

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th October, 2001

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper were laid on the Table:-

The Report of the Departmental Committee on Finance, Planning and Trade on the Finance Bill, 2001 and the Banking (Amendment) Bill, 2001

(By Mr. Mkalla)

ORAL ANSWERS TO QUESTIONS

Question No.170

EXPENDITURE ON *EL NINO* REHABILITATION PROJECTS

Mr. Deputy Speaker: Mr. Kiunjuri is not in? We shall come back to that Question later on!
Next Question!

Question No.590

COMMERCIAL BANKS' LENDING TO AGRICULTURAL SECTOR

Mr. Deputy Speaker: Mr. Munyao is not in? We shall come back to that Question later on!
Next Question!

Question No.052

CRITERIA FOR ADMISSION TO PROVINCIAL SCHOOLS

Eng. Muriuki asked the Minister for Education:-

(a) whether he could table a list of all the students who were admitted to Form One in Provincial Schools in Central Province in the year 2001; the index numbers and the KCPE score for each student;

(b) how many are from public schools and how many are from private schools; and,

(c) what the criteria for admission to the provincial schools was.

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

(a) I hereby table the list of all students selected to provincial schools for Form One in Central Province.

(b) There were 6,731 who were selected from public schools, while 1,508 were selected from private schools in Central Province.

(b) The criteria for selection varied from school to school. The selection was based on the marks the student attained.

(Mr. Kosgey laid the document on the Table)

Eng. Muriuki: Mr. Deputy Speaker, Sir, there are some cardinal points I wish to raise by way of supplementary questions, but because the document is large, I wish to request that the Question be deferred for at least a day or so, to allow me peruse the document and be able to raise my supplementary questions.

Mr. Deputy Speaker: When did you get the written reply?

Eng. Muriuki: Mr. Deputy Speaker, Sir, I have just received the reply and the document has just been laid on the Table of the House. A day or two would be sufficient for me.

Mr. Deputy Speaker: Mr. Kosgey, what is your comment?

Mr. Kosgey: Mr. Deputy Speaker, Sir, this Question is straightforward. In fact, in May this year, Eng. Muriuki asked a similar Question with regard to national schools. This Question is specifically asking for a list of all the students selected to provincial schools in Central Province and the criteria for selection, which I have laid on the Table of the House. It is a long list, indicating the number of students. The criteria for selection to provincial schools is well known by everybody.

There are particular marks required. For example, in Nyandarua, where the hon. Member comes from, the minimum requirement for boys was 454 marks and 407 for girls.

Mr. Deputy Speaker, Sir, provincial schools select 85 per cent of students from that particular district where the school is, and 15 per cent from other districts within the province. So, the Question is straightforward.

Eng. Muriuki: Mr. Deputy Speaker, Sir, the issue I wish to raise pertains to part "c" of that Question. What the Minister for Education is saying is true; I raised a similar issue with regard to national schools because there is a serious anomaly with respect to the admission of students from private and public schools. As a matter of fact, I would like to take this opportunity to thank the Minister because he has now taken the necessary steps I had mentioned. We should have some kind of balance in admission for students from public and private schools. I would like to know whether the same situation applies to the national and provincial schools. If I was allowed one or two days, it would be adequate for me to peruse this document so that I do not bore the House with issues which the Minister could have sorted out.

Mr. Deputy Speaker: I do not think we can even give you a day if, in fact, you asked a similar Question this year. So, you must be having all the information.

Eng. Muriuki: Mr. Deputy Speaker, Sir, that was with regard to admission of students to national schools. This Question pertains to provincial schools where I suspect the situation is even worse.

Mr. Deputy Speaker: What you are interested in is contained in part "c" of the Question and the Minister has explained. So, what is it that you want?

Eng. Muriuki: Mr. Deputy Speaker, Sir, in the district where I come from only 5 per cent of the candidates are from the private schools, yet in the same district they admitted 80 per cent of the students from other provincial schools. This is what I am contesting. I am happy the Minister has admitted that fact. When I raised that issue, it was opposed to a certain extent by the Ministry, but now they have seen the light and given some allocation to the private and public schools. Although the Minister says that the criteria is based on the marks, I know it is not only based on the marks. I would like to know whether students from poor families who cannot afford fees charged by private schools to the tune of Kshs30,000 to Kshs50,000 per term are being given any consideration. But for me to be sure, I need to be given time to peruse that document.

Mr. Deputy Speaker: Well, you have asked a question which is legitimate and the Minister should answer it.

Mr. Kosgey: Mr. Deputy Speaker, Sir, the hon. Member has demanded a copy of it before I even lay it on the Table. He should stand up now and ask that question which he had in mind. In the case of Nyandarua, we are aware that there are two private schools that do very well - Elite and Baraka - and they tend to take all the vacancies for national schools, leaving out students from public schools. In fact, I think the hon. Member should declare his interest because I happen to know that his son is one of those affected.

Eng. Muriuki: Mr. Deputy Speaker, Sir, there is no son of mine whose name is in this document and who is going to school. All I am saying is that in my district, only 5 per cent of all the candidates who are sitting for KCPE are coming from the academies, but they are taking up 85 per cent of the national and provincial positions. Maybe, I could ask now: Could you tell us what is the percentage of students in Nyandarua District who took up positions at the provincial schools, leave alone your son and my sons? There are many sons.

Mr. Kosgey: Mr. Deputy Speaker, Sir, he is quite right. In fact, when we had the report, we were trying to correct this anomaly where vacancies to national schools are being taken up by the academies, and their number is only 2 per cent of the schools in the whole Republic. Therefore, the question that he is asking is true: It is a given fact that the two schools - Elite and Baraka - take up close to 90 per cent.

Mr. Thirikwa: Mr. Deputy Speaker, Sir, could the Assistant Minister say whether he is aware that out of the

85 per cent that he is talking about, most of the students who sit for national examinations are from outside the district? For example, in most of--- It might be true because these schools are boarding. So, any parent anywhere can take their children to board in those schools. In fact, we are aware that in Baraka, there are quite a number of children from parents living in Nairobi, and they have taken their children to board in those schools.

Mr. Waithaka: Mr. Deputy Speaker, Sir, I happen to be from Nyandarua District. Which school are you referring to as Baraka? I only know of two schools which are Busara and Elite and you have been misleading the House by referring to Baraka.

Mr. Kosgey: Mr. Deputy Speaker, Sir, I meant Busara and not Baraka. If I can elaborate a little bit on the Nyandarua case, the first candidate got 643 marks from Nyandarua. It was quite high and the second one secured 638 marks, and so forth. By the time we got to above 600 marks, we were having over 30 children from Nyandarua District. So, they do very well and they preclude the children from public schools.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, it looks like the students who are getting opportunities in the national schools are Kenyans who have qualified perfectly well. Could it be better for the Minister to assist the public schools in Nyandarua, so that they can do better and compete with those private schools instead of discriminating against Kenyans who have passed well, simply because they come from well-off schools?

Mr. Kosgey: Mr. Speaker, Sir, that is the whole purpose of having the Ministry of Education, Science and Technology; to provide quality education to Kenyans. We are striving every other day to improve education in our public schools and everywhere.

Eng. Muriuki: Mr. Speaker, Sir, I have no quarrel with private schools. The only point is that they are very expensive and, therefore, ordinary Kenyans from Nyandarua District are not able to afford them. My last question is: Could the Minister institute some kind of quota for the public schools and for the academies like he did on the national schools?

Mr. Kosgey: Mr. Speaker, Sir, we have already gone into this question and we think that it will be unfair to deny Kenyans vacancies, just because they are in a private school or public school. There is need to improve, as Mr. Angwenyi, says, public provincial schools and bring them to a good standard so that the vacancies are increased for all.

Question No.360

PAYMENT OF DUES TO FORMER KCHS EMPLOYEES

Mr. Maitha asked the Minister for Labour:-

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

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Mr. Deputy Speaker, Sir, we are still preparing the answer. We are still seeking more information. I think we will be able to provide a suitable answer by next week.

Mr. Maitha: Mr. Deputy Speaker, Sir, when this Question came here last time, you deferred it because the Assistant Minister was asked to go and look for more information and lay it on the Table, regarding those who were paid and those who have not been paid. The Assistant Minister called me and I gave him the information. In fact, I even gave him the direct line of the Managing Director of KPA so that he could confirm because we had discussed that at the KPA level. I do not know what time he is requiring again, when the Managing Director could be sought so that he could give this information in a less than one day.

The Assistant Minister for Labour and Human Resource Development (Mr. Chanzu): Mr. Deputy Speaker, Sir, we have been in touch with the KPA and they are verifying the information. They had promised to send it to us by Friday. This is why I am saying that we will be able to give the information by next week.

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

Mr. Deputy Speaker: Order! This Question is deferred to Tuesday next week!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, these deferments are becoming a problem!

Mr. Deputy Speaker: Well, let me not hear you at a future date asking for your Question to be deferred. So, let us be fair to everybody.

(Question deferred)

Question No.194

REPAIR OF BUNGOMA-MUMIAS ROAD

Mr. Sifuna asked the Minister for Roads and Public Works:-

- (a) whether he is aware that there are numerous potholes on Bungoma-Mumias Road between Bungoma Bus Park and Sangalo Road Junction; and
- (b) when this road will be repaired.

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

(a) I am aware that some potholes have developed along Bungoma-Mumias Road between Bungoma Bus Park and Sangalo Road Junction.

(b) The road will be repaired this financial year.

Mr. Sifuna: Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, could he tell us the specific date when the construction of that road will start?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am hoping that it has started. We have already issued Kshs1.5 million for spot-patching on the road. I am hoping that if it has not started, it will be started immediately. But the money has already been issued.

Mr. Sifuna: Mr. Deputy Speaker, Sir, while appreciating the answer given by the Assistant Minister, could he tell us the length of the road that this particular repair will cover? Would it be one kilometre or four kilometres?

Eng. Rotich: Mr. Deputy Speaker, Sir, the total length of the road that we are going to repair is about 32 kilometres, but the money given, which is Kshs1.5 million, is only for spot-patching potholes. Again, we are going to carry out a road condition survey to assist us in purchasing materials for next financial year, for recarpeting of the road.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. The popular answer from this Ministry with regard to Questions has been: "The roads will be made when funds will be available." Could the Assistant Minister table the list of roads constructed for the last three years, so that these questions on roads can cease to be asked in this Parliament?

Mr. Deputy Speaker: Order, Mr. Muchiri! That is not a supplementary question! If you want to file a Question along that line, just do so.

Mr. K. Mwangi: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us when monies will be disbursed to every constituency according to the Kenya Roads Board regulations?

Eng. Rotich: Mr. Deputy Speaker, Sir, the District Roads Board met on Monday this week and approved the disbursement of funds to the districts. We have disbursed the normal quota of Kshs5 million per constituency.

Mr. Sifuna: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us which contractor was awarded this tender?

Eng. Rotich: Mr. Deputy Speaker, Sir, there is no contractor doing this work. It is being done by the pothole patching unit of the Ministry of Roads and Public Works in Kakamega and Bungoma.

Question No.163

NUMBER OF CHILD-BIRTH RELATED DEATHS

Dr. Kulundu, on behalf of **Mr. Gatabaki**, asked the Minister for Medical Services:-

- (a) how many women have died due to complications associated with childbirth and pregnancy-related disabilities in public hospitals in the last five years;
- (b) whether he could give statistics of casualties, province by province; and,
- (c) what specific programmes are in place to improve the delivery and availability of quality health care services to women and girls at national, provincial, district and community levels.

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

(a) The number of women who have died due to complications associated with childbirth and pregnancy-related disabilities in public health hospitals in the last five years is 3,751.

(b) The breakdown, according to the provinces, is as follows:-

Rift Valley Province 984
Eastern Province 804

Coast Province	115
Nairobi Province	738
North Eastern Province	82
Western Province	136
Nyanza Province	575
Central Province	317
Total	3,751

(c) The Ministry has designed and put in place an integrated programme to mitigate against the high maternal mortality rates at all levels in the country. These include safe motherhood, free family planning service, adolescence and youth reproductive health cancer screening.

Dr. Kulundu: Mr. Deputy Speaker, Sir, it is true that Kenya's maternal mortality rate is the highest in both the Horn of Africa and the world. What the Assistant Minister has not told us is that nearly half of these deaths were due to unsafe abortions. What is the Ministry doing to enable Kenyans, especially young women, to access safe abortions in public hospitals?

