

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 27th March, 2001

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

DISBANDING OF KCB SUBSIDIARIES

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

(a) Is the Minister aware that the Managing Director of Kenya Commercial Bank has disbanded some KCB subsidiaries, for example, Savings and Loans Kenya Limited, Kenya Commercial Finance Company, and is also intending to sell Kencom House?

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

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

(Question deferred)

TEA LEAF COLLECTION AT TOMBE TEA FACTORY

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

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

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

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

[The Minister for Agriculture]

capacity, all that tea leaf was not able to

The Minister for Agriculture (Mr. Obure):

Mr. Deputy Speaker, Sir, before I proceed, it is my understanding that hon. Anyona actually meant zones ten and 11.

If that is the case, I beg to reply.

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

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

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

(Applause)

Mr. Deputy Speaker: Proceed with answering the Question!

The Minister for Agriculture (Mr. Obure):

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

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

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

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

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

- (i) Road repairs are under way, particularly in the bad spots where the roads are impassable.
- (ii) Tombe Tea Factory has bought a new tipper truck to facilitate road patching in particularly bad spots with murrum.
- (iii) Tendering for the construction of the proposed new factory at Rianjore is now in progress.

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

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

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

Mr. Obure: Mr. Deputy Speaker, Sir, as I said, the directors responsible for Tombe, who were elected last year, have put plans in place to repair the bad spots. A new tipper lorry has been used to assist in transportation of murrum to fill up the bad spots. In respect of tea collection vehicles, right now, my information is that Tombe has a total of 16 collection vehicles. I admit that quite a few of them were in bad shape in January and February because of the heavy volume of work they were doing passing through very bad roads. However, most of those have now been repaired and, out of the fleet of 15 vehicles, 13 are already operational, and we hope they will assist to reduce this congestion.

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

Mr. Obure: Mr. Deputy Speaker, Sir, I did not talk of road construction; I talked of repairs being carried out at specific spots; road patching. I realised this cannot be done

at the same time, to cover the entire area, but I am sure that the repair work has started and the directors have been requested to complete this as soon as possible.

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

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

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

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

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

Mr. Anyona: Mr. Deputy Speaker, Sir, I wanted to raise the same point of order in a different way. Maybe I should not, but ask a question. The Minister knows that there was supposed to be an

expansion programme of all the factories in Gusiiland to take care of this problem which he is talking about. The construction of an extra factory was meant to encourage further development in tea production. Is the Minister now saying that, that expansion either has not been completed or it is not adequate? In which case, what is he going to do about it?

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

Mr. Deputy Speaker: Next Question!

CANCELLATION OF KCSE RESULTS

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

(a) Is the Minister aware that there is hue and cry over the cancellation of the Kenya Certificate of Secondary Education 2000 results in North Eastern Province?

(b) Under what circumstances were these results cancelled?

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

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

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

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

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

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

(Loud consultations)

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

Mr. Deputy Speaker: Order, hon. Members!

The Minister for Education (Mr. Musyoka):

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

(iii) Candidates being impersonated during the examination.

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

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

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

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

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

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

Mr. Deputy Speaker, Sir, we have made provisions for those whose results were cancelled to re-register for examination this year and we are **[The Minister for Education]**

going to advise them to follow the laid-down rules and examination process. Regrettably, the Minister cannot order for remarking of those examination papers.

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

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

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

Mr. Deputy Speaker: Order, Mr. Shidiye!

You are now guilty of making a speech!

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

Mr. Musyoka: Mr. Deputy Speaker, Sir, I am a bit lost. I do not know how to render anybody *kaput*. The Ministry takes a very serious view of this matter. For the benefit of this House, during the previous year, the number of examination centres that were affected were 65. It is not as if this happened only during the 2000 KCSE examination. The number of candidates affected then was 985. During the 2000 KCSE examination, this figure has jumped to 2,880 out of 100 examination centres. This is why, in his wisdom, the President has had to comment on this matter.

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

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

Mr. Kombo, proceed!

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

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

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

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

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

officer for the good job he did. Secondly---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

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

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

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

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

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

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

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

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

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

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

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

Mr. Raila: Mr. Deputy Speaker, Sir,

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

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

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

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

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

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

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

Mr. Oremo: Mr. Deputy Speaker, Sir, the KNEC is a creature of a statute made by this House. Examinations systems all over the world depend on integrity. There are people in this country who still sit the

Cambridge School Certificate, or do exams set by the Cambridge University because of their integrity. Once you lack integrity, you do not punish the students! You go back to the KNEC, which is a creature of this Parliament! What is the Minister doing to ensure that whenever there is cheating, he begins the process with those in the KNEC who are allowing the cheating to go on, instead of starting down with the students, who are being punished? In fact, if you start with the KNEC, you will save the President time of setting up commissions which have no time limit. You should do your job and let him do his!

Musyoka: Mr. Deputy Speaker, Sir, I thank hon. Oremo. I just want to agree with him. I hope he does agree with me that you cannot discriminate. I think we have to take a holistic approach in dealing with the problem. I agree that the KNEC is **[Mr. Musyoka]**

a creature of a statute that this Parliament enacted. We are not sparing anybody. We are going full out! I do not know why hon. Members are allergic when I say: "We have received orders from His Excellency the President to proceed!"

