvesting in those forests is very discriminative, and our people must benefit from the harvesting of our forests. At the moment, I have got in mind Raiply and Elgeyo Saw Mills, who still go to the forest to do logging, and yet, there is a Presidential ban on it. Where do [Mr. Khamasi] they get the licences to carry out this activity? Who authorises them to do logging? We must have a proper policy.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I want to hesitantly support this Motion.

The Assistant Minister for Roads and Public Works (Mr. Mokku): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to join my colleagues in contributing to the Presidential Address. I would like to start by saying that the Speech was balanced, full of wisdom and it is my advice that we borrow a leaf from it. Under the sub-heading "The Social-Economic and Political---" I think it urges us to be united as Kenyans and Parliamentarians so that Kenya can move ahead.

I would like to say something about the Kenya planners. This country has enough resources, and it is our duty to utilise them. I would like to say that we are not a poor country. We are also a very hardworking society. It is our planners who should plan how we should use our resources in a better way, so that they can reach every part of this country. It is my appeal that the planners initiate right or viable projects in specific areas. I have examples of the northern, some parts of eastern Kenya and the Rift Valley Province, which are 100 per cent arid. While we have authorities like the Kenya Sugar Authority (KSA), the Coffee Board of Kenya (CBK), the Pyrethrum Board of Kenya (PBK) and others, those regions that I have named above have resources which are appropriate and require good planning. These resources are livestock. I would like to say that most of the meat that is consumed in this country comes from these regions. What these regions lack is proper planning. I would like to inform this House that, today, there is no proper planning for livestock marketing in this country. If we have authorities for the crops I have just mentioned, why can this single resource, found in the regions I have named above, not have a proper marketing system, so that wananchi can get returns for the sale of livestock?

We used to have the Kenya Meat Commission which was the only factory in the country that---

(Loud consultations)

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot hear the hon. Member who is contributing, because of hon. Moroto's team here which is consulting loudly. Is it in order for them to consult loudly?

The Temporary Deputy Speaker (Mr. Musila): May I request the hon. Members at that corner to consult quietly?

The Assistant Minister for Roads and Public Works (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I was saying that we used to have the only factory which processed meat in this Republic, and it closed down many years back. I would like to point out that, today, livestock farmers are at the mercy of the butchers. These butchers can either buy or refuse to buy livestock as they wish. Leaders are making an appeal to the Government to open the Kenya Meat Commission to assist livestock farmers in this country. While I still support the opening of the KMC, it is high time that we decentralised the KMC abattoir in this country. For example, we need an abattoir in the northern part of Kenya, especially in Garissa District, which will serve Wajir, Mandera and Ijara. We also need another abattoir in Isiolo District, which will serve this district, Marsabit and Samburu. We also need another abattoir in Turkana District which will serve this district, Pokot and Marakwet, while the one located at the KMC, Athi River, can serve the people of Kajiado, Narok

and Ukambani.

If our planners can view that from that angle, we, as Kenyans will be self-sufficient in basic needs and especially livestock products from those regions. As of now, people from those areas are really suffering. I would like to point out that a farmer transports five to six cows in a lorry from Moyale to Dagoretti and three-quarters of these animals will die on the way and the remaining animals will reach here when they are so weak or dehydrated. I would also like to say that the charges made by the owner of the lorry are almost half the price the animals will fetch. So, that farmer always makes a loss. It is high time that priority was given to those people, so that they can also look like any other Kenyan.

Mr. Temporary Deputy Speaker, Sir, briefly, I would like to say something about the Ministry of Health. While I support one of the hon. Members who said earlier on that the field officers we have are currently doing what they can, it is high time that we posted enough medical personnel, namely; the clinical officers, nurses and doctors to every part of this Republic.

At Independence, we talked of fighting three big enemies, namely; ignorance, disease and poverty. I think we are not achieving that target and we are not even getting closer. It is high time we looked at our policies, so that we have enough medical personnel, at least, in every region.

As I speak here, there is an outbreak of measles and typhoid in Isiolo District. There is also an outbreak of malaria, which has become a killer disease, killing more people than the HIV/AIDS. Without qualified medical personnel and the right drugs, wananchi will continue to die. It is my appeal that we actually post enough medical personnel to **[The Assistant Minister for Roads and Public Works]**

the area. The advertisement that has been made for recruitment of more medical personnel in the Ministry of Health is welcome. Let us consider every part of this Republic, so that we can get a share of the limited staff who will be recruited.

On livestock farming, may I again say that there was a proposal that was made by the Livestock Marketing Council, which has been put in place. It is my appeal that, that Council is given enough support by the Government and funding from the Exchequer, so that they can actually market the livestock in this Republic.