Dr. Wako: Mr. Deputy Speaker, Sir, it is true that the figure is still too high, but there are certain factors which lead to this. One of them is the distance to the hospital, secondly, of the 95 per cent women who visit our hospitals, it is only 56 per cent who actually deliver in the hospital. The rest deliver at home. The Ministry has been trying to help the traditional birth attendants to undertake safe child deliveries at home.

Dr. Kulundu: On a point of order, Mr. Deputy Speaker, Sir. I have asked the Assistant Minister a specific question which he has evaded. We know that there is a lot of jazz about some mothers delivering at home and so on. What I am putting to the Assistant Minister is that abortion accounts for more than 50 per cent of these mortalities. What policy does the Ministry have to enable women access safe abortion in public hospitals?

Dr. Wako: Mr. Deputy Speaker, Sir, the hon. Member is aware that abortion is illegal in this country. But those girls and women who go to Kenyatta National Hospital are attended to safely. But about 44 per cent do not go to hospital. They are attended to by unskilled people. That is why we are imparting some knowledge to these traditional birth attendants.

Dr. Kulundu: Mr. Deputy Speaker, Sir, I am talking about free choice to terminate unwanted pregnancies. The girls who go to Kenyatta National Hospital suffer from complications arising from unsafe abortions. Does the Ministry have any policy to introduce free choice on termination of unwanted pregnancies?

Dr. Wako: Mr. Deputy Speaker, Sir, as we all know, abortion is illegal in this country. There are certain groups which are praying for it to be lifted. I think hon. Kulundu being one of them, can bring an amendment to this House so that abortion can be legalised.

Mr. Deputy Speaker: Next Question, Dr. Ochuodho!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I have not received a written reply. However, I beg to ask the Question.

Question No.210

REGISTRATION STATUS OF TRADE UNIONS

Dr. Ochuodho asked the Attorney-General what the registration status of the following organisations is:-

- (i) The Kenya University Students Organization (KUSO);
- (ii) The National Union of Students of Kenya (NUSKE);
- (iii) The University Academic Staff Union;
- (iv) The Kenya Dentists and Medical Practitioners Union; and,
- (v) The Kenya Civil Servants Union

Mr. Deputy Speaker: The Attorney-General is not here?

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I do not know what the Chair intends to do. I am aware that the Attorney-General will be out of the country next week. I hope what the Chair rules will take cognisance of the need to have it answered before then.

Mr. Deputy Speaker: I will then defer this Question to tomorrow in the afternoon.

(Question deferred)

Mr. Kiunjuri's Question for the second time!

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, I apologise for coming late. However, I beg to ask the Question.

Question No.170

EXPENDITURE ON EL NINO
REHABILITATION PROJECTS

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

(a) whether he could give a breakdown of how the money meant for *El Nino* rehabilitation projects, obtained from the Kenya Government, the World Bank, African Development Bank and the French Government has been spent; and,

(b) how much money was given by each of the above and/or any other donor.

The Minister of State, Office of the President (Mr. Nassir): Mr. Speaker, Sir, we have agreed with the hon. Member that I should answer this Question next week. This is because I have got to contact different departments for information.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, the Minister has shown me right now that he saw this Question today in the morning. You know the procedure; this Question must have been sent to the Ministry--- I placed this Question four months ago! So, they had four months to do the work. Could he assure us whether he will come up with an answer in two or three days to come?

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, when I give my word, it is do or die! I will give an answer!

Mr. Deputy Speaker: Order! I will defer this Question to Tuesday, next week!

(Question deferred)

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

Mr. Deputy Speaker: There is no point of order relating to that issue because I have already deferred it!

Let us move on to the next Question by Mr. Munyao, for the second time!

Mr. Munyao: Mr. Deputy Speaker, Sir, I beg to apologise because I was not in when the Question was called the first time.

Question No.590

COMMERCIAL BANKS' LENDING
TO AGRICULTURAL SECTOR

Mr. Munyao asked the Minister for Finance:-

(a) if he could confirm whether it is a legal requirement for all commercial banks registered in Kenya to lend 17 per cent of their deposits to the agricultural sector;

(b) which banks have conformed to the requirement and which ones have not; and,

(c) what steps he has taken to ensure that the law is adhered to by all banks.

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

(a) Prior to July, 1991, the Central Bank of Kenya (CBK) had prescribed minimum lending to the agricultural sector, which stood at 17 per cent of the deposits for commercial banks, and 10 per cent for non-bank financial institutions. However, after liberalisation in July, the CBK discontinued applying controls in respect of interest rates and areas of lending. For now, the Government does not direct as to what sector the banks and financial institutions should lend and at what rate. But the banks and financial institutions do their own lending, based on their own assessment of market conditions. Therefore, the requirement for commercial banks and financial institutions to lend at 17 per cent and 10 per cent is no longer applicable. To put it more clearly, it is not a legal requirement!

(b) As stated, the Government does not direct lending activities of commercial banks and hence, the information sought under part (b) does not arise.

(c) The Government cannot direct financial institutions as to their lending activities in a liberalised environment. However, in view of the fact that Kenya's economy is liberalised, and with the recent CBK Amendment

Act, 2000, that seeks to regulate interest rates and the planned establishment of micro-finance institutions, lending to the agricultural sector and small-scale enterprises should be accommodated.

Mr. Munyao: Mr. Deputy Speaker, Sir, the answer is really disappointing! We would like the Minister to confirm that prior to 1991, we had the same Government! That is because if it was a requirement at that time, was there a Paper brought to this House to reverse that directive? There must have been a reason why it was fixed at 17 per cent, to assist the farmers! Was there a Paper brought to this House?

Mr. Okemo: Mr. Deputy Speaker, Sir, the liberalisation of different aspects of the economy, whether in the banking sector or the price control regime, was actually passed by this House! I was not a Member of Parliament then, but I know that this House passed a policy to liberalise prices, exchange controls, interest rates and the entire pricing regime. I know that Mr. Munyao was not here, but this Parliament passed that policy.

Mr. Keriri: Mr. Deputy Speaker, Sir, the answer to this Question is depressing. All through, the emphasis is on liberalisation! As far as agriculture is concerned, this Government has used liberalisation to neglect it! The Minister says that the setting up of micro-finance institutions may well be accommodated. He has used the word "may". He is not sure whether agriculture will be accommodated in that aspect. That is completely ignoring agriculture, which is the mainstay of this country.

Could the Minister tell us whether, in view of the fact that institutions like the Agricultural Finance Corporation (AFC) and the Treasury institutions that used to lend to farmers have collapsed, he is prepared to come to this House with a Paper, setting up the policy of financing agriculture, including setting up of an agricultural bank to help farmers?

Mr. Okemo: Mr. Deputy Speaker, Sir, I will start by saying that the Co-operative Bank is doing quite a good job in terms of making credit available to farmers. But as far as the AFC is concerned as an option, I do agree that we have a draft proposal that is going to be put in the form of a Sessional Paper that will be brought before this House, to restructure the balance sheet of the AFC. Right now, it is so heavily indebted that it is not in any position to provide credit to anybody. So, when that Sessional Paper comes before the House, we will be looking at the possibilities of restructuring the balance sheet with a view to writing off loans of many large-scale and small-scale farmers who are completely unable to service their loans, and also to inject fresh capital into the AFC, with a view to converting it into a commercial bank.

Mr. Michuki: Mr. Deputy Speaker, Sir, the Minister should be the first person, in his capacity as the Minister for Finance, to know the importance of savings and the need for national savings, and how those savings should be directed in terms of investments for the national good. On the answer given by the Minister, while I also agree that there has been no law to influence investment in agriculture, the attitude the Minister has taken is so disappointing that we are about to ask him to bring a Sessional Paper to this House, telling this nation how, as the Minister for Finance, he sees the role of savings in development of Kenya. So, could the Minister tell us why he thinks that he cannot use his powers of persuasion? This has been the case throughout because there has never been a law! Why is he reluctant to influence commercial banks and those who hold national savings to direct those savings into areas that benefit this nation most?

Mr. Okemo: Mr. Deputy Speaker, Sir, I was responding to a specific Question. That specific Question asked whether it is legal for commercial banks to lend 17 per cent to the agricultural sector, and I said it is not! I went on to explain the background as to how that 17 per cent was arrived at. In my answer, I did not suggest that the Government does not wish to take specific actions to assist the agricultural sector. I did not suggest that in any of the statements that I made.

However, I think in terms of talking about mobilisation of savings, the hon. Member seems to be confused! If he listened to my contribution yesterday, I spent a lot of time explaining how we have set up the Retirement Benefits Authority that takes care of all sectors of the economy, including agriculture. That is the greatest source of savings. That is a positive step that we have taken. At this point in time, I would like to tell the House that the Government is prepared, although it is the CBK that gives the circulars even in the past and not the Minister for Finance; I will direct the CBK to persuade; not to order, but to persuade the commercial banks to consider lending to the agricultural sector more than they have done before. At the moment, 9 per cent of all the lending by commercial banks is to the agricultural sector. It has been 11 per cent since 1994 and Mr. Michuki was the Permanent Secretary at that time.

Mr. Imanyara: Mr. Deputy Speaker, Sir, while I appreciate what the Minister has said with regard to the liberalisation of interest rates regime, is it in order for him not to tell the House that, currently as it stands, the provisions of the Banking Act requiring the Minister's approval before any interest rates is increased are still in place? When the Central Bank Act was amended, the provisions of the Banking Act were never touched and as we talk today, those provisions are very much in the books. Mr. Minister, you have the power to influence the banks because they require your specific permission before charging any high interest rates. You can use that leverage to get the banking sector to lend more to the agricultural sector.

Mr. Okemo: I think Mr. Imanyara has forgotten that we passed the Central Bank (Amendment) Act which has ---

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I have not forgotten anything and I speak as a lawyer who knows the law which the Minister probably does not know. There is the Banking Act, Cap.484, which has not been amended as I talk now in this House. It requires that banking institutions seek the Minister's approval before raising interest rates. That is the law. Do not say I do not know what I am talking about.

Mr. Okemo: Mr. Imanyara, I think what I am talking about---

Mr. Deputy Speaker: Address the Chair!

Mr. Okemo: I beg your pardon, Mr. Deputy Speaker, Sir. I think Mr. Imanyara is talking about the Banking Act. I am talking about the Central Bank (Amendment) Act. It is not for me to determine whether there is a conflict of interest between the two laws. It is for the courts to interpret.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, this Minister keeps on talking about liberalisation every time he answers Questions in this House. The Liberalisation Paper which was brought to this House sometime back must have been developed and brought here by hoodoo economists and they have turned this country's economy into a jungle. Could the Minister consider bringing to this House a fresh Paper on liberalisation so that we can discuss it and give proper direction which can assist our economy?

Mr. Okemo: Mr. Deputy Speaker, Sir, I will consider that.

Mr. Deputy Speaker: Mr. Minister, it is only yesterday when you told us that you would bring here a Privatisation Bill. Really, that Question has been answered by what you said yesterday. If he was not here, that is his lookout.

Mr. Okemo: No, I think he is talking about liberalisation. Privatisation is different, with your indulgence. I am not saying that I will bring any Paper to this House, but I will consider that.

Mr. Munyao: Mr. Deputy Speaker, Sir, I would like to tell the Minister how this House respects him. We would like him to conform and keep his word. We are handling a Paper on poverty reduction from his Ministry. As we talk, the agricultural sector is almost dead and everything requires finance. We are happy that the Minister has confirmed that he will discuss with the banks so that they can keep the interest rates at 17 per cent. Could he confirm whether the banks will relax their requirements for giving credit facilities and conform to lesser rates?

Mr. Okemo: I did also mention, as part of my answer, that part of the gap that exists today between the lending needs and the available credit will be filled when we bring the Micro-Finance Bill to this House, which will address credit to small and medium scale industries including the agricultural sector. That Micro-Finance Bill will be brought to the House very soon.

QUESTIONS BY PRIVATE NOTICE

ADJUSTMENT OF CIVIL SERVANTS HOUSE ALLOWANCES

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

(a) Is the Minister aware that the recent adjustment of house allowances for civil servants was a great disappointment to those in the middle and lower cadres?

(b) What urgent plans does the Minister intend to take to rectify this anomaly?