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

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

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

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

Mr. Musyoka: Mr. Deputy Speaker, Sir, the Minister cannot do that because it would compromise the education standards in this country. That is what

hon. Orenge said. I plead with the hon. Members to understand that predicament.

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

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

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

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

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

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

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

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

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

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

Mr. Musyoka: Mr. Deputy Speaker, Sir, the mess that the hon. Member for Githunguri refers to can only

exist in his own mind, and not in the Ministry of Education!

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

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

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

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

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

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

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

Mr. Jirongo: Mr. Deputy Speaker, Sir, in order for the Ministry to take the action it has taken, it must have got concrete evidence as to the actual cheating. There is no way the Ministry could have concrete evidence and still fail to arrest those involved in the malpractice. This would mean that the Ministry cancelled the results for the said students without actual

evidence, which is illegal and challengeable in court. If those involved in the cheating have not been arrested, could the Minister tell us the basis on which the said results were cancelled?

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

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

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

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

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

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

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

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

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

(Laughter)

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

DOUBLE PLOT ALLOCATIONS AT THEGU FARM

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

(a) Is the Minister aware that a grave risk of land clashes exists between various

claimants to Thegu Farm of Ndathi Mugunda land buying company owing to allocation of plots to more than one person?

(b) What immediate steps

[Dr. Murungaru]

will the Minister take to avert the crisis?

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

(Question dropped)

POINTS OF ORDER

DEFIANCE OF HIGH COURT ORDER BY GOVERNMENT

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

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

(Applause)

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

FIRE TRAGEDY AT KYANGULI SECONDARY SCHOOL

The Minister for Education (Mr. Musyoka): On a point order, Mr. Deputy Speaker, Sir. I had asked for the Floor to make a Ministerial Statement on the tragedy that struck Kyanguli Secondary School in the early hours of yesterday morning. But my Permanent Secretary and other officers are working on a detailed Ministerial Statement. I, therefore, wish to seek the indulgence of the House that I be allowed to make the Ministerial Statement tomorrow. I could actually proceed and make the Statement but, because of the

seriousness of the tragedy, I think it is important for me to have a written Ministerial Statement. I was able to be on the ground from about 10.00 a.m., or thereabout, yesterday, until later in the evening, when His Excellency the President visited the school and consoled the community at Kyanguli.

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

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

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

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

Mr. Deputy Speaker: Thank you.

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

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

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

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

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

Mr. Kikuyu: On a point of order. Mr. Deputy Speaker, Sir. I had talked to you and you had promised me

that the Minister would issue a Ministerial Statement. Right now, he has retracted his promise and this shows that the Government is taking this matter lightly. This is a national tragedy. What supersedes lives of people? I want to ask for the leave of the House so that this issue can be discussed for one hour after 6.30 p.m.

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

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

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

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

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

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

Mr. Kariuki: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister of State in the Office of the President, in charge of Internal Security. This is about a Mr. Francis Kihara Kibugi who was killed by guards of one of the Ministers on Saturday night. We want to know the

circumstances leading to the killing of a very innocent Kenyan, who was driving on the highway and was not in any way interfering with the Minister's security. What are the circumstances which led to this killing?

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

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

(The Vice-President on 21.3.2001)

(Resumption of Debate interrupted on 22.03.2001)

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

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

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

"With my departure in future---".

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

(Loud consultation)

Mr. Deputy Speaker: Order, hon. Members!

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

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

We cannot see the future in a better way, until he

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

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

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

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

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

An hon. Member: Shauri yenu!

Mr. Kihoro: Mr. Deputy Speaker, Sir, they are saying "shauri yetu". That is coming from the Front Bench. The sugar-cane farmers are also in dire straits, and maybe, the Minister will say "shauri yetu" because he gets a fat pay cheque. The cashewnut and the cotton farmers are in trouble and the President did not provide us with a clear guideline on what will happen to resuscitate this economy. That is due to negligence on the part of somebody Kenyans look upon to give guidance on employment. I would like to say that there

are many young people in this country without employment and any future and the President did not talk about that. He avoided that issue. He avoided the question of the resuscitation of agriculture in this country, which is in the "Intensive Care Unit (ICU)". The President should not have avoided this issue. The people of this country are calling upon him to address them on such an important issue; how we will feed our people and not leave them, as beggars in our own country. That is very important. Mr. Deputy Speaker, Sir, on the STABEX funds, I would like to say that more than Kshs9 billion has been held by this Government in a bank account, where it is a signatory together with the European Union. This money has been held in the bank for ten years and the Government will not pay it out to the people who have earned it. That money has been earned by the coffee farmer.