My last appeal is to the Ministry of Agriculture, Livestock and Rural Development. It is high time this Ministry looked at the water resources in this Republic. There was a lot of water in 1997 when we experienced *El Nino* rains and a few months later, there was an outcry due to lack of water in this Republic. Why can the Government not utilise this water, and especially the water from River Ewaso Nyiro, Tana River and Athi River? If we can conserve and use that water properly, it can be used for domestic, livestock and irrigation purposes. It is high time we utilised the natural resources that we have carefully so that they can benefit our people.

I would like to make a special appeal to the Minister for Rural Development that River Ewaso Nyiro, which can flow up to Habaswein, can serve Nyandarua, Samburu, Isiolo, Wajir, Marsabit and some parts of Garissa. I would like to make a special appeal to the Minister to ensure that the water from River Ewaso Nyiro is utilised properly so that wananchi can benefit from that natural gift.

Lastly, there was a seminar on poverty eradication which was held the other day, and good proposals were written down. It is high time we looked at those proposals and implemented them. In Isiolo District, where I come from, we have minerals which have never been exploited. It is high time the Government availed information regarding those minerals so that wananchi can exploit them. There are gemstones and other minerals in that region. We keep complaining of poverty and yet we are sitting on wealth. If we are serious about poverty eradication in this country, then we must explore minerals. It is high time the Ministry of Mineral Exploration started exploring minerals in North Eastern Province, so that we improve the living standards of our people. The Ministry should also avail necessary facilities to our people to explore minerals in that region.

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

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Presidential Speech which he delivered a week ago. Since it is only 18 months before President Moi departs from politics, I expected him, in his Speech, to talk about his achievements on all pledges he made during the 1997 General Election. He would have told us exactly what he had achieved. Unfortunately, three years down the road, he has achieved nothing and his Government has done nothing except making Kenyans poorer than they were.

Mr. Temporary Deputy Speaker, Sir, we had hoped to help the President to make Kenya a better country through the Bills that we introduced in this House and which the President deliberately ignored. He did not talk about the Affirmative Action Bill and the Equality Bill.

Mr. Temporary Deputy Speaker, Sir, because of the existing regional integration, the President advised young educated Kenyans to seek employment outside this country. To me, it appears as if the President has given up and that is why he encouraged Kenyans to seek employment elsewhere. It is sad that our President does not realise it is the responsibility of the Government to provide employment to Kenyans so that they can develop this country. The youth of this country are very much frustrated because they cannot get jobs in their country.

QUORUM

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mrs. Ngilu is talking very well, but there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Musila): Yes, you are right. We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, we have a quorum now. You may proceed, Mrs. Ngilu.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, I was saying that Kenyans and, especially the youth who form 62 per cent of our population, really wondered about the President's announcement that they seek employment elsewhere. It appears as if the President is not aware that getting an American or a British visa is a nightmare. As a country, we have been blacklisted and you can hardly get a visa from these two countries. I hope the President can be made aware of the hardships Kenyans have to undergo when they apply for visas.

Mr. Temporary Deputy Speaker, Sir, I noted with great concern that the President, in his Speech, deliberately chose not to talk about the Affirmative [**Mrs. Ngilu**] Action Bill and the Equality Bill. Worse still, you can remember his remarks two weeks ago during a conference he officially opened for women where he said that women are of "little minds". This shows the kind of a Head of State we have; arrogant and ignorant of women's rights. This is what we call male chauvinism. I believe that he needs to be informed that Kenyan women are not about to take this kind of insult; we will not take it. We will continue to educate women in this country on who to elect as the President.

(Loud consultation)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, consult in low tones so that we listen to what the gracious lady is saying.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, as I said, the President ignored all the pledges he made during the 1997 campaign. He made a pledge to provide Kenyans with clean water. But in Ukambani, women draw dirty water 20 kilometres away from their homes. Because of drinking dirty water, our people continuously suffer from typhoid and other water-borne diseases. At the moment, the people of Ukambani have rain water. Therefore, it would be wise for the Government to spend relief food funds on water programmes and projects.

Mr. Temporary Deputy Speaker, Sir, I want to talk about problems facing parents in the area of education. There are no books in most schools in Ukambani. Parents cannot afford books because they are too expensive. I believe the Ministry has to find a way of subsidizing the cost of books.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about insecurity in this country. On many occasions we have witnessed police exchanging fire with criminals in this country. In the process, civilians are hurt. I would like to make an appeal to both the police and the criminals, wherever they are, that if police have to attack, let them attack those criminals who are armed.