Mr. Deputy Speaker: Is there anyone from the Office of the President?

Dr. Kulundu: Mr. Deputy Speaker, Sir, Mr. Nassir is out there!

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I would like to apologise on behalf of my colleagues. We have a lot of Ministers in the Office of the President. They only see Mr. Nassir as the Minister, which I am pleased about, but I would like to refer---

(Laughter)

Mr. Deputy Speaker: Order! Now that you have identified yourself as a Minister, answer the Question!

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, could you allow me to give the reply tomorrow after I have consulted with my colleagues?

Dr. Kulundu: Mr. Deputy Speaker, Sir, this Question has been with the Office of the President for three weeks. I filed it before going to Europe. I am surprised that my hon. friend does not seem to be even aware that there is a Question concerning his office. All the same, if it can be answered tomorrow, that will be okay.

Mr. Deputy Speaker: Is tomorrow afternoon okay, Mr. Minister?

The Minister of State, Office of the President (Mr. Nassir): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Question is deferred to tomorrow afternoon.

(Question deferred)

REGISTRATION OF KCSE CANDIDATES IN KISII

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

(a) Is the Minister aware that the following schools in Kisii District did not register some students for the 2001 Kenya

Certificate of Secondary Education (KCSE) in spite of paying registration fees: Itiero Mixed Secondary School, 12 students; Isamwera Secondary School, 10 students; Kioge Girls Secondary School, 8 students, and Otamba Secondary School, 3 students?

(b) Which other schools in Kisii, Nyamira, Gucha and other districts in the country failed to register students?

(c) Could the Minister ensure that these students are registered for KCSE or GCE and take disciplinary and/or legal measures against the head teachers concerned?

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

(a) I am aware that students from the following schools in Kisii District did not register for the KCSE examination: Itiero Mixed Secondary School, 12 students; Isamwera Secondary School, 10 students; Kioge Girls Secondary School, 8 students, and Otamba Secondary School, 3 students.

(b) I am also aware that three other schools, namely, Kenya Mixed Secondary School did not register 24 students; Kiagware Mixed Secondary School, 13 students, and Nyabiuto Mixed School, 3 students.

(c) Everything is being done to discipline the head teachers concerned. All the head teachers from the schools mentioned have been interdicted and it is too late to actually register and allow these students to sit for this year's exams. This is an unfortunate incident, but we will allow these students to sit for the exams next year free of charge.

Mr. Anyona: Mr. Deputy Speaker, Sir, this Question came up and it was deferred because the Assistant Minister concerned said that this matter only affected the schools whose names I had given him originally, and that there were no other schools in the three districts. Further, I gave him the names of three other schools to go and confirm. The Minister has, indeed, confirmed, but he got the figures wrong. Kiagware has 24 students, Kenyenyia has 8 students, and Nyabiuto has three students. I would like that corrected for the purposes of record.

Mr. Deputy Speaker, Sir, is the Minister also aware that two other schools, Nyamangeso Mixed Secondary School and Saint Stephen Mixed Secondary School, both situated in Kisii District, did not register four and six students respectively? If he is not aware, what are his people on the ground doing and what is he going to do about those further two schools?

Mr. Kosgey: Mr. Deputy Speaker, Sir, I

stand to be corrected on the question of Kenya Secondary School which I thought had 24 students. However, it is the other way round; that is, 13 and 24 students for Kenya and Kiagware Secondary schools respectively. Now, I am not aware of the other two schools mentioned by the hon. Member. However, it might as well be true because as I was coming, we were trying to get in touch with the Provincial Director of Education, Nyanza Province, to see whether at the start of the exam yesterday, there were new discoveries. This is because it seems to be an endemic problem in Kisii District. It never happens anywhere else. Teachers just collect money from students and they do not register them. At the beginning of this year, we did issue very strict instructions to make sure this problem does not recur. We told each and every school, parents and the students themselves, that by June, they should have an index number and when they do the mocks in July, they have to write the index number on the examination sheet. Therefore, this problem should not be one that will be discovered in October/November, but we should know it by June, if not from the parents, from the students themselves by saying: "I do not have a number and, therefore, it looks like I have not been registered."

Mr. Ndicho: Mr. Deputy Speaker, Sir, this issue of students failing to be registered for examinations has been occurring year in, year out. Since we came here in 1992, there is no single moment around this time of the year when such a Question has not been asked when it is discovered that some students have not been registered. Now, since it has been an issue that has been recurring quite often, would I be in order to ask the Minister to have a mechanism within the Ministry where when there are unregistered students, another examination is set so that they can sit for it in January? This is so that what they learnt for the four years does not go to waste by waiting for another whole year. The Ministry does not give any reprieve so that somebody goes to school without paying fees. It does not give the aggrieved party any relief. So, could the Ministry now set another examination for December, so that all the

students and this is not only in Kisii--

Mr. Deputy Speaker: Order! Ask your question! You are asking a question and then making a speech, and doing the same again. In fact, all of us, including me, end up being confused. Ask the question!

Mr. Ndicho: Mr. Deputy Speaker, Sir, this does not only occur in Kisii but also in Kisumu and Thika districts. In fact, every district has got such a problem. Could you now prepare another examination for January?

Mr. Kosgey: Mr. Deputy Speaker, Sir, there is a correction I would like to make. For this year's KCSE examination, it seems the problem is currently confined to the three districts of Gusiiland. In the review exercise of the education sector, the possibilities of having one or two exams in a year is being looked at. It is a very expensive exercise. I cannot promise that it will be implemented immediately, but it will be done. One day, we will be able to have KCSE examinations sat in two sections, or somebody who has passed one subject will continue carrying forward that credit and sit for it the next stage.

Mr. Anyona: Mr. Deputy Speaker, Sir, first of all, I raised the question of two extra schools. The Minister says that may well be true. Now, that is good enough. However, what action is he taking to find out whether it is true or not, and what action is going to be taken? I am just referring him to that. He has even said that some action has been taken but we do not know what action. What happened to the money that the parents paid as examination fees and all that? We are not being told about that. However, the question I want him to answer is this: Last year, here in Nairobi, we had a case of Imperial Secondary School which did the same thing, and I brought the matter to this House. As part of the solution, we suggested that those students who are willing to sit for the General Certificate of Education exams (GCE) in January be facilitated, and that is contained in part "c" of the Question. So, can the Minister now assure the House that those who wish to repeat without paying any fees will be facilitated, and those who may well choose to do GCE in January, will also have that option and make it available in permanent communication by writing circulars or something else? Could he confirm that?

Mr. Kosgey: Mr. Deputy Speaker, Sir, it is not possible for those students who failed to be registered to sit for an exam in January. Currently, we do not have the provision for that particular exam.

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

Mr. Kosgey: Mr. Deputy Speaker, Sir, if I may--- I have not finished with the other one.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I want to help the Minister since this is an important Question.

Mr. Deputy Speaker: Mr. Minister, when a Member stands on a point of order, that Member who was on the Floor resumes to his or her seat whether they have finished or not.

Mr. Anyona: Mr. Deputy Speaker, Sir, I do want to help the Minister since this is a very serious matter. Last year, we had a school here in Nairobi called Imperial Secondary School and you were not in the Ministry then. Now, the same thing happened whereby the students were not registered. Now, we did suggest in this House that those who were willing be facilitated, using the examination fees they had paid to sit for the GCE. Those who were willing to repeat and sit for the GCE would do so and that was done. A lot of them sat for GCE. So, I do not know what the Minister means when he says this is not available because that did happen last year. Could he consider giving the two options so that they can choose between the two?

Mr. Kosgey: Mr. Deputy Speaker, Sir, that examination is not by the KNEC; it is set by other examining bodies like London GCE or Cambridge. Those are options which the candidates or the parents can actually take if they so wish. What we have said in the Ministry is that we will allow these students to repeat Form Four and also sit for the examinations free of charge without paying extra fees. As for the teachers who have actually taken the money from these students, at the moment they are under interdiction and the police are following up the matter.

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

SALE OF FOREST LAND IN MUCHEENE

Mr. Imanyara: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Natural Resources the following Question by Private Notice.

(a) Is the Minister aware that the Provincial Forest Officers in Embu, acting in collusion with the District Forest Office, Meru Central District, are selling forest land in the Mucheene Forest area, within Central Imenti Constituency?

(b) If there is any land for settlement or cultivation, why is the same not being given to the needy and deserving people within the area?

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

(a) No, I am not aware that the Provincial Forest Officer in Embu and the District Forest Office in Meru Central are selling forest land in Mucheene Forest area within the Central Imenti Constituency. However, I am aware that the Forest Department is carrying out reafforestation of Mucheene Forest with the participation of the local community through non-resident cultivation practice.

(b) The forest land available under Mucheene Forest Station is for reforestation and forest plantation development under the Non-Residential Cultivation (NRC) or shamba system. There is no land available for settlement since this is a gazetted forest reserve.

Mr. Imanyara: Mr. Deputy Speaker, Sir, obviously, the Assistant Minister has been misled by his officers on the ground. In September this year, the Provincial Forest Officer, who is based at Embu Town, at a big public meeting at Kibirichia within Central Imenti Constituency, purported to offer forest land for sale to people and claimed that he was giving it out for people to cultivate. The officer had carved out 1,000 plots from the forest, which he was selling at Kshs15,000 each. When the local residents realised the conspiracy and raised some questions, the Provincial Forest Officer fled the area. The Provincial Administration in Meru refused to support him in this endeavour. As a result, the area District Officer, Mr. Pamba, was transferred. Two weeks ago, the forester at Mucheene Forest, again, called the people and told them that the land was available but because the area District Commission and Member of Parliament were not supporting the initiative, the sale of the land parcels would go on secretly. They were told to form a committee comprising of three councillors, so that they could go and see him in Embu with money.

Mr. Deputy Speaker, Sir, this is forest land which should be made available to local residents for cultivation. Instead of this happening, the land is actually being sold to them. The person who is selling the land to the people is based in Embu, claiming to have the authority of the Provincial Commissioner. If the Assistant Minister is aware of these facts, could he have given such a reply, denying the obvious? I am ready to escort him to see for himself what is happening in Mucheene Forest. He will find that over 90 per cent of that forest land has been given away to people who are not from that area, at Kshs15,000 per plot. We cannot allow this to go on. We heard about a similar case in relation to Malava Constituency yesterday. This is happening all over the country. It is being done with the connivance of the Chief Conservator of Forests in Nairobi. Unless something is done urgently about this matter, we cannot allow it.

Mr. Deputy Speaker: Ask your question now!

Mr. Imanyara: Mr. Deputy Speaker, Sir, could the Assistant Minister ensure that any available cultivation land in Mucheene Forest is made available to the local people for non-residence cultivation, and that the land is not offered for sale at Kshs15,000 per plot, as the Provincial Forest Officer is doing currently?

Mr. Noor: Mr. Deputy Speaker, Sir, as I said earlier, the forest is gazetted. So, the issue of selling and settling people on it does not arise. When we are doing reforestation, we adopt the shamba system so that people can undertake crop cultivation as the trees grow.

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that a gazetted forest cannot be sold when we know that Karura Forest, which was gazetted, was actually sold?

(Laughter)

Mr. Noor: Mr. Deputy Speaker, Sir, we are all aware that some forests will be de-gazetted for people to be settled on them. That is a fact known to everybody. But in case of a forest that has not been de-gazetted, the issue of settling people on it does not arise. However, it is true that Mucheene Forest was cleared in 1994 and is now due for reforestation. In the process, we assist the communities by allowing them to carry out some farming as we raise trees. Unfortunately, when we set up a committee to look into the issue of allocating shambas to the people, the area Member of Parliament, Mr. Imanyara, came up with a parallel committee, which he wanted to take care of his interests. He wanted to issue the shambas to his supporters only. The Provincial Administration intervened and stopped the whole exercise. We have now stopped issuing the plots for good and are doing only reforestation.

Mrs. Seii: Mr. Deputy Speaker, Sir, this is happening all over the country. In my area, chiefs are selling Katagat Forest land at Kshs2,500 per plot. The chiefs issue "buyers" with false laminated receipts bearing the initials "NSSF". The local people are being cheated. They believe that because the chief represents the Government, the sale is genuine. This is being done in collusion with area District Officers and the District Commissioner, Mr. Amdany, as well as with the police Officer Commanding Station (OCS). How can local residents know that a gazetted forest cannot be sub-divided? Could the Assistant Minister explain clearly and issue a notice in the Press, indicating the forests that can be sub-divided for settlement and those which cannot? Secondly---

Mr. Deputy Speaker: That is enough, Mrs. Seii.