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

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kikuyu: Thank very much, Mr. Deputy Speaker, Sir, for giving me time to air my views on the Presidential Address to this House on the State Opening of Parliament. Whereas the President touched on many issues on that day in his Speech, he failed totally to give this nation direction on the way forward. Most of the institutions in this country have been run down totally; the banking sector which is expected to support the economy of coffee, tea and other sectors is almost gone. If you look at our learning institutions, that is schools, we have no quality education and inspectorate in place and this has given rise to what we experienced yesterday in my constituency. I would like to say that a dormitory which is supposed to be occupied by 60 students was occupied by 139 students, making it impossible for the children to flee even if all the doors were open. There were beds everywhere. The Chair will wonder why we vote money for the Ministry of Education, Science and Technology, Inspectorate Department, in the first place.

They allow buildings to be put up without plans and with no escape routes. They put children in one place and call it a dormitory. Our headmasters, countrywide - and I hope that they will hear this because they are meeting in Machakos, Eastern Province, today - have become traders and they do not care about our children. They leave schools and engage in business. They do not sleep in their schools. Even if a tragedy struck at night, nobody would be near to help the students. These days, students join secondary schools when they are still young, unlike our days. But they have been left at the mercy of matrons and watchmen. Without pre-empting any investigation which is going on, I would like to say that those who were involved in this act should have been sacked and not transferred.

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

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

what to say?

What type of Ministers do we have in this country who cannot run their Ministries unless they are told how to do it by their juniors in the Ministries? Is their appointment based on the quality of their brains? It is time the Government resigned if it cannot own up to its mistakes. We cannot go on losing Kenyans; it is bitter. Every time there is a disaster, we set up a commission. For example, Mtongwe Ferry Commission, Bombolulu Commission, Tribal Clashes Commission, Witchcraft Commission *et cetera*. Commission! Commission! Why is that so?

(Laughter)

Mr. Deputy Speaker, Sir, we should have a Government that moves in a particular direction. When a Minister and his Permanent Secretary fail, it is only honourable to resign although it is quite unafrican. But can we not start today as Kenyans? For those of you who have failed in your duties, why can you not start resigning now? We are heaping everything on President Moi. Tunasema "Serikali ya Moi" because of Ministers who are not working and who do not know what they are doing. We have pitted one community against another; the Marakwet against the Pokot. They kill each other and we say: "Serikali ya Moi." We also say that Pokots are armed and Marakwets are not. Are these not Kenyans? It is bad. The conscience and test of time will prove you wrong. Hata kama hamtaulizwa hapa duniani, mtaulizwa mbinguni. We have to have clear conscience on protection of human life in this country. It does not matter what development we have. We can have the biggest skyscrapers in Africa, [Mr. Kikuyu] but if we do not care about the sanctity of human life, then we are not a nation. A nation is a nation because it wants protection for each other, so that we have a strong society which can portray an image of a united people. But when we forget all these and start being ourselves; that is; Mr. Kikuyu for himself, Mr. Poghishio for himself, Mr. Otula for himself, Mwanzia for himself and the rest, then Kenya is heading in a dangerous direction. We must change that direction.

Mr. Deputy Speaker, Sir, I agree with the President's call that we should work together. But let us work together keenly and not cheat each other. He is asking us to work together na nikipitia hapa unanitupa na kuingia pale. Hiyo haiwezekani. Let us be mature in our minds and work together for the benefit of the nation, but not to come here with placating Ministerial Statements. So many times we have been told that the coffee and tea industry is being revived and yet, there is nothing happening.

Mr. Deputy Speaker, Sir, with those few remarks, I say thank you for the Speech.

(Laughter)

Mr. Jirongo: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to make a few remarks

on the Presidential Speech during the State Opening of Parliament last week.

Mr. Deputy Speaker, Sir, the issue that is in the hearts of Kenyans at the moment is the new Constitution. It is good that the President let go for once, so that Kenyans can have a Constitution that will govern their country in future. Kenyans have gone through a lot of problems for a very long time.

I think the fight a majority of Kenyans have been going through is for them to be accorded the opportunity to decide the management of their own country. This opportunity has now be accorded. We fought for so long so that Kenyans could remain as a nation. I want to take this opportunity, as much as very many of us were unhappy with the hon. Raila, to thank him. At least, he has made a contribution towards us having a merger and for Kenyans for once having an opportunity to contribute and come up with a document that shall help govern this country.

(Applause)

Mr. Deputy Speaker, Sir, it is true that the Head of State has nearly 20 months to go. I think we need to take this opportunity to see what we need to put in place between now and the 20 months, so that the succession issue is smooth and comfortable. As to who will lead this country, it is purely an issue to be decided by Kenyans. I think as leaders, during this constitutional review process, we should take the opportunity and the lead in trying to bring Kenyans together and rebuild the shattered hopes. After the merger, it will be irresponsible for any community or group to try and seek for itself either as a region or groupings the reigns of power. We must concentrate more on trying to make Kenyans understand that they are Kenyans and that they do not belong to tribes. We need a generation that respects the aspect of being Kenyans and avoid issues where we group ourselves either in regions or as tribes. All of us as leaders, we need to take the lead and chart the way forward for the nation. We need to know how we spend our time and create the relevant factors that shall enable the President to retire honourable and peacefully in the next 20 months. Let us look at what we need to do to achieve that change of Government without friction or hatred that exists in the hearts of Kenyans today. We should spend these 20 months in toning down tribal sentiments.