The Temporary Deputy Speaker (Mr. Musila): Order! May I request Messrs. Lotodo, Ethuro, Ojode and Acholla to please consult in low tones.

Mr. Wamunyinyi: Yes, we have kept quiet, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Wamunyinyi! I can see and hear! Proceed, Mrs. Ngilu!

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, we have witnessed innocent civilians getting shot in crossfire between the police and thugs. I really want to appeal to both the police and the criminals and more so to the latter, if they can hear me wherever they are, if they have to break into families homes and steal--- Could they do it decently? Could they break into the houses and steal but leave the families intact? Could they stop using firearms and raping women and girls? Could they just do it decently? We know this is as a result of the decay that has occurred in this country and, as a result, Kenyans are suffering all these injustices in the hands of a very rotten Government that has not put right programmes in place. This is to the extent that two armed security officers from a Minister's house can go out and kill an innocent person. You can see how rotten the security forces in this country are!

Mr. Temporary Deputy Speaker, Sir, I want to talk about the Poverty Reduction Strategy Paper. I believe this is an area where, if we all put our efforts, we can get a way out of the problems that we are in. This country does not suffer from poverty and other problems simply because we have no resources. This country has plenty of resources. The

resources are totally mismanaged, not properly allocated, inequitably distributed and not properly utilised. If only women were to be involved in this venture, I believe we could make a difference. We know that in every activity that takes place at the grassroots level women are involved, but when it comes to the policy level, that is decision making positions, that is where women's experience, expertise and perspective is missing. I do believe that, before Dr. Leakey and his team left, they had already started involving women at that level. This Poverty Reduction Strategy Paper that has already been put in place had a lot of input from women from all walks of life from this country and they came from every province to give their own input. I believe that this is where we have to go back to the drawing board and know that women's experience is important.

Mr. Temporary Deputy Speaker, Sir, as I speak today, and I say this because 80 per cent of this country's agricultural land and food coming from this land is used and produced by women--- It is for this reason that I believe that women should be given an opportunity to be able to be part and parcel of the decisions that are being made for them. They should be able to also say what the priorities in a home are and what programmes should be put in place for them. This is because recently when I was having a meeting---

Thank you, Mr. Temporary Deputy Speaker Sir.

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to support the Presidential Speech. In my opinion, the Speech was good. It touched on essential areas which affect the ordinary mwananchi. However, the problem here is that no matter how good the Speech was--- Who is going to implement [**Col. Kiluta**]

the directives, recommendations or the suggestions given by the President? We have got a society here which is morally rotten. It is a wreck! Everybody is rotten and unless we all pull up our socks and live up to what we are supposed to do, this country will go to the dogs. All people, including the church leaders, have abandoned their responsibilities. The church leaders have left their work and gone into politics. The sheikhs cannot be spared either since they have left their field of---

Mr. Shidiye: No! What are you saying about the sheikhs?

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, can you protect me from this young man here?

The Temporary Deputy Speaker (Mr. Musila): Mr. Shidiye, calm down!

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, the church leaders have left preaching the word of God and--

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Col. Kiluta in order to make reference to hon. Shidiye as a young man?

Mr. Munyasia: Yes, and he is his Chief Whip!

The Temporary Deputy Speaker (Mr. Musila): He is certainly not. Proceed, Col. Kiluta!

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, can you protect me from this hon. Member of Parliament? I was rudely interrupted before I could say what I was trying to say. I will repeat by saying that people have abandoned their careers like church leaders who have left preaching and joined politics. That is why we have problems with this constitutional review process, because we have all gone in there and abandoned our careers. There is also this problem of moral decay because those who are supposed to intercede on our behalf and communicate with the Almighty God, have abandoned that work and left it to us. It is not possible for me to do all this work; that is to be in politics and also preach the word of God in the church. I can go to church and pray but not really to go interceding on behalf of everybody. I will kindly request that those who are given this chance to go back and do their work.

Secondly, because of this moral decay, you will find we have got problems in every field. Every year we vote money here for development. Ideally, this money we vote here---

(A mobile phone rang)

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

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. A mobile phone has rung here in the NDP court!

(Laughter)

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members, I think this is the fourth time that the Chair has to intervene in the matter of cell phones. May I again appeal to hon. Members to ensure that the cell phones are left outside or switched off. I know it is not deliberate since it has happened but let me hope that this is going to be the last time. Continue, Col. Kiluta!

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, due to these interruptions, I am sure you will consider adding

me extra minutes. If you look at the existing on-going development projects, they seem to be all concentrated in one area. I am sorry to say this. The Opposition seems to be getting a better share than the KANU people. This is simply because most of the Permanent Secretaries favour the Opposition. Is it possible, if this is the case, to be allowed to cross over so that at least we have development projects in our areas?