Mrs. Seii: Mr. Deputy Speaker, Sir, allow me to ask the Assistant Minister just one more question.

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

Mrs. Seii: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister should stop chiefs from sub-dividing forest land.

Mr. Noor: Mr. Deputy Speaker, Sir, chiefs are part of the Government; they are the local leaders in their communities. We cannot leave such matters to foresters alone. The Provincial Administration should be involved so that we can have proper set-up of the committees. However, selling forest land at Kshs2,500 per plot is an offence. We only charge Kshs300 per shamba. These are temporary cultivation plots, and people will vacate them after they harvest their crops.

Mr. Kathangu: Bw. Naibu Spika, ningependa Waziri Msaidizi atueleze ni kwa nini kunaonekana kuwa na ushirika kati ya Afisi ya Rais na maafisa wa misitu. Mkuu wa Mkoa anahusika katika shughuli hii kwa sababu jina lake linatumiwa na maafisa wa misitu katika sehemu za Embu na Meru. Je Afisi ya Rais hupokea pesa hizo kutoka kwa maafisa wa misitu? Kama sivyo, ardhii ya misitu nchini hugawanyikiwa wananchi kwa utaratibu gani, na pesa zinazokusanywa hutumiwa kwa njia gani?

Mr. Noor: Mr. Deputy Speaker, Sir, as I said, the Provincial Administration is the law enforcement agency in this country. Its officers represent the Government at the grassroots, starting from the sub-locational level; they are with the people. Therefore, we cannot rule out the involvement of the Provincial Administration in this issue.

Mr. Sambu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Under which Act does the Provincial Administration purport to enforce law and order? I thought it is the Police Act which provides for enforcement of law and order. The Chiefs Act does not provide for any enforcement of the law as far as forest conservation is concerned. Is the Assistant Minister in order to mislead the House?

Mr. Noor: Mr. Deputy Speaker, Sir, I am not misleading the House in any way. Everybody in this country knows that the Provincial Administration is a law enforcement agency in this country.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! I happen to have been in charge of forests sometime back, and there was no involvement of the Provincial Administration in forest conservation activities under the relevant Act. You have been asked to give the Act under which the Provincial Administration got involved in forest conservation affairs. You are administering forests under an Act, and not through your opinion.

Hon. Members: Yes!

Mr. Noor: Mr. Deputy Speaker, Sir, as a matter of fact, the Provincial Administration does not manage forests. However, when we have problems such as that in Central Imenti Constituency, where the area Member of Parliament formed a parallel committee to the one we had constituted to divide shambas in the said forest, the Provincial Administration had to intervene. In this case, the Provincial Commissioner stopped the exercise.

Mr. Deputy Speaker: The last question, Mr. Imanyara!

Mr. Imanyara: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister claim that there were two parallel committees looking into the issue of dividing the shambas. I would like him to tell the House the composition of the committee he claims was formed to allocate land in the forest and whether the said forest had been de-gazetted. Under what law was he giving out the land if it was part of a gazetted forest? Was the Ministry not contradicting the law? The Assistant Minister should tell this House the truth. As the area Member of Parliament, I will not watch helplessly as forest land is given away when there are people in that area who merit plots under the shamba system. Could he tell us the composition of the committee he alleged was formed to allocate the land, when it was formed, when it messed up with the exercise and how many plots it has given out?

Mr. Noor: Mr. Deputy Speaker, Sir, the local District Officer (DO) and other members of the community--

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. There is no DO in the area because he was sent away on a compulsory leave when he raised the issue of why the land was being sold, and there are, at least, three councillors from the area. So, when the Assistant Minister talks about a local councillor, he is misleading the House. Could the Assistant Minister tell us when this committee was formed and how many times it has met? We know that no committee exists and that this land is being sold from Embu Town.

Mr. Noor: Mr. Deputy Speaker, Sir, we dissolved the committee when there was a stalemate or a problem between the area Member of Parliament and the local Provincial Administration. The issue of selling this land, as I said, does not arise at all. The 86 people who have so far been allocated plots are the people who used to assist us in the nursery and live around that area. But for now, the whole process has stalled because of the problems that have arisen.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I am not satisfied with the answer the Assistant Minister has given. On one hand, he has claimed that the committee, whose membership he does not want to disclose, was dissolved. Then he has proceeded to say that 86 plots were allocated. Could he table the minutes which authorised these 86 allocations so that we can know who these allottees are? As we speak today, the entire forest has been sold and one plot is being sold at Kshs15,000. If the Assistant Minister is not prepared to assist us, then we will have no alternative but to move

in and remove these allottees. We will not watch as our forest is given away to civil servants.

Mr. Deputy Speaker: Order! Order!

Mr. Noor: Mr. Deputy Speaker, Sir, this forest is not there for allocation. It is there for shamba schemes, which are very temporary. We have stopped allocation of plots and are only replanting trees at the moment. There are no permanent settlements or plots for sale, but we wanted to assist the people. But when there was a problem which arose out of what the hon. Member has said, we totally suspended the whole exercise.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You may not call it a sale, but there has clearly been exchange of cash. That is what the hon. Member has said; there has, in fact, been an exchange of cash between the forest officers and the cultivators.

Mr. Noor: Mr. Deputy Speaker, Sir, we charged Kshs300 per plot when the process was on. Anything in excess of that is an offence and we will take disciplinary action against those officers who were involved.

ASSISTANCE TO RENAL PATIENTS AT KNH

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

(a) Is the Minister aware that renal patients at Kenyatta National Hospital spend up to Kshs800,000 per year per patient?

(b) Is he further aware that because of the amount involved, those who cannot pay die soon after renal services are stopped and unless urgent measures are taken, Mr. Stephen Githinji, Mr. Richard Sawe, Mr. Luco Njagi and Mr. David Kubai may die any time now because they have been denied haemodialysis?

(c) What is the Ministry doing to stop more deaths and unnecessary suffering among the renal patients?

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I request that this Question be deferred to tomorrow afternoon because the answer is not ready yet.

Mr. Deputy Speaker: Why do you want the Question deferred?

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, the answer is not ready. We received the Question this morning and our officers have gone to Kenyatta National Hospital to check on the cost of dialysis per person and the number of people who undergo dialysis. We want to give the hon. Member the full picture of what is happening at the Renal Unit.

Mr. Deputy Speaker: Order! Mr. Assistant Minister, I do not find that good enough. This Question was delivered to you on 18th October, 2001. Questions by Private Notice must be answered within 48 hours. You have had more than 48 years. So, really, sending your officers to Kenyatta National Hospital should not take a day, even if they walk!

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I am sorry to hear that the Question was delivered to my office on 18th October, 2001, but, actually, my officers told me that we received the Question this morning from the Clerk of the National Assembly.

Mr. Deputy Speaker: Order, hon. Assistant Minister! I have got the delivery book here and the Question was signed for on 18th October, 2001. So, to say that, that Question reached you today is to vary the truth. I will not accept accusations to be levelled against Parliament when, in fact, it has not made any mistake at all. That Question must be answered tomorrow afternoon.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister said that he only received the Question this morning. If the Chair and the Clerk of the National Assembly were not so diligent, the House would have been misled. The truth of the matter now is that the Question was delivered to the Ministry on 18th October, 2001. This means, therefore, that the Assistant Minister's officers are using him to mislead Parliament.

Would it not be in order for the Chair to require him now to go and ascertain from his officers when they received this Question, so that an appropriate apology can be tendered to this House, and, hopefully, action taken against those officers so that this is not repeated in future?

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I apologise for the inconvenience caused, but this is according to the information I got from my officers. I will investigate the issue and later apologise fully. But I will answer the Question tomorrow afternoon.

Mr. Kathangu: Mr. Deputy Speaker, Sir, we are dealing here with lives. Four men are currently unconscious somewhere in the estates of Nairobi because they have been denied dialysis services. We cannot continue to delay this service, unless the Assistant Minister advises me to take these patients to Kenyatta National Hospital for dialysis at 4 p.m., then he can answer the Question tomorrow or even next year. But we cannot continue this way. We have got about 50 renal patients dying every month because they cannot afford the required Kshs800,000. Could the Assistant Minister assist me by allowing me to take these people to Kenyatta National Hospital for dialysis this afternoon?

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I am not aware of the four cases the hon. Member has talked about. We are looking into the issue and I will report back by tomorrow afternoon.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The hon. Member has shown concern for lives of Kenyans. The least you should do is to ask him to come to your office so that you can facilitate what he is asking for. If it can be done today, let it be done today. Why do you want to postpone a simple operation such as dialysis until tomorrow afternoon when you will reply to this Question? Mr. Kathangu should come and see you today, so that you can help him achieve that objective.

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I oblige.

MOTION

AMENDMENT TO IMMIGRATION ACT TO PROVIDE FOR DUAL CITIZENSHIP

Mr. Shidiye: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that the world is slowly becoming a global village; realising the need to facilitate travel for Kenyans to seek employment and business opportunities in foreign countries; noting that certain countries have strict labour and economic laws against immigrants, this House urges the Government to introduce an amendment to the Immigration Act to provide for dual citizenship.

Mr. Deputy Speaker, Sir, I move this Motion against the backdrop of globalisation and the reality in the world. The world is shrinking in size because of modern means of communication. You can reach Europe in less than five hours, and you can go to the United States of America, which is 20,000 kilometres away, in less than 10 hours.

Increasingly, we, as citizens of the world, function by necessity. This is so because the world shares common problems such as communication, terrorism and infrastructure problems. We are sharing globally almost everything. I brought up this Motion because I believe that Kenyans will benefit tremendously from a dual citizenship.

Mr. Deputy Speaker, Sir, with regard to the United States of America, a question has been asked as to how somebody can hold allegiance for other countries and yet he retains the citizenship of his country. The answer is just easy because the United State of America does not recognise dual citizenship. It does not recognise dual citizenship, yet it is not against it. You can become a citizen of another country or you can become a citizen of several other countries. In fact, in the Constitution of the United States, when you are a citizen of America, you can decide to turn against the same country, join the army of another country and fight against the USA. That is how liberal the Constitution of the USA is.

Mr. Deputy Speaker, Sir, I brought this Motion because I believe Kenyans can get an opportunity to have dual citizenship. Kenyans can get jobs outside this country. When you become a citizen, for example, of Britain, as a result of dual citizenship, you end up bringing net benefits to this country.

For instance, in Uganda, last year alone, Ugandans repatriated more than US\$500 million to their country because of the diaspora of Uganda. Take for example, the Republic of Ireland, where there are more than five million Irish who were in the United States of America and Canada and who were bringing back a lot of money and investments to their country. This is a situation of win-win! I want to give reasons why dual citizenship is very important.

Mr. Deputy Speaker, Sir, the current citizen legislation works against the natural interests of this country. I am saying so because Kenyans could have taken advantage of dual citizenship in terms of business, personal and employment opportunities and bring income home. When you go abroad, you get exposed to people with high technology, developed infrastructure and many other things. You will be able to get those skills and bring them back home and you will be able to facilitate the transfer of international skills and expertise to your country of origin. If I leave this country and go to the USA and end up working in an internet company, for example, I will get expertise and come back to set up whatever I can in Kenya. At the same time, I will retain some link outside the country. This is a win-win situation and nobody is a loser. I think the idea that you "cannot have a cake and eat it" does not make sense. You can have your cake and eat it at the same time. You will win in both ways. Even if you are an American and a Kenyan, you can transfer ideas, technology and even money to your country of origin.

Mr. Deputy Speaker, Sir, we have seen Kenyans who want to travel abroad being subjected to a lot of restrictions at the embassies. If you go to the French Embassy, for example, and ask for a visa, you will be asked so many questions and sometimes you will feel so embarrassed. For example, recently, Mr. Charles Njonjo went there to ask for a visa and he was asked so many embarrassing questions. He was also asked to state his worthiness, he was asked to come with his bank statement. He was asked to produce birth certificates of his children. He was asked about

so many things and he was treated like a criminal. But, if you had a dual citizenship of the European origin, for instance, you would be asked such questions. If you had a dual citizenship, you would be able to move to wherever you wanted to go. So, it is so embarrassing for Kenyans to be asked such questions when they go to collect visas in some embassies.