Mr. Deputy Speaker, Sir, another issue that was raised in the Presidential Speech has to do with the East African Community (EAC). The EAC existed as an institution at one time and due to vested interests, it collapsed. I think it is an achievement for us to have it back on track. But one problem we have as a country is that, we seem to be selective in who should be doing that business. Just as it is selective in doing business here,

we hope Kenyans will be free to do business across the borders without anybody calling their counterparts to tell them that this is the wrong person and you should not do business with him, the way it is currently being done here. But as a step forward, in trying to create opportunities for Kenyans, I think it is something the country should be proud of. We should also spend time in finding ways and means of expanding our market in the region. I do believe the Ministry concerned will take this opportunity to give Kenyans more leads on how they can reach out there and contribute to the growth of this region.

Mr. Deputy Speaker, Sir, one main issue which was left out, and I think it is a national issue, is the one of forests. For instance, in Lugari, 4,320 hectares which is about 10,000 acres of land that belonged to the Ministry of Environment and Natural Resources, have been transferred to the Office of the President. Title deeds have been prepared in the offices without any demarcation taking place on the ground. I do not know who they wish to give this land to. In Lugari, the initial allocations that were done are still outstanding todate. Another 10,000 acres of land have been hived off, letters of allotment issued and backdated. Title deeds have also been issued in offices and backdated without going through any formal or normal procedure that

[Mr. Jirongo]

we all understand. It is being done so secretly that the people of Lugari are left wondering whether they are the owners of that particular region in this country or some officer somewhere owns all the forests in Lugari.

Mr. Deputy Speaker, Sir, I feel, as a natural resource, the President needed to take time and tell Kenyans for whose benefit are those forests being excised, and the people who will be allocated. Some of us are wondering whether that is a means of rigging elections in advance. This is because I genuinely believe that the President of the Republic of Kenya is the President for every Kenyan. In every area, there is a problem that affects the local community, and there is no way land can be excised in Mt. Kenya and the area residents have no idea about it. Similarly, I do not understand how such a huge chunk of land in Lugari can be given out without even the leaders in the area having an idea as to who is being given that land; without mentioning the severe environmental hazards and other problems that will be caused, possibly turning the only region that is fertile in this country into an arid region. It is total injustice for a certain section of people in this nation to carve out 10,000 acres and divide the land amongst themselves and worse still, no demarcation on the ground is being done. No beacons have been put in place, but titles have been issued out. That is an issue that I felt required some attention from the President, as he gave his exposition of the programme for this Fifth Session.

Mr. Deputy Speaker, Sir, to wind up, I hope for once, the President understands that he is leaving office in 20 months and Kenyans should be allowed to carry out their duties normally. The issue of insecurity and interference in

rallies organised by elected hon Members was not also addressed in the Presidential Speech. Some of us are wondering why somebody should interfere with meetings that are meant either to educate your people or raise money for the local communities. It is sad that a leader, who was rightfully elected by his or her constituents, must go to beg from a mere DC, in order for him or her to be allowed to hold a Harambee, or address a rally in his or her region. It is high time we respected the current Constitution. It does not make any sense for us to be discussing about the need for a new Constitution that can embrace "Kenyanism" and yet at the moment, we cannot respect the current Constitution and the Inter-Parties Parliamentary Group (IPPG) recommendations

With those few remarks, thank you.

Mr. Sifuna: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to the Presidential Speech. I would start off first by commenting on the Ministry of Roads and Public Works. The Government awarded a tender for the construction of the road from Buyofu to Mateka, and then Mateka to Miyanga Trading Centre. The contractor, by the name of M/S Juma Construction Company, did not do anything at all. He was given the money, and he disappeared. Over 200 people were never even paid. He took that money and started constructing his own house, and he disappeared. He is now in Nairobi doing transport business, yet the people of Bumula are asking every day, what happened to the construction of Buyofu-Mateka Road. So, I urge the Minister for Roads and Public Works to make sure that M/S Juma Construction Company does go back and complete that particular road, or else those responsible be taken to court.

While still on roads, I think there is a big problem in this country. I think the problem is that the Government is confused and we do not know who is running it.

(Laughter)

The other day, when hon. Members were allowed to become members of the District Roads Boards (DRBs), a ruling was given in the High Court; that hon. Members were not supposed to be members of the DRBs. But the same hon. Members sit on the District Development Committees (DDCs), District Tender Boards (DTBs) and District Education Boards (DEBs). Now, what is wrong if hon. Members are incorporated in DRBs, when the same hon. Members are members of the District Tender Board, the DEB and the DDCs? We have the Attorney-General who is the legal adviser to the Government. Why can he not advise the Government over that issue? Why are we allowed to sit only on the DTBs, DDCs and DEBs, yet we are not

allowed to sit on DRBs, when even Ministers represent their various Ministries in them? Yet, the AG has never told the Government or the President that it is wrong for the Minister to be in charge of his Ministry, and even Judge Kasanga Mulwa himself has not done so. We even have hon. Mark Too here who is an Assistant Minister, Office of the President and at the same time he is the Chairman of the Kenya Sugar Authority (KSA). Why can they not advise him to relinquish one of those posts? We are trying to find out: Is the law being selectively applied, or what is wrong? We are not supposed to continue behaving selectively on that line.