Hon. Members: Yes, you can defect!

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, if we cannot be considered while in KANU, then we can as well join them because development projects are concentrated in Western, Central and Nyanza provinces because of the co-operation. If that is the case, then I think I should go to that side!

Mrs. Ngilu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Let me help you, hon. Kiluta. May I ask hon. Kiluta to join my party?

The Temporary Deputy Speaker (Mr. Musila): But that is not a point of order, hon. Ngilu!

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for this lady. However, what I was saying is that---

Mr. Koskei: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to ask hon. Ngilu to inform us which party she belongs to. This is because as far as I am concerned SDP has been showing her the way---

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Hon. Koskei, you stood on a point of order. Do you have a point of order to raise? You do not have a point of order to raise. So, Col. Kiluta, you can proceed!

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, I was saying that there should be equal sharing of the money we vote here. The money should not be taken to one area at the expense of other areas which have already supported this Government. At times I feel hurt when I hear of this co-operation. I laboured to win votes for KANU through my seat here in this Parliament. Having [**Col. Kiluta**]

brought those votes through my seat, nobody seems to recognise me.

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

The Temporary Deputy Speaker (Mr. Musila): Overruled! Hon. Members, let us be fair to Col. Kiluta and give him time to contribute and finish his speech.

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, I seem to be running short of time.

The other point that I would like to touch on is education. Every hon. Member in this House agrees with me that we value education and everybody would like to see the education system run properly. I wonder how we expect students to perform well when we have eight classes manned by three teachers, as it is in my place. It is not possible to have pupils perform very well when we have three teachers serving eight classes.

We have graduates from teacher training colleges who have been trained, but have been dumped in the villages. These teachers have been trained, qualified and have been abandoned. On top of that, we are told that we are going for retrenchment. Why should we retrench people in the Ministry of Education when we have a shortage of teachers? Any right-thinking person will not do that. We should go and look for teachers who have been trained and employ them so that we can off-load this burden which we have given to the parents.

If you go to Masinga, you will find that in every school there are not less than five teachers who are employed by the parents. On top of famine, I hear that we should go for seminars on poverty eradication. What is this that we are eradicating? We know how to eradicate poverty. Why can we not use this money, which we are spending in hotels, to employ teachers?

Secondly, we agreed that there should be no activity money required to be paid by parents, but parents are still being forced to pay activity fees! What are these activities that parents are forced to pay fees for? Those good old days when I went to school, I used to run ten miles to school and back every morning and evening. That is enough activity, and I do not need to pay money to run to school in the morning and back in the evening. The payment of this money should be stopped and I am urging the Minister in charge to look into this matter, especially employment of teachers, and this money which parents are being levied by force.

Mr. Temporary Deputy Speaker, Sir, I said that our society is rotten and I want to point at one area which is rotten. Recently, we had police recruitment and for one to be recruited as a police constable, one had to part with Kshs30,000. If you did not have Kshs30,000, you were never considered. To be an inspector, you had to pay Kshs60,000. I can substantiate this point because I have got enough evidence. If we allow people who are in high positions in the Government to go on collecting bribes openly, and we leave the Commissioner of Police in the office, then I think we are failing. The Commissioner of Police should investigate this matter and if he finds it to be true, he should be the first person to resign or sack the whole lot.

Mr. Temporary Deputy Speaker, Sir, the same thing goes on in the Ministry of Health. To qualify as a nurse, you have to part with Kshs30,000. For how long shall we continue this way? For how long shall we live with this rot in our society? Are we saying that we are not conscious of this? It is eating in our society's morals and unless something is done quickly, there will be no Kenya. It will be rotten and gone.

The Ministry of Energy is supposed to implement the Rural Electrification Programme. We were told that there would be power in every home by the year 2020. These projects have all been centred in one area. Western Province is the only beneficiary. Central and Rift Valley Provinces have also not been left out. What about the other areas?

An hon. Member: What about North Eastern Province?

Col. Kiluta: North Eastern Province is not known. Most of this power is from Masinga Dam and yet we do not get anything. When shall we ever be considered as a community? Or are we only considered during elections?

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

The Temporary Deputy Speaker (Mr. Musila): Overruled, Mr. Shidiye!

Col. Kiluta: With those few words, I beg to support.

Eng. Muriuki: Thank you, Mr. Temporary Deputy Speaker, Sir. On the Presidential Speech, a lot was said about the state of the economy and poverty eradication. I would like to say a few words about the pretence to eradicate poverty in this country through seminars, workshops and other meetings through which we purport to collect views from wananchi. Nothing new is being said in those seminars and workshops that has not been said before by these leaders. I already know about the poverty level in OI Kalou, which I represent. I also know what we require to do and we have said that many times in many meetings. I would like to call upon those who have money to be practical and put it to good use instead of spending it on meetings.