Mr. Deputy Speaker, Sir, dual citizenship will solve much of these problems people encounter whenever they want to travel abroad. If we are allowed to travel abroad, we can get visas so easily. But if you deny Kenyans dual citizenship, which is not allowed in the Constitution, that is tantamount to being very narrow-minded. Constitutionality does not make sense where the benefits of Kenyans are concerned. Being a citizen of one country does not help you much.

Mr. Deputy Speaker, Sir, the opportunity cost of narrow constitutional provision is very high. I have a list of about 89 countries which have embraced dual citizenship. The most recent one is the Swedish Government. Sweden embraced dual citizenship on 21st, February, 2001. In Africa alone, we have several countries which have embraced dual citizenship. They are as follows:- Egypt, Morocco, South Africa, Benin, Burkina Faso, Madagascar and Lesotho. In total, we have 89 countries in the world; the last ones being Vietnam and Ghana. If I can read the list very fast, we have the United States of America, United Kingdom, Ukraine, Barbados, Bangladesh, India, Dominican Republic, France, Germany, Jamaica, Italy, Israel, Iran, Hungary, Haiti, Guatemala, Poland, Romania, Russia, Taiwan, Trinidad and Tobago, Sweden *et cetera*. This is a very progressive way of doing things in the world.

Mr. Deputy Speaker, Sir, I am standing before this House to convince hon. Members on the benefit accruing from dual citizenship. I am saying this because when the world is changing and it is surging ahead and we want to capture opportunities outside the country. If we are to be restricted by our own Constitution and by our own Immigration Act and deny Kenyans the chance of having dual citizenship--- When you move to other countries, for example, to the Philippines, where the country celebrates in certain seasons, like the "Season of Love" During that occasion, more than six million Philippines--- We have heard of the Philippines maids who come in large numbers to celebrate that season and bring back a lot of honey.

Mr. Deputy Speaker, Sir, the biggest investment that a country can have is human resource. When you train human resource and you open up opportunities for them, they can be able to reach wherever they want, they can have more skills and at the end of it all, that country will turn round many things. That is why a country like Egypt gets a lot of foreign exchange earnings. More than five million immigrants from Egypt are working abroad and all these people remit money back to their country and they turn their economy around. They give their businesses big opportunities after they have attained more entrepreneurial skills. That is why wherever the Egyptians are, they are very patriotic, they still have links with their country and at the same time take the citizenship of that country.

Mr. Deputy Speaker, Sir, when you take the citizenship of another country, you can be able to take part in elections in that country, you can be appointed an ambassador of that country and you can be appointed to occupy bigger positions in that country. That alone can make a lot of change in that country. For instance, Kenyans who are in USA today, even the ones who are working in the American Embassy--- The USA Constitution is very clear on this issue to the extent that, if a child is born there, that child automatically becomes a citizen of that country. But how can they renounce the citizenship of Kenyans who are working in the Kenya Embassy? These people are hard-trapped. They want to take advantage of the education system there, free medical services and many other opportunities that could accrue to them. So, this is an opportunity for this country. Let us not be rigid but let us be progressive and make a change in this country. If we lag behind when the world is changing--- Recently, South Africa got its Independence and they have embraced dual citizenship. If somebody says that dual citizenship is not good for us, and yet, in Kenya, we know that the biggest problem we have is unemployment, he is not helping us. How many youths in this country are unemployed because the economy does not grow? Once the economy stops growing, naturally it means that we will have a lot of poverty in this country. So, dual citizenship is one way of reducing poverty, creating employment, bringing business to this country, building this country and encouraging the economy to boom and grow.

Mr. Deputy Speaker, Sir, let us face the reality. How many Kenyans have obtained dual citizenship silently? In this country, we have so many people who have British passports and yet they hide them. This is because if they reveal this, they will have to denounce one of them. We have so many Kenyans of European origin in this country. Dr. Leakey might have his European citizenship in a refrigerator.

(Laughter)

You cannot know this. His European citizenship might be in the refrigerator waiting for this Motion on dual citizenship to be passed here. How many Kenyans are American citizens and yet when they come back to this country, they say that they are also Kenyans? It is true that they are Kenyans, but they are trapped between a rock and a hard place. If they renounce the citizenship of this country, they will lose their motherland.

I said in the beginning that this is one way of turning round this economy. When you have an economy that is collapsing, one that has a lot of problems, does not grow and youth that is educated but stays at home, that is a recipe for disaster. That is the reason why we should be more adventurous. We should open our minds, heads, brains and look for opportunities where they lie.

I have brought this Motion before this House because I think that when you have many Kenyans abroad, they can sell your country as a tourist destination. Everywhere you go, people will ask you where you come from and you tell them that you are a Kenyan, which is a beautiful country, one which has got the best climate, wildlife, eco-tourism and best athletes in the world. Naturally, you become an ambassador for this country. This is because when you go abroad, you sell your country as a product, which everybody will see. You can facilitate the importance of your country when you are abroad. In other words, you become an engine, or somebody who can turn and spin your country. But if you shy off and say silently that you are from Kenya, instead of proudly saying that you are a Kenyan, and you want this country to be a better one, you are not helping us. The whole of Europe is coming together as a regional bloc. When you are a citizen of Denmark or Sweden, you can go to any part of Europe with a national identity card. You can go to any country in Europe if you have that document. But in Kenya, when you cross over to Uganda, you are no longer an East African citizen, but you are just considered as a Kenyan.

The world is changing. Countries are coming together as a bloc and Africa should become the United States of Africa. Time will come when we will have one passport for the whole of Africa. But the idea should start from somewhere and grow. If you allow free movement of goods and services, why do you also not allow free movement of immigrants? I would like to point out that immigrants are the most hardworking people. When Kenyans go to other places they see the opportunities first. That is why when an Asian comes into this country from India with nothing, he becomes a millionaire. Immigrants are the most hardworking human beings. They see those opportunities which we Kenyans do not see. That is why when Kenyans leave this country for abroad, they see opportunities which other people do not see. That is why we have seen so many Asian millionaires in this country. People who came to this country 20 years ago, own banks and run industries today. These people still keep the citizenship of their country and yet they are citizens of this country. So, if the trend is like that, why do you want to arm-twist Kenyans? Why do you want Kenyans to be retrogressive? Why do you want Kenyans to lag behind in international globalisation and liberalisation? That is why we have to get dual or multiple citizenship to allow Kenyans of all walks of life to take advantage of this.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to move and urge Dr. Ochuodho to second the Motion.

Dr. Ochuodho: Thank you, Mr. Deputy Speaker, Sir. I would like to start from the premise that it is only last week that I lost the Heroes Fund Motion. But one appeal that I made to my colleagues on the other side of the House was that we should be magnanimous or be above board. If a Motion is in the interest of the country, regardless of whether it is tabled by the Opposition or the Government side, all of us should support it. We should support a Motion, if it is in the interest of the country.

Mr. Deputy Speaker: They can also oppose it in the same---

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is in that spirit that I do not want to oppose this Motion, but support and second it. This is a Motion that I think is good for this country and, therefore, I rise very proudly today to second it.

There are two things that most Kenyans who live abroad would like to have. One is the ability to vote and the second one is dual citizenship. Indeed, sometime last year, questions on citizenship were brought to this House, and I was glad with the answer the Attorney-General gave that they were working on both. I am pleased that as we speak here, the Electoral Commission of Kenya (ECK) is putting arrangements in place for Kenyans overseas to participate in the forthcoming general election. I think that is a major step in the right direction.

The Attorney-General also said that the Government will also be looking into the possibility of implementing or allowing dual citizenship. It is in this spirit that I hope that when the official Responder rises up, he will not oppose this Motion. I would like to believe that given that it is their Motion, they will support it. However, I used to be a founder Member of the Kenyan Community Abroad (KCA). One thing that most members of the KCA---

(Mr. Mwenda's mobile phone rang)

Mr. Deputy Speaker: Mr. Mwenda!

Mr. Mwenda: Mr. Deputy Speaker, Sir, I apologise to the House.

Mr. Deputy Speaker: Well, you should do more than that! You take that thing and yourself out of the Chamber for the rest of this morning sitting!

(Mr. Mwenda withdrew from the Chamber)

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I believe that Members of the KCA are in excess of 50,000. If this Motion was to become law, these Kenyans would be very happy. This is because being foreigners, as most of them are, because we do not allow dual citizenship, they are treated as second rate. They do not get the preferential treatment that the natives or the citizens of those countries in which they reside get. Especially, in the United States of America, they do not get tax holidays, which they would benefit from if they were citizens. There are also certain jobs which they cannot be subscribed to, which again, they would benefit from if they were citizens of those countries. Indeed, a number of us know that Israel is a great country because of what the American Jews have been able to do. They have been able to repatriate whatever they make in the USA back to their country of origin. It is in this regard that I would like to assure hon. Members of this House that if we allowed dual citizenship, there is much more for us to gain than lose. As a matter of fact, I will shortly be questioning what we stand to lose because I am not aware of anything we are likely to lose by allowing dual citizenship. But I would like to put it that I know that the benefits are obvious. The fact that, for example, you can be appointed to a key Civil Service position is a plus if we allowed our people to have dual citizenship. But more importantly, in terms of supporting civil society and NGOs development aid, again, if you are Kenyans who are allowed dual citizenship in the developed world, you are likely to be of much more use by repatriating whatever you can get; by the stature you would have by being a local citizen of the other country than if you were to remain a Kenyan. But on the other hand, one may argue, then why do you not just choose to renounce your Kenyan citizenship. But many Kenyans love their country and they want to remain Kenyans, especially if we were to get a government that was responsive to its citizens. So, they would want to remain Kenyans. They do not want to renounce their Kenyan citizenship. But I can also cite an example that I know of, of a Kenyan lady who is a very senior civil servant in the Government of Australia at the level of Deputy Director of the Australian Aid Agency, like the USAID that we have here. But she had to renounce her Kenyan citizenship so that she could be an Australian for her to get that senior position in the government. But she has a problem with her children. The children too had to renounce their Kenyan citizenship. But whenever they want to come on holiday back to Kenya, she has a lot of problems because she has occasionally to look up for visas. She is coming home and even those children are coming back to their own home. Why are we inconveniencing such Kenyans? It is in this regard that I want to appeal to the House to unanimously support this Motion, so that such Kenyans can continue to be Australians or British, or to be whatever else they would want to be, but at the same time also remain Kenyans. They want to retain that heritage and their roots. They do not want to lose the Kenyan roots. I want to join Mr. Shidiye and other Members in supporting this Motion.

The Government has many times talked about globalization. I would want to consider that the law that Mr. Shidiye did mention, that prohibits dual citizenship, in my view, is very repugnant and archaic. During those days when globalization was not the main thing, maybe it made sense for us to be protective and say, you either choose to be a Kenyan or not a Kenyan, but you cannot be both. But in the era of globalization, Kenyans have come also to marry all over the world much more than they used to 30 or 40 years ago. We have become citizens of the world or net-citizens. I want to see how the so-called dot.com generation is going to vote. If we are going to be net-citizens, that is citizens of the global super highway net, the physical boundaries will cease to exist. If Kenya is going to be truly part of the globalization, I think we should pass without much *ado* this Motion. What happens, for example, to a Kenyan man married to an American woman and working in America? The American woman does not want to renounce her citizenship. Although you are a family, you belong to two different countries and, therefore, two different worlds. It is so inconveniencing, especially if you have to travel together, you realise that one has got to go through some rituals that are required of a foreigner, while the other person does not have to go through those rituals. It is in this regard that in the USA, they do not have any laws dealing with dual citizenship. They do not say: "Do not do it", and they do not say: "It is illegal". So, they have left it open to the discretion of the individuals. I think this is also what we should have here, so that we leave it free to Kenyans. If a Kenyan goes to the USA, or the UK, or South Africa or anywhere else, provided they are allowed to have dual citizenship, let us also not prohibit them from having dual citizenship.