Regarding the Ministry of Agriculture, Livestock and Rural Development, it is very wrong again for the Government to put Miwani and Muhoroni sugar companies under receivership. How can you put Miwani and Muhoroni sugar companies under receivership when they are Government's organisations? It is just like the Government putting [Mr. Sifuna] itself under receivership. Why did the Government bail out the Kenya Co-operative Creameries (KCC) which is not a Government body by giving Kshs800 million, but they cannot bail out Muhoroni and Miwani sugar companies?

(Applause)

The other day, the Government paid over Kshs6 billion to bail out the Kenya Airways. The Government has also bailed out the National Bank of Kenya, the Co-operative Bank of Kenya--- Name them! Yet it is giving a deaf ear to the sugar industry. Now, farmers have not been paid, the workers have been sent away, and we do not know the future of the sugar-cane farmers in those regions. As if that is not enough, the other day, there was a directive from the Minister of State, Office of the President, Mr. Julius ole Sunkuli, that all District Commissioners would not be sitting in or chairing the DDCs. Then after one week, there was another officer from the Office of the President cancelling that directive. He said that the DCs would continue chairing the DDCs. Now, who is running this Government? Is it the President, hon. ole Sunkuli, or Mr. Oyugi, or (ole Kochokokokwo huyu?).

(Laughter)

Kenyans want to be told exactly how the Government is being organised or run but today, we are being told that--- Even today, you can be appointed a Minister and the PS can say you are no longer a Minister, just because we are confused. It is high time that once a Minister gives his or her directive, it is implemented. It is unfortunate to be a Minister in this Moi Government.

It is even worse than for a married woman. As a married woman, you have no authority over anything in the kitchen at all. They just wait until they are told what to do.

(Laughter)

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead this House that a woman has no authority even in her kitchen? Then where does she have authority? Maybe in Luyialand that is what happens!

Mr. Deputy Speaker: Order! Continue, Mr. Sifuna!

Mr. Sifuna: Mr. Deputy Speaker, Sir, I am sorry but I think that is my opinion and I know very well that in the African tradition, a woman cannot go and give out her husband's animal without his authority. If she did that, she would be chased away.

(Laughter)

Mrs. Mugo: On a point of order, Mr. Deputy Speaker, Sir. That is primitive!

Mr. Sifuna: Mr. Deputy Speaker, Sir, because my time is running out, we politicians ought to be actually mature. We have an infant politician in this House who, instead of preaching peace, incites his people to go and start fighting other tribes. It is very wrong and let me warn this infant politician that the moment he continues asking his people to arm themselves and chase away people from Pokotland and at the same time he is saying that the Pokot are going to annex part of Bungoma District---

Mr. Deputy Speaker: Order! Hon. Sifuna, why can you not bring a Substantive Motion to discuss whoever you are referring to?

Mr. Sifuna: Mr. Deputy Speaker, Sir, I was referring to what appeared in *The Sunday Nation* where the said Member of Parliament, who is here, wanted to annex part of Bungoma District up to Kamukuywa and also parts of Turkana District under the pretext that that land belongs to the Pokots. I can assure him that we shall make his life very difficult. It will be *Mundu khu Mundu!*

(Laughter)

He is an infant politician and let him take note of that!

Mr. Deputy Speaker, Sir, another point---

Mr. Kamolleh: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to use a language which I do not think Members would be very acquainted with because it might sound as if it is an insult to this House?

Mr. Deputy Speaker: Order! It seems that Members understood him because they laughed. Hon. Sifuna your time is up. Mr. Karume!

Mr. Sifuna: Mr. Deputy Speaker, Sir, could

you give me more time?

Mr. Deputy Speaker: No! Order! Hon. Karume!

[Mr. Deputy Speaker left the Chair]

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

Mr. Karume: Bw. Naibu Spika wa Muda, asante sana kwa kunipatia nafasi hii niseme machache kuhusu Hotuba hii ya Rais. Vile Rais alivyokuwa akifungua Bunge hapa, kwa azungumzo, mimi mwenyewe nilisikia kama alikuwa akisema **[Mr. Karume]**

mambo ya maana zaidi. Lakini maswali ni haya: Kwa sababu kila wakati tumekuwa tukiambiwa mambo katika Bunge hili wakati linapofunguliwa, lakini wananchi wanajuliza: Kweli kusemwa yamesemwa, lakini kuna kitu kitafanyika? Hii ni kwa sababu mengi yanasemwa lakini kufanyika hatuyaoni.