Mr. Temporary Deputy Speaker, Sir, we are using the word "liberalisation" to mess about with our economy. All countries do have regulations to run their economies, but in this country we are using the word "liberalisation" to stop the activities which [Eng. Muriuki]

wananchi are already doing. We must accept the fact that we will not eradicate poverty unless we, first and foremost, work out ways of eradicating unemployment. You cannot eradicate poverty from people who are not working. By far, the biggest employer we have in this country is the agricultural sector. The manufacturing sector employs only about 200,000 people. The agricultural sector employs millions of people and this is where we need to direct our efforts towards eradicating unemployment first and foremost and, eventually, poverty.

Mr. Temporary Deputy Speaker, Sir, at the moment, it appears that some sectors of the Government are very serious in ensuring that the sugar industry is completely kaput. If you look at other countries that have as good a climate as we do and which favours the production of sugar, they encourage their farmers and ensure that the sugar industry is fully protected. Some years ago, we did the same to the textile industry. Despite cries from this House and leaders all over, we tried to say: "Let us protect our textile industry--" It is now completely finished because we allowed everybody to bring in whatever they could and we are doing the same thing to the sugar industry. We have seen other sub-sectors within the agricultural sector go completely kaput. After we had made sure that the textile industry had collapsed, we also worked very hard to ensure that cotton farmers have nowhere to go. They have nowhere to sell their cotton and as a result, the cotton industry is completely finished.

Mr. Temporary Deputy Speaker, Sir, recently, we had an announcement from the US Government that they will now allow some textiles to be imported from our country. The fact that they admitted that they are allowing this, means that they had regulated the importation before. This is what we require to do for our country so that even if we liberalise the economy, we must regulate imports for the purpose of supporting our own citizens. We are already starting work towards getting rid of the very effective---

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Muriuki! Your time is not up, but looking at the clock, we cannot proceed beyond that. So, you will continue on Tuesday. Hon. Members, today being a Thursday, I have two requests for statements under Standing Order No.20A. May I call upon hon. Mkalla?

MEMBERS' HALF-HOUR STATEMENTS

REPORT ON BOMBOLULU TRAGEDY

Mr. Mkalla: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to make the following statement, pursuant to Standing Order No.20A, directed to the Minister for Education. The Bombolulu Secondary School fire tragedy occurred on 25th March, 1999. Parents had their 3rd anniversary at the school last Sunday the 25th of March, 2001. They bitterly complained that no official report had been made public to date, more than two years since the date of the calamity. A total of 26 students died during the fire tragedy. I demand that the Minister for Education makes a Ministerial Statement on the findings of the Commission of Inquiry on the fire tragedy at Bombolulu Girls Secondary School in Mazeras, Kwale District. I am sure that such a public disclosure of the findings will send a positive message to the parents of the students involved in the recent similar incident at Kyanguli Secondary School where the Minister is involved in setting up a similar commission.

The Temporary Deputy Speaker (Mr. Musila): The Minister for Education is not here and, therefore, I will

ask the Assistant Minister, Dr. Wamukoya to respond.

The Assistant Minister for Education, Science and Technology (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, a notice for request for the Statement reached my office this morning and I seek your indulgence that you allow me to make a thorough Statement next week on Thursday.

The Temporary Deputy Speaker (Mr. Musila): Very well. Mr. Muchiri?

EVICION OF POLICE OFFICERS

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Office of the President. I would like the Minister concerned to explain the reason why the Commanding Officer of National Youth Service, Nairobi has issued eviction notices to police officers of all ranks. He says that they will be evicted tomorrow 30th March, 2001, if they will not have vacated the houses by today. I am requesting that you protect them until the Statement is made.

The Temporary Deputy Speaker (Mr. Musila): Again I do not see the Minister in the Office of the President here. May I ask the Deputy Leader of Government Business to comment on this?

The Minister for Information, Transport and Communications (Mr. Mudavadi): I will ask the Minister responsible to give a Statement next week.

The Temporary Deputy Speaker (Mr. Musila): There is an urgent request that you protect them before the Statement is issued. Can you do something about that?

The Minister for Information, Transport and Communications (Mr. Mudavadi): I will relay this message and the urgency of it to my colleague.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, that brings us to the end of our Business

for today. The House is, therefore, adjourned until Tuesday, 3rd April, 2001, at 2.30 p.m.

The House rose at 6.35 p.m.