I must also emphasize that because of this trend of globalization, we are realising from the list Mr. Shidiye read, nearly 200 countries of the world now allow dual citizenship. If Kenya prides itself in usually being at the forefront, and we are being at the forefront of introducing the dot.com generation leadership, why do we not also practise it in terms of citizenship so that we also show the world that we are not being left behind in this globalization that is taking place, and that we are together with the rest of the world? To make such a Kenyan man married, for example, to an American or a Swiss woman who chooses to work in the country of the spouse to feel as much a Kenyan as much as they are citizens of that other country, I think we should allow dual citizenship. Apart from Dr. Leakey, some of us may not be aware that Mr. Charles Njonjo is believed to own dual citizenship, being both British and Kenyan, at the same time. Rumours also have it that Mr. Joshua Kipkulei owns dual citizenship, being both British

and Kenyan, at the same time. Why is it that some of these people--- **The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Affey): On a point of order, Mr. Deputy Speaker, Sir. This House does not go by rumours. Is the hon. Member in order to bring rumours to this august House? Is it in order for him to feed the House with rumours?

Mr. Deputy Speaker: Certainly, he is not in order to feed the House with rumours!

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Could you ask him to withdraw and apologise?

Mr. Deputy Speaker: I think you are right. He must withdraw and apologise to the House.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I thought the hon. Assistant Minister would come here and table evidence to the contrary.

Mr. Deputy Speaker: Order!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, I apologise. But I dare say that---

Mr. Deputy Speaker: Could you withdraw that remark?

Dr. Ochuodho: I withdraw and apologise, Mr. Deputy Speaker, Sir. But I dare say that this Government does not have the capacity to know if I had a dual citizenship, because they still live in the Stone Age. If we were computerized, we would know if I had a dual citizenship or not. They have no way of knowing whether Mr. Kipkulei or Mr. Njonjo have dual citizenship.

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister, Office of the President (Mr. Haji): Thank you very much, Mr. Deputy Speaker, Sir. The Mover of this Motion is a very close friend of mine and a close relative too. However, patriotism demands that anybody who thinks about Kenya as his country should object to the introduction of dual citizenship in this country. As we all know, Kenya has not developed to a level where it can introduce dual citizenship. I am saying this because we have not even developed as a nation. Even in this House, the leaders of this country are elected along tribal lines and within the enclave of their ethnicity. Therefore, we cannot claim to be a nation like we have seen in other countries. The UK and the USA have been independent for many years. I am sure before they introduced dual citizenship, they took a very long time to consider to do so.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I think it also will be very unreasonable for us as a developing country to think or imagine that dual citizenship will be suitable for us. We know in a nation like ours, the biggest asset is its people. The introduction of dual citizenship will encourage brain drain and this has led to the collapse of many countries. I, therefore, feel that if we introduce dual citizenship, most of our educated and able people will leave this country to look for greener pastures in other countries. I am saying this because the Seconder of the Motion has said that there is a Kenyan lady who is in Australia and has renounced her citizenship merely because of employment. If one can renounce his own citizenship, I think nothing will stop him from selling the country.

Therefore, I feel that it is not in order for us to introduce dual citizenship. If we allow it, our country will be invaded by highly-sophisticated people endowed with economic power to control our businesses. For example, Asians in this country control most businesses in this country. We do not see Asians in the Civil Service or in politics. Why? This is because all the educated people in this country are working in their businesses. Their sons and daughters manage businesses in this country. If we open up the floodgate, Americans, Britons and all sorts of other people will come into the country. Our fear is that these people will take over our businesses. They will hold us to ransom, if they control the economy of this country.

Mr. Temporary Deputy Speaker, Sir, it is not really proper for us to compare ourselves with developed countries. There is a saying among the Swahili people which says: "Haraka haraka haina baraka." We are moving very fast in this country. We are asking for everything simply because of the multiparty politics. We do not think seriously about our country. Time has come for us to sit down and ask ourselves: How can we improve the economy of this country? How can we improve the education of our children? How can we strengthen the ties of the East African Community? I would have supported this Motion if it sought to have all vehicles within the East African region

bearing East African registration numbers. People within the East African region should interact freely. They should not even be asked to produce the ID cards. We should even try to abolish the system of requiring them to carry passports instead of asking for dual citizenship.

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

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I am surprised that the Assistant Minister, Mr. Haji, says that he is a friend and a close relative of hon. Shidiye and yet, he went ahead to oppose this Motion that seeks to amend some laws that were made by the colonialists with the intention of confining Kenyans within Kenya; to ensure that they only belong to Kenya and they will remain in Kenya forever, while the Europeans themselves come here and enjoy our resources and hospitality.

This Motion by hon. Shidiye seeks to amend the Immigration Act which provides that if a Kenyan wishes to take the citizenship of another country, he must automatically denounce the Kenyan citizenship. This is what the spirit of this Motion seeks to amend. The first line of the Motion is self-realisation; that the world today is a global village. Then it follows naturally and automatically that if people in one village are allowed to do certain things, then other people in other part of the global village should also be allowed to do the same. But if people in one part of the village are doing something and then the other people in the other part are not doing the same, then it gives a very uneven playing ground.

We all know that Kenya citizens today are finding it difficult to get visas to travel to the United Kingdom or USA. First, the citizens of UK and USA, if they want to come to Kenya, it is so easy for them. They come and enjoy our facilities. Yet, when our people want to go and enjoy similar facilities in those countries, it is very difficult.

Mr. Temporary Deputy Speaker, Sir, you need to travel to one of those countries, where Kenyans have settled, to realise how they are suffering. I have gone to countries where it is very difficult for Kenyans to access insurance. For example, it is very difficult for Kenyans in the United Kingdom to access insurance, social securities or mortgages by banks. They are told that those facilities are exclusively for the citizens of that country. But when the British or Americans come to our country, they are able to access insurance, social security, mortgages, among other things.

This Government must realise that we are living in a global village and that whatever the whiteman gets in his own country and in our country, the black man living in Kenya should get the same treatment in those foreign countries. That is all this Motion is asking for. Let there be equal and even distribution of resources, education, job opportunities, social justice, mortgages and insurances, which Kenyans do not access when they go abroad.

Mr. Temporary Deputy Speaker, Sir, let the Government not think, as hon. Haji is putting it, that this is the multiparty or Opposition way of thinking. I almost stood on a point of order to tell him not to remind us of the days of hon. Kariuki Chotara who used to think that every trouble in this country was caused by Karl Marx. He went to the President one day and asked him why Karl Marx could not be expelled from the university.

(Laughter)

Hon. Haji was trying to say that we cannot pass this Motion because it is a thinking of the Opposition or multiparty politics. Therefore, it is important that we amend all the archaic laws so that we are commensurate with the rest of the world. We want to live like anybody else in the world.

However, I am a little hesitant, at the same time, to support this Motion. This is because if we introduce dual citizenship, vulnerable countries like Kenya and other less developed countries, as far as security is concerned, might open floodgates to terrorism. Our President is complaining about corruption at the Department of Immigration here in Nairobi. Even if the law prohibits dual citizenship, through corruption, Asians in this country have been issued with citizenship.

I thought that hon. Haji would also say that if we allow dual citizenship in this country, we also open the floodgates for people like Osama bin Laden who can acquire the citizenship of Kenya at any moment, and that when he is chased away from Afghanistan, he will come to Eastleigh Estate and settle there. These are some of the reasons why I am hesitant to support this Motion. But we also take cognisance of the way Americans and Israelis issue the dual citizenship to their people. They do it so selectively. It is not open to every Tom, Dick and Harry. There is a system that selects those people who apply for dual citizenship in those countries. It is not given to everybody. You must satisfy the authority as to why you want dual citizenship. You must prove that you are going there to do business and you must prove that you have money to do the business. You must prove very many things before you are issued with the dual citizenship. If you are married to a person of that particular country, you must prove it.

Mr. Temporary Deputy Speaker, Sir, as much as I would have liked to really support this Motion, we must do it selectively. There must be checks and restrictions so that we do not open our country to undesirable elements who will come and destroy us. We must also bear in mind that when we put those restrictions, then we should not give

other countries favourable environment to deny our people citizenship when they apply to be citizens of those countries.

Mr. Temporary Deputy Speaker, Sir, something must be done so that Kenyans in foreign countries do not suffer. If you went to any foreign country you would see how Kenyans suffer. When applying for a visa to the United Kingdom or the United States of America, there is a provision in the application form that a foreigner is not allowed to apply for a job or even attempt to be in employment, because jobs are a preserve of the citizens of that country. I wonder why this is done to our people and yet when the westerners come to this country, they are usually given access to anything they want. They even get work permits and employment. They are even allowed to exploit our natural resources. Why do we have a problem with the titanium and uranium projects at the Coast? Some Canadians landed at JKIA and Moi International Airport in Mombasa and then they applied for permits at Nyayo House to do business and even get citizenship. There are some Government officers at Nyayo House who quickly assist these people to become citizens. We only realize later that foreigners have taken up gigantic projects in Kenya, such as the titanium and uranium mining at the Coast Province to the tune of Kshs1 trillion. They then export all the trillions back to Canada. Then we send our President and the Ministers to Canada to kneel down and beg for the same money in the form of aid. I think this is what Mr. Shidiye is trying to address himself to.

Mr. Temporary Deputy Speaker, Sir, I have got no problem with the Motion if we address the issue of creativity and security because it is going to give the people the opportunity to invest outside this country.

With those few remarks, I beg to support.

The Minister for Energy (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to thank my friend, Mr. Shidiye, for bringing this Motion which I think is very important. I agree with the reasons advanced by Mr. Shidiye while moving this Motion. Whereas I agree, I believe the issue of citizenship is very fundamental and a constitutional matter.

Mr. Temporary Deputy Speaker, Sir, I wish to move an amendment to this Motion, which will not negate the intent of the Motion. I will then proceed to say why I am doing so.

I beg to move that the Motion be amended by deleting all the words after the word "House" on the fourth line and substituting them with the following words "resolve that the issue of dual citizenship be dealt with in the context of the on-going constitutional review process".

Mr. Temporary Deputy Speaker, Sir, I would like to give a little background. At Independence, when we were now converting from the British citizenship to Kenya citizenship, there were a number of Kenyans who had come here during colonialism of Asian and European origin, who were given an option either to become Kenyan citizens or become British citizens. Because of fear of the unknown, many of those citizens opted for British citizenship other than citizenship of the Independent Kenyan State. Later on, after Independence, it became important for the Government to try to transfer the commanding hands of the economy to the citizens. That was the era of Africanisation and later on Kenyanization. Those who were not Kenya citizens were then given quit notices to sell their businesses to Africans. A number of them sold but some of them decided to opt for reconversion to Kenya citizenship albeit merely on paper. A number of them still retained either British, Canadian or Indian citizenship. We still have cases where, on paper, we have so many Kenyans who hold dual citizenship. This is an issue that needs to be regulated.

In my travels abroad, I have addressed very many Kenyans in different countries. All the time, I have been petitioned by many Kenyans that we should allow them to hold other citizenship when they also still maintain their Kenyan citizenship. The world has now become a global village. In fact, the barriers to communication and travel are being removed in favour of other blocks. As a country, we should maintain this space. For example, the EU allows most of its citizens to travel within Europe without a passport, not even an identity card. With an Italian identity card, you can travel across Central Europe all the way to Britain without--

Mr. Kaindi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are we discussing the amendment or the original Motion?

Mr. Temporary Deputy Speaker (Mr. Imanyara): Mr. Kaindi, he is moving an amendment.

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, people travel without restrictions in Europe. Switzerland is a very interesting case. It is a country which has got people of German, French, Italian and a small group of people with Roman origin. The Swiss Constitution provides that if you are a German citizen and you go to Switzerland and live in the German speaking part of Switzerland for a period of five years, you automatically become a Swiss citizen. Whereas, if you are a German citizen and you live on the French speaking part of Switzerland, then you need to stay there for 10 years before you are entitled to citizenship. The same also applies to the French citizens who go to Switzerland.

Mr. Temporary Deputy Speaker, Sir, in future, we may consider giving certain preferential treatment to citizens of the East African Community; Tanzania and Uganda. They should not be treated like other citizens from other parts of Africa and the world. I agree that an immigrant is most of the time somebody with certain special

qualities. At the moment, because of the harsh economic conditions in our country, many Kenyans migrate to other parts of the world in search of greener pastures. These are the people who have got---

QUORUM

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do believe that there is no quorum. This is a very important Motion. I do not think it is in order for this House to continue with the process the way it is.