Bw. Naibu Spika wa Muda, inaonekana kwa kweli nchi hii imeenda vibaya sana. Hii ni kwasababu ukiangalia karibu kila kitu kimezoroteka. Utapata hakuna barabara, maji na ukulima umedhofika. Uliona juzi kwamba viwanda vitatu vya miwa katika upande wa Magharibi mwa Kenya vimewekwa chini ya receivership. Hivi viwanda vinafungwa kwa sababu wakulima wa miwa wakipeleka miwa katika hivi viwanda, hulala tu bali haiuzwi. Haiuzwi kwa sababu kuna watu wachache wanaotaka kutajirika kwa kuleta sukari kutoka nje ya nchi hii. Hakuna kitu cha maana kama kuangalia wakulima. Serikali yoyote inafaa kuangalia upande wa wakulima zaidi. Lakini hapa kumekuwa na walaghai wachache ambao kazi yao ni kuleta sukari bila kulipa ushuru ili iwe rahisi halafu viwanda vya sukari vinaendelea kupungua. Umefika wakati Serikali yafaa ianze kufikiria juu ya wakulima badala ya kujifikiria kibinafsi. Serikali ianzie kufikiria juu ya Wakenya kwa sababu taabu zimezidi jaa. Kila mtu analia kwa njia yake lakini hakuna usaidizi ambao tunaona.

Bw. Naibu Spika wa Muda, juzi tulizungumza juu ya mambo ya riba. Tulisema kwa vile wananchi wameumia. Kuna wengine ambao wamekaa katika mashamba ya hekari mbili hadi tano kwa miaka karibu 200. Utapata babu, babu na wajukuu wameishi hapo. Siku hizi ukipeleka hati ya kumiliki shamba hilo katika benki kukopa pesa kidogo ili kulima kahawa au kilimo cha aina nyingine, utapata kuwa sababu riba ya mkopo huo ni ya juu zaidi, utapata shamba hilo linaenda kuuzwa na unabakia bila chochote. Wakati tulipitisha Mswada huo hapa na ukaenda kwa Rais ili utiwe sahihi, tulisikia hautasahihishwa mpaka urudi hapa. Hiyo ni sawasawa. Wakati Rais alipokuwa akitoa Hotuba yake, alizungumza mambo ya give-and-take. Ninaomba wakati Mswada huu utaletwa tena katika Bunge hili, Ninaomba tukiambiwa ulikataliwa kwa sababu ya jambo fulani, basi jambo lile ambalo litasaidia wananchi, tuone kwa kweli kama utapitishwa vile ulivyokuwa na kama kuna jambo lingine ambalo tunaweza kurekebisha basi

turekebishe. Hii ni kwa sababu si vizuri kwa hawa Wabunge ili hali Mswada huo ulipitishwa kwa kauli moja kwa sababu hata Wabunge wa Serikali walikubaliana na haya mambo. Lakini sitaki kuzungumza juu ya Mswada huo zaidi kwa sababu siku yake itafika na tutakuja kuujadili hapa.

Bw. Naibu Spika wa Muda, katika nchi hii kuna watu ambao wamezoea, wakati dollar inakuwa chini hapa, kuleta pesa nyingi kutoka ng'ambo. Wanakuja wanunua dollar halafu dollar ikipanda, wanauza dollar hiyo halafu pesa wanarudisha ng'ambo. Juji tuliona mfanyabiashara mmoja ambaye anaitwa Kariuki akileta shillingi billioni mbili hapa nchini. Sasa hiyo ikawa ni matata na akaulizwa: "Umetoa wapi hizo pesa na zimekuja kwa njia gani?" Pengine kama hizi pesa zingeletwa na Pattni au Shah, labda hakungekuwa na maswali mengi. Lakini kwa sababu ni Mwafrika wa nchi hii ndiyo sababu unaona mambo haya yanaendelea zaidi.

Bw. Naibu Spika wa Muda, ukiangalia kilimo cha kahawa, utapata kwamba kimefifia sana. Kahawa imekwisha na bei imeharibika na hizi pesa za STABEX ambazo tunaimba kila wakati na ambazo zililetwa za kutengeneza kahawa inafaa zitumiwe sasa. Wakati mtu huwa mgonjwa ndio yeye hupelekwa hospitali na ndio hupewa dawa. Kama hizi pesa zinafichwa, basi hatujui ni kwa sababu gani zinafichwa hivyo na labda zitakuja kusadia wakulima miaka kumi zijayo. Sasa kama tayari kahawa imekwisha zitasaidia kitu gani? Serikali yafaa ianze kufikiria zaidi. Isifikirie juu ya watu binafsi. Isifikirie hizi pesa zitazaidia nani. Ifikirie wananchi wa Kenya kwa sababu wamekwisha zaidi.

Bw. Naibu Spika wa Muda, tukiangalia mambo ya huu ugonjwa wa Ukimwi, tumesikia pesa za kukabiliana nao zimekuja nyingi na zinaendelea kuja. Lakini ingawa tuko na kamati za kuangalia vile tunaweza kupunguza huu ugonjwa wa Ukimwi, kwa sababu ndio unamaliza watu wetu, hakuna pesa. Tuliletwa pesa kidogo na kuambiwa eti hizo ni za mobilisation na zikaisha. Wakati pesa hizi zilipokwisha sasa wananchi wanauliza: "Pesa zilikwenda wapi?" Pesa hizi zitakuja wakati watu wamekufa wengi zaidi? Zitakuja kusaidia nani? Kwa hivyo, ni vizuri pesa hizi zikija, haya mambo ya Serikali kusema zilale kwa benki hii ili watu "wale" riba, ni vyema ilale hapa Bungeni na hayo mambo yamalizike kabisa.

Bw. Naibu Spika wa Muda, benki katika nchi hii zimemaliza watu wengi sana. Badala ya benki kutajirisha wananchi wa Kenya, yaani wafanyabiashara na wakulima, riba inapanda hadi asilimia 70 kwa sababu eti ni penalty. They can call it anything. Wanaweza kuibatiza jina lolote lakini yote ni riba. Kwa hivyo, ni vizuri benki zetu kufikiria juu ya riba inayotowza wananchi wetu. Ninaishukuru benki ya KBC kwa mpango wao mpya wa kutoza riba mikopo waliyowapa wananchi. Kwa mfano, badala yao kuuza mali ya

wananchi, wao wanawapa muda mrefu wa kulipa mikopo na kwa riba ya chini. Hii ni benki inayowatia moyo wananchi wetu ingawa hatujui wataendelea kufanya hivyo kwa muda gani.

Bw. Naibu Spika wa Muda, hali ya hospitali [Mr. Karume]

zetu nchini ni mbaya sana. Ikiwa mgonjwa amelazwa hospitalini, ni lazima abebe blanketi yake kwa vile huko hakuna blanketi. Ni aibu kuona wagonjwa wakiwajibika kubeba maji yao ya kunywa kwa vile hospitali zetu hazina maji. Hata makaratasi ya kuandikia aina ya dawa na matibabu yanayohitajika hayapatikani hospitalini. Wananchi wanawajibika kununua kitabu ili waweze kuandikiwa aina ya dawa wanazohitajika kutumia hospitalini. Je, Serikali hii ina macho? Kwa nini haiwezi kuona kuwa wananchi wetu wanakufa kutokana na shida wanazozipata hospitalini? Hii ni Serikali ya namna gani? Je, Serikali hii kweli ina masikio?

Bw. Naibu Spika wa Muda, hali ya barabara zetu ni mbaya sana. Ni aibu kuona Rais Moi anatumia barabara hizi lakini hawezi kuona kuwa ni mbaya. Ni vizuri Serikali hii ifikirie juu ya shida zinazowakabili wananchi wetu badala ya kujishughulisha na ni nani atakuwa Rais kesho. Si muhimu kwa Rais wetu kufikiria jinsi atakavyochaguliwa kwa kipindi cha tatu. Jambo hili si muhimu kwa wakati huu. Ni lazima tufikirie wananchi wetu watakula nini na juu ya maisha yao ya baadaye.

Bw. Naibu Spika wa Muda, usalama wa nchi hii umezoroteka kufikia kiwango ambapo wananchi wakiuliwa si jambo la kutisha. Wananchi wakiuliwa kinyama na majangili fulani, Serikali yetu haifanyi lolote. Majangili wanapotea bila kushikwa na walinda usalama wa nchi hii. Hivi juzi, tulishuhudia maafa katika Wilaya ya Marakwet. Wananchi wengi waliuliwa na majangili waliokuwa wakiiba mifugo. Ni kwa nini Serikali hii haiwezi kuwatia mbaroni wezi hao wa ng'ombe? Ng'ombe hawawezi kupaa angani kama ndege au kwenda kwa kasi kama motokaa. Serikali hii imeshindwa na kazi ingawa haitaki kusema imechoka.

Bw. Naibu Spika wa Muda, jambo ambalo ningemuomba Rais Moi afikirie kabla ya uchaguzi mkuu wa mwaka 2002 ni juu ya urithi wa kiti cha urais kwa sababu ni vizuri kulinda nchi, watoto wetu na hata vizazi vijavyo. Ni nini tutawarithisha watoto wetu? Ni jambo la kuhuzunisha kuona viwanda vingi hapa nchini vimefungwa. Ushuru tunaotoza bidhaa zetu ni wa juu kuliko ulivyo katika mataifa jirani ya Tanzania na Uganda. Kwa mfano, ushuru unaotozwa pombe nchini Tanzania ni asilimia 60, Uganda ni asilimia 65 na hapa kwetu ni asilimia 85. Ushuru huu unaonyesha ya kuwa matajiri wengi watajenga viwanda katika mataifa jirani. Tutakuwa tukiua bidhaa za nchi za nje rahisi kuliko bidhaa zetu kwa sababu ya ushuru wa juu unaotozwa bidhaa zetu. Hatujui Serikali yetu inafikiria nini juu ya ushuru huu. Ni heri kama Serikali yetu itafikiria juu ya ushuru tunaotoza bidhaa zetu ili kuokoa viwanda vyetu. Ushuru huu umechangia ukosefu wa kazi

hapa nchini. Tuna vijana wengi ambao wamehitimu kutoka vyuo vikuu lakini hawana kazi kwa sababu viwanda vingi vimefungwa. Kwa mfano, kiwanda cha Uplands Bacon kilifungwa na kuwafuta kazi zaidi ya wafanyakazi 6,000.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaunga Mkono Hoja hii.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to join my colleagues in contributing to the Presidential Speech.