The Temporary Deputy Speaker (Mr. Imanyara): There is no quorum. Ring the Division.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order, there is quorum now.

Mr. Raila, you may continue.

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, I want to dismiss the misguided notion that this is only going to help bring in Boranas into the country. I know that there are very many Kenyans outside there who are suffering; Kenyans with skills who are doing meaningful work and contributing to the economy of this country by remitting money that they earn outside there. These people can have much more advantage if they are allowed to take the citizenship of the country where they are working and at the same time, retain the Kenyan citizenship. So, we need to help our people so that they can in turn be able to help us as a people.

The list which has been read out by Mr. Shidiye is very long. Many other countries right now allow dual citizenship. There is no reason why we should deny our people this option. But I am saying that this is an issue which needs much wider consultation, rather than just bringing it to the House. That is the reason why I am moving that we should have wider consultation in the review process; that, this matter should be referred to the constitutional review process so that many more Kenya citizens can get an opportunity to express their views about it. If this is done, then, we will be able to establish citizenship of Kenya on a much more rational basis, whereby every Kenyan would have an opportunity to say: "Yes this is right; do we talk about dual citizenship, or multiple citizenship because it is also possible to have multiple citizenship? This Motion, as it is, is only talking about dual citizenship; that, if you are a Kenyan citizen, you can become a citizen of Britain. There are other constitutions which allow one to be a citizen of Britain, United States of America, Germany and so on. We need to look at all those other options as a people.

While I am on that, let me also talk about an issue which is very crucial; about allowing foreigners who come to Kenya to do business. It is a shame that very many Africans have had to spend their nights at Jomo Kenyatta International Airport because of lack of visas. Taban Lo Liyong, a Professor who has taught at our university here for a long time, and who is known to very many Kenyans and has even written books on Kenya, was stopped at the airport and held for 14 hours with his wife on transit to Abuja to attend a meeting where he was going to be awarded as one of the leading African scholars. He had to spend a night on a bench at Jomo Kenyatta International Airport because he did not have a visa to enter the country. He wanted to buy it; he could not be allowed to buy, and he was coming from South Africa, and he is known. We are able to give tourists visas on the spot at the airports. Why are we doing this to our own people?

Nigeria is the largest country in Africa, but not every Nigerian is a drug trafficker, or criminal. Why do we refuse our High Commission in Lagos to issue visas to Nigerians? Why do the applications have to be referred to Nairobi where the applicants are not known? Why do we not have faith in our own staff who live in Lagos to verify as to who deserves to be given a visa? It is a shame that the Nigerian Government has expressed concern on the issue which we need to address as a country. This is because we are denying Kenya Airways revenue because most Nigerians now travel and keep the Kenya Airways and---

The Temporary Deputy Speaker (Mr. Imanyara): Can you move your amendment?

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

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second the amendment as moved by Mr. Raila. The matter as it has been stated earlier on, has basis in reviewing the Constitution; that, this matter is heavy and requires an amendment of our country's laws and Constitution in this country. Therefore, that is why I support this amendment. I do not have a problem with the spirit of the Motion as brought earlier on by Mr. Shidiye; that, there is need for Kenyans to be given an opportunity to acquire citizenship in other countries.

We need to, first of all, change our thinking. This country can only progress if our leaders change their perceptions. If the Mover was somebody other than Mr. Shidiye, I am sure that this matter would have acquired sufficient support, but given the contributions given by other hon. Members from the Opposition side - myopic

thinking that it gives Boranas from other countries a chance to come and acquire citizenship - so myopic thinking to dilute an important Motion like this--- It is, unfortunate, that it can come from leaders in this country.

The Temporary Deputy Speaker (Mr. Imanyara): Which hon. Member while contributing talked about Boranas in this debate?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, it was not through contribution. It was a feeling which came out. I think it came out from an hon. Member who---

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member on the Floor is an Assistant Minister for Foreign Affairs and International Co-operation, a protocol department; etiquettes. Is it in order for him to start suggesting before this august Assembly that if a Motion is brought by an hon. Member who is ethnically Somali, some hon. Members think that it is for Boranas, when many of us in this House have moved Motions seeking justice for the Somalis and Boranas of this country without being from those areas?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I am sorry if what I said hurt the hon. Member. But I want him to understand that I do appreciate what he said. He did not have to go to the length he went to. As a matter of fact, I wish to withdraw if what I said hurt the hon. Member.

Mr. Temporary Deputy Speaker, Sir, this is an important Motion. I happen to have travelled out of this country by virtue of being the Assistant Minister for Foreign Affairs and International Co-operation. Two months ago, I addressed about 200 Kenyans in Chicago. They came to see me when they heard that there was a Member of Parliament from Kenya in that city. In that group, there was a lady of Kenyan origin by the name Ajwang. That lady is a secretary to a Republican Senator because she renounced her Kenyan citizenship. She is now an American citizen, working in America. The spirit in her convinced me that Kenyans need to acquire dual citizenship. The lady is a true Kenyan at heart and she has nothing to do with America. She is there as a matter of convenience because she is working for a Senator. When there were adverse reports about this country in the American Press, this lady was able to explain to the Senator she worked for about the reality on the ground. That Senator was able to change the thinking of many Americans about Kenya both in the Congress and the Senate. Kenyans who are out there should acquire dual citizenship not because they are not loyal or that they intend to abuse their mother country, but to help Kenya by being good ambassadors of this country.

Mr. Temporary Deputy Speaker, Sir, quite a number of immigrants have left African countries to work abroad. If countries like Ghana, South Africa, Benin and Nigeria have accepted dual citizenship why not Kenya? These countries have similar economic problems and histories like ours. I do not think we should worry so much about allowing Kenyans to have dual citizenship. We have to be careful with our security. We should be on the lookout for mischievous people who would like to acquire dual citizenship for criminal reasons. We have to investigate properly whoever we want to grant dual citizenship. What we need to address here is the spirit of the Motion. We are going to address this matter during the constitutional review so that Kenyans can understand that it is important to allow those Kenyans living abroad to possess dual citizenship.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that by virtue of the fact that the Constitution of Kenya Review Commission is doing its work, Parliament should stop all its functions?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): Mr. Temporary Deputy Speaker, Sir, I do not know whether I have breached any Standing Order by saying that we have a reform process under way and the matter is so fundamental that it requires adequate consultation. There is need for us to consult widely! When we wanted to have a Parliamentary Select Committee to solicit the views of Kenyans on the review of the Constitution, this particular hon. Member said Parliament alone did not have the mandate to do it. When we allowed other Kenyans to participate, the same people now want to deny the Commission the opportunity to listen to the views of Kenyans.

With those remarks, I support the amendment.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, I now wish to put the Question of the amendment---

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to draw your attention to the provisions of Standing Order No.48(ii) which provide as follows:-

"No amendment shall be permitted if in the opinion of Mr. Speaker, it represents a direct negative of the Question proposed."

The Question proposed in the original Motion by hon. Shidiye is urging the Government to amend an Act of Parliament. How can we replace the responsibility of the Government to amend an Act of Parliament, by a House recommendation to the Constitution of Kenya Review Commission? Hon. Raila was emphatic yesterday that

politicians should keep off the affairs of the Constitution of Kenya Review Commission. How can he now be asking Parliament, as a whole, to enter into the business of the Constitution of Kenya Review Commission in order to carry out a duty which belongs to the House? This request negates an urging on Government! It is not amending what the Government is asked to do. It is taking away a resolution of the Business of the Government and purporting to make it part of the agenda for the Ghai Commission.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Kituyi! In my opinion, the issues of the amendment do not negate the issues of the original Motion. Since, in my opinion, the issues of the amendment are similar to those of the substantive Motion, I am now going to put the Question rightaway.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Kituyi! I am on my feet! You pointed out the provisions of a Standing Order which gives the Chair the discretion. I have just made a ruling that, in my opinion, the spirit of the amended Motion remains the same as that of the original Motion. In my opinion, the proposed amendments and the original Motion deal with the same issues. I am now going to put the Question of the amendment.

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

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

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)

(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I will not challenge your ruling. You have ruled and the matter has passed. But just step out of that debate and see what we are doing. How can the National Assembly of Kenya debate a Motion which resolves to recommend an issue to the Ghai Commission?

The Temporary Deputy Speaker (Mr. Imanyara): Are you contributing or raising a point of order?

Dr. Kituyi: I am raising a point of order! Look at the Motion we have! It states as follows: "This House urges the Government---"

The Temporary Deputy Speaker (Mr. Imanyara): Just tell me the order you are raising and I will rule on it!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I am trying to do that. In your view, what are we trying to do? We are setting a precedent so that Parliament starts to set up an agenda for the Constitution of Kenya Review Commission. What sense does this make to you as Business of the House?

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir, I was looking at Standing Order No.48 and I am wondering why the Chair disallowed discussion on the amendment.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Ochuodho! You are totally out of order!

Mr. Wamae: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that we were not allowed to debate on the amendment. Therefore, we have to debate the Motion as amended.

Mr. Temporary Deputy Speaker, Sir, I would like to state that the issue of dual citizenship is very important to Kenyans. We have very many Kenyans working abroad in key positions. They still want to remain Kenya citizens. They are required in the countries where they are working to become citizens. They should be able to enjoy senior positions in the governments and other commercial activities in those countries. Now, we have no way in which that can be done. It is unfortunate that, that has gone on for a long time. In fact, my regret is that we are going to delay the amendment to the Immigration Act, until we complete the constitutional review process. We would have liked it to be done earlier, so that Kenyans can enjoy dual citizenship earlier. I do not know what damage can be done to Kenya by

having dual citizenship.

Mr. Kaindi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the amendment has been passed by this House, would I be in order to repeat what I had asked earlier? What are we debating? If we have agreed that the matter should be dealt with during the constitutional review process, then what are we debating?

The Temporary Deputy Speaker (Mr. Imanyara): We have not agreed! That is what we are debating!

Mr. Wamae: We are debating, whether or not the matter should be referred to the Constitution of Kenya Review Commission (CKRC). Therefore, we have to debate the Motion before us. The other question which we must consider is that we want to encourage people with resources - many have retired in other countries - to come with their savings and use them in this country in their retirement. They should come and create employment, build houses and live here during their twilight years. They have a lot of resources and they would like to be dual citizens of Kenya and their countries of origin, mostly America and European countries. That should be allowed, so that we can benefit from the flow of investments and resources from their savings; from their countries of origin to Kenya. That is one way of bringing huge investments and foreign exchange to Kenya, which we cannot get right now. But now, they come as visitors with a three-month visa and after that, they have to go back. If they want to come again, they will have to apply for another visa to come back to Kenya. That is very inconveniencing and many of them are not willing to do that. So, they are going to other countries to settle, where dual citizenship exists.

Mr. Temporary Deputy Speaker, Sir, therefore, it is important for the Government to recommend to the CKRC to look at the amendment during the constitutional review process. It is an urgent matter which can bring benefits to Kenyans who are working abroad. It is a matter that can bring benefits to foreigners who would like to come and live and invest in Kenya and become part of us. What we need are people with resources. People with resources are very few in the world! If they can go to South Africa and get dual citizenship and when they come here they only get visas, they are not interested in coming here. They will go where they will not be bothered by the immigration people and work permits. When you have a dual citizenship, the question of work permits does not arise.

Mr. Temporary Deputy Speaker, Sir, although I would have liked to debate the original Motion, I support the Motion as amended because I have no other choice. I hope that this matter can be expedited to ensure that Kenyans can enjoy dual citizenship, so that people with resources can come from outside and enjoy dual citizenship of this country and the country of their origin.

With those few remarks, I support the Motion as amended.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Wamae, let me also just point out that, in fact, immigration matters are not dealt with under the Immigration Act. So, I do not know what the problem is. The immigration matters are dealt with in Chapter 6 of the Constitution.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, earlier on, we had some reservations but now, with the amendment, we have got a few words to say. I will support the Motion as amended, and also request those who are in the CKRC, like the Chairman of the select Committee on Constitutional Review, to take serious note of the amendment and the urgency of the matter. As we discuss the Motion, the issue of employment of our people in various countries is of vital importance. What I would like to tell the Minister of State, Office of the President is: Has he taken account of what has been said today, because he knows those who are in this country from other countries--- He knows Kenyans who live in other countries. In 1963, soon after Independence, we brought many people here to take various positions in the Government. We needed the expertise, knowledge and technical people. At the moment, we have many Kenyans who are qualified in all spheres. It is for that reason that I would like to ask the Minister of State, Office of the President, who has records of who is where, to immediately introduce a requirement in his Ministry and the Ministry of Foreign Affairs and International Co-operation that, if we have 200 Chinese, 500 Japanese, several Americans and thousands of Indians holding positions in Kenya, we should initiate reciprocity. If it is the question of doctors, engineers and other fields, we have got enough and we can export. Therefore, it is upon the Minister of State, Office of the President, to liaise with the other Ministers. We have got many Kenyans who are looking for the right type of employment but they cannot get it. As we harmonise that, I would ask the Minister to look for reciprocity. There was a time when many people from some countries - I am only naming India because it is the immediate country that I can think of - came to Kenya as court clerks. When they came here, because of their long experience, they registered themselves as lawyers. Today, they are practising as lawyers. There are those who came as clerks in our hospitals. They were normal clinical officers whose qualifications were below those of our trained clinical officers. When they came, they went to the Kenya Medical Association and registered themselves as doctors. Today, they are practising as doctors. There were those who were normal builders in the building industry. When they came here, they registered themselves as engineers, architects, surveyors and even water engineers! It is high time the Ministry placed requirements on the reciprocity of these people. You should find out the number of foreigners we have in this country and whether they are Kenyans or non-Kenyans. This can be done very easily by the Ministry of Foreign Affairs and International Co-operation. This Ministry should find out the number of foreigners that we have here and

demand for the same quota of Kenyans to go to those countries. This way we will reduce unemployment in the country.

We might have to look at the qualifications of persons who want to live outside the country, particularly those in the building industry. There are so many foreigners who, due to their long association with the building industry in their countries, claim to be engineers and architects as soon as they come here and yet we know very well that they do not have documents to back those claims. This trend should not be allowed to continue. Maybe these are the same people who designed those houses that collapsed in Eastleigh and roads which you cannot even tell where the corners are. There is a roundabout along Langata Road which looks like a square object. Although the Minister for Energy, who is the Member for Langata, is an Engineer and a good driver, at one time I saw him driving and he could not make a round circle---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Munyao, you are digressing from the Motion!

Mr. Munyao: No, I am just explaining about qualifications which have got some bearing on employment and what we are discussing. We would want the services of a lawyer who is as experienced as the Chair because we know his background. These issues are interrelated.

I would like to move on to the Motion. It looks like we have to wait for another year before the results of the Motion as amended are reflected. I would like to support the contributions that have been made, but we should also take cognisance of what Dr. Kituyi said; that we are setting a different precedent to set an agenda for constitutional review which is set to get views from---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Munyao! I just want to point out that, in fact, Mr. Raila has assisted the Motion because, as originally drafted, it was not going to affect citizenship. The provisions with regard to the Kenyan citizenship are set out in the whole of Chapter 6 of the Constitution which defines how one becomes a Kenya citizen. There is also the Kenya Citizenship Act, Cap.170. Mr. Raila and I facilitated the removal of the defects from the Motion because it was talking about the Immigration Act which does not contain provisions in relation to Kenya Citizenship.

Mr. Munyao: I just want to make a few points.

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

Mr. Keynan: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. It is very unfortunate that at times we tend to trivialise very important Motions that come to the Floor of this House just because we hate the Mover or the area where he originates from. I was very disturbed when I heard a very senior hon. Member say that this is a "Somali Motion". I consider that to be the height of folly and selfishness. It is a practice that we should not entertain at all in this House. Motions that come to the Floor of this House belong to the National Assembly. It is morally wrong and it defeats the very sense of him being called an hon. Member for him to shoot up here and say that this Motion will benefit a certain section of this country. It defeats the essence of being a Member of Parliament.

In future, some of these things should be noted so that they can be re-visited when we come here to debate national issues. There are individuals here who have trivialised, tribalised and regionalised national issues in the name of democracy. For how long will we entertain these individuals? They are always in the forefront. It is high time we pinpointed their real nature. This is not a Shidiye, KANU nor Opposition Motion; it is a Kenyan Motion. I do not see why an individual should stand here to say that this Motion will be "tailor-made" for a particular community. Somalis are not the only community in Kenya. If anything, let me put it on record---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Keynan, are you referring to any contribution of an hon. Member or what?

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I am just referring to what one hon. Member said here. As you can see, this side of the House is deserted, where are these hon. Members? What I am trying to say is that this is a very important Motion. The constitutional review process is very important and I would hate to see a situation where somebody will even try to imagine that the end results of the process will be faulty and will not come up with what Kenyans want. Why are we imagining that Prof. Ghai will not do what we want? I believe that at the end of the day the Commission will come up with the aspirations and intentions of Kenyans.

This is a very important Motion. We have made a very big mistake as a country. Had we allowed dual citizenship immediately we attained Independence, we would have had so many Britons staying here and so many industries as a result. If we had adopted this law then, some of the White settlers who were in the Rift Valley would not have gone or sold their property. That would have made Kenya one of the most industrialised countries today. I would like to make reference to Korea. I understand that in 1967, our GDP was the same as Korea's. Today, theirs is 20 times higher than that of Kenya. One of the contributing factors is because we tend to tribalise everything. There is a very serious disease called "biological nationalism" like the one Dr. Kituyi suffers from.

I would like to quote Prof. Maranga who said: "There are even professors who are social fools." There are

professors who have a chain of certificates, but they cannot reason beyond what they read. They cannot conceptualise issues. They just deal with what is in front of them. That is not what we need. We need people who think, are dynamic, appreciative and take cognisance of the stakes of other Kenyans and yet remain refined. It is not an issue of saying: "This is what I hate in my conscience. I hate Raila, Shidiye and So-and-so" and in the process, you end up hating even the good ideas that come from them. That is not the way we will run an alternative Government. It does not make sense. I hate to see a situation where we will come up with our own naive imaginations and embody them in very important national issues.

How can one stand up on the Floor of the House and talk ill of the constitutional review process, when he knows the way we have struggled for the last five years to even put it in place? What are we telling the Commissioners? Are we saying that we already know what they will come up with? Are we saying that we have no confidence in the 22 Commissioners and yet some of them are appointees from this side of the House? What message are we sending to Kenyans? We need to address these issues very seriously.

I have talked of biological nationalism and I would like to dwell on that issue. Kenya is one of the most polarised countries in this region because we tend to see ourselves as tribes. I am sure this is because, when we are elected, we need to be taken for orientation just like university or primary school students so that we get to know what is happening in other parts of Kenya. This is because you were elected from where you were born and went to school. When you see Mr. Galgalo here you say: "This is a Somali". You see Mr. Raila there as a Luo and Mr. Imanyara as a Meru. These are some of the attitudes that we need to do away with in modern Kenya. It is not a matter of just criticising; we need constructive criticism. If the Government is wrong, they need to be criticised. If they are correct, they need to be applauded. How will we accept good ideas from both sides of the House? There is no ownership of--

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Keynan. Unless Maj. Madoka wants to allow you to finish, you are now eating into his time! Unfortunately, your time is up.

The Minister of State, Office of the President (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, I wish to respond to the Motion. Listening to the various contributions, I think it is clear that some Members have failed to get the essence of the Motion. The essence of the Motion is that we should allow Kenyans to have dual citizenship; that is to allow a Kenyan to be able to get a British citizenship or acquire an American citizenship. It is not the question of outsiders getting Kenyan citizenship. I think that is the essence of the Motion. In discussing this Motion, what one needs to do is to try and find out the merits and demerits of Kenyans having dual citizenship.

Mr. Temporary Deputy Speaker, Sir, listening to the various Members, there are obviously many merits in Kenyans having dual citizenship and the particular area which has been highlighted is the question of Kenyans being able to get jobs in other countries without too many problems. I think there is a lot of merit in that. One issue which people have tried to bring up is whether a person, in wanting another citizenship, is patriotic enough. I believe that the fact that a person may demand some other citizenship purely for the purposes of getting a job *et cetera*, does not make him less of a patriot.

Mr. Temporary Deputy Speaker, Sir, some Members have also argued, unfortunately the likes of Dr. Kituyi who is now walking out that-- He did not fully understand the stand you took because the way the Motion came through, if we did not make that amendment, then this House would have had no alternative but to throw it out. This is because it demanded the amendment of the Immigration Act, but citizenship is dealt with under the Constitution of Kenya, Chapter 6, Sections 87 to 98. We then have the Citizen Act, Cap 170 and it is these laws which the hon. Member should have asked to be amended. So, in amending the Motion, in fact, we were basically agreeing with the Motion but wanting to put it in a more proper manner so that it is brought under the constitutional review process. This is so that it is the Constitution which will clearly define what we may mean by a citizen, how we will offer that citizenship and how we will also allow dual citizenship. So, the amendment was to improve on the Motion and those people who have supported the amendment, I think, are in the right direction.

Mr. Temporary Deputy Speaker, Sir, as the Government, we really do not see anything wrong in Kenyans having dual citizenship, if it is going to be of benefit to them. Now, as far as outsiders having dual citizenship, like a Briton having Kenya citizenship, one has to be extra careful. This is because many of the people who may want dual citizenship normally have ulterior motives. We have had cases where we have had criminals, drug traffickers and recently terrorists, who will take up dual citizenship for the purposes of escaping any arrests from their various countries. So, the Government would not oppose the Motion as amended because we believe that, that is the only way Kenyans will be given an opportunity to discuss and find out what the real merits are. So, I fully endorse the amendment and we will certainly support that amendment as proposed. That is the stand of the Government.

Thank you.

The Temporary Deputy Speaker (Mr. Imanyara): I call upon the Mover to reply. Is Mr. Shidiye around? It seems he is not around. Could another Member respond to the Minister? Mr. Keynan, could you reply on his behalf?

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

The Temporary Deputy Speaker (Mr. Imanyara): But you have spoken. Have you not? Is there no other Member who wants to reply on Mr. Shidiye's behalf?

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Imanyara): If there is no Member, then I will put the Question in the absence of the Mover.

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:

THAT, in view of the fact that the world is slowly becoming a global village; realising the need to facilitate travel for Kenyans to seek employment and business opportunities in foreign countries; noting that certain countries have strict labour and economic laws against immigrants; this House resolves that the issue of dual citizenship be dealt with in the context of the ongoing constitutional review process.

ESTABLISHMENT OF SELECT COMMITTEE
TO INVESTIGATE INSECURITY

(Dr. Kituyi) to move:-

THAT, whereas Members of Parliament have sworn to nurture national unity and tranquillity, conscious that such unity and tranquillity are founded on an environment of security and internal harmony, noting with concern the rapidly deteriorating security situation in the country; and being aware that sound solutions to security problems must derive from careful identification of causes and informed deliberations on the way forward; this House resolves to establish a Select Committee to investigate the extent and nature of the insecurity in the country, its root causes and possible forms of intervention necessary to return peace and calm to the country and that the said Select Committee comprise:-

Hon. S. Kamolle, M.P.

Hon. Dr. A. Ali, M.P.

Hon. E. Morogo, M.P.

Hon. H. Odongo, M.P.

Hon. P. Maundu, M.P.

Hon. D. Kombe, M.P.

Hon. B. Mwakiringo, M.P.

Hon. G. Achola, M.P.

Hon. Dr. Kituyi, M.P.

Hon. J. Katuku, M.P.

Hon. N. Kariuki, M.P.

Hon. W. Kihoro, M.P.

The Temporary Deputy Speaker (Mr. Imanyara): Is Dr. Kituyi not here? The Motion is, therefore, dropped.

(Motion dropped)

Next Motion!

CONSTRUCTION OF DAMS IN ASAL AREAS

(Mr. Munyao) to move:-

THAT, in view of the changing patterns of rainfall in this country, being aware of the famine which affects Kenyans time and again, taking into consideration the recent rationing of water in major towns and some urban areas; this House calls upon the Government to construct, at least two dams in each constituency in the arid and semi-arid areas and also along areas in which the Tana and Athi rivers flow in order to provide constant water supply for domestic and irrigation purposes.

The Temporary Deputy Speaker (Mr. Imanyara): Is Mr. Munyao also not here? The Motion is therefore dropped.

(Motion dropped)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, that concludes the business on the Order Paper. It is now time for interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.00 noon.