The President was very concerned about the economy of this country which has deteriorated a great deal. In the last three years, it has not shown any improvement, but a negative growth. There are many factors which have contributed to this situation. The first one has, of course, been natural calamities. The weather has been so bad that the pastoralists lost most of their livestock. I have lived in Nairobi for many years and for the first time, we had to battle against cattle who were looking for pasture within the City.

Mr. Temporary Deputy Speaker, Sir, there is the question of food security due to the adverse weather. Many farmers were unable to produce sufficient food to ensure that we did not go wanting. Because of adverse weather, we had also the issue of power rationing which affected the smaller industries in Industrial Area. Many of them closed down and as a result, many people lost their jobs.

The other factor which contributed to the negative growth of our economy was the poor prices of our commodities overseas. The prices of coffee, tea and pyrethrum, were very low. As a result, we were not able to get the kind of money that we have always got from those strategic crops. However, the bottomline is that all of us have managed our economy very poorly. We must attribute this negative growth to the mismanagement of our economy and our country. Why is it that we lost a lot of livestock? Why are we talking of adverse weather? This is because of the desertification that has been going on in our country. Why is it that there was power rationing? This was because the dams ran dry. Why did they run dry? It is because we have cut down most of our forests and allowed farmers to cultivate in water catchment areas.

Incredibly, even today as I speak here, we continue to degazette forests for farming. Will there ever come a time when we will tell Kenyans that not everyone can have a piece of land? It is not possible! There is nowhere in the world where everyone must own a piece of land.

Mr. Temporary Deputy Speaker, Sir, we have reached a situation where public servants defy Presidential directives with impunity. Yet, several hon. Members have stood here to ask: "What sort of

Government is this?" They forget that a government [**The Assistant Minister for Education, Science and Technology**]

is not just the President or the elected leaders. The Government comprises of everybody who is working. So, the first question we should ask ourselves is: "Who are these people in Government who are defying presidential directives?" Who are these individuals who are sabotaging the policies that are meant to help us? When you reach a situation where public servants defy court orders, then you must know that we are in very serious trouble. I think what we need to do now is to think in terms of bringing about discipline in this country. There should be discipline in every sector of our lives. If we do this, then we will start planning realistically, as we used to do very many years ago.

Mr. Temporary Deputy Speaker, Sir, if we have to plan realistically, then we have to look at how we can reduce poverty. Many Sessional Papers have been written and brought to this House on how to reduce poverty. I want just to take my area as a prototype to illustrate how we can revive our economy without going into too many details.

Mr. Temporary Deputy Speaker, Sir, I want us to revive the cotton industry in Funyula. If we have to revive the cotton industry in Funyula, we should not start on a small-scale by just providing seeds; we should start with the whole package. A whole package means clearing the bush; preparing the land, getting the proper seeds, and having transportation and storage facilities put in place and above all, ascertaining that the farmer is paid on time after bringing his cotton to the stores.

Mr. Temporary Deputy Speaker, Sir, that is not the end of the story, because we must have a cotton ginnery. In Funyula we have a ginnery that is moribund and now requires rehabilitation. For instance, if we can have, say Kshs100 million set aside for a place like Funyula, in five years time, we will have reduced poverty completely. We cannot eradicate poverty because there is no country on earth that has eradicated it. However, we will reduce it.

Mr. Temporary Deputy Speaker, Sir, using the prototype of Funyula, being at the lake region, we would like to revive the fishing industry. To revive the fishing industry, we must ensure that the infrastructure is put in place. We must ensure that there are good roads that will help the fishermen to bring their catch to the market in good time. We need to provide cold storage facilities and ice making plants and ensure there is sufficient money to pay the fishermen.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President touched on the question of regional integration, which needs a lot of political goodwill. The first thing to do is to look back and see why the East African Community collapsed. I am old enough to remember very well that it was the arrogance of our people here who looked down upon the other countries and wanted to make them their own colonies. We must make sure that we look at our neighbours as equal partners with us. If we do that, we will

reduce poverty and have good markets for our products.

With regard to unity, His Excellency the President, in fact, implored all of us to put aside our political differences and look at our country as one thing. If we do this, Kenya will recover and become profitable and economically strong as it has always been.

With those remarks, I beg to support.

Mr. Kajwang: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the exposition of public policy contained in His Excellency the President's Speech.

I went through the Presidential Speech carefully because I wanted to find a paragraph which has dealt with agriculture because I have found out that without agriculture, this big country is likely to sink in a squalor and poverty. On page seven, the President said as follows: "Our farmers lost their crops and livestock and more than three million of our people experienced severe famine." That was the first reference to agriculture.

The next reference was on page eight where the President said as follows:

"The prices of essential goods increased, and yields of our major export crops, including tea, coffee and horticulture declined."

In paragraph two on page eight; this is where I saw the last thing about agriculture.

The President said as follows:

"We look forward to better performance in both the agricultural and the manufacturing sectors this year."

The President did not tell us how we are going to do any better. When the President goes to Muhoroni and tells Muhoroni farmers that we are going to close down Muhoroni Factory and build a bigger one, which will cater for Muhoroni, Miwani and Chemelil put together, it is like Jesus Christ telling the Jews:

"I am going to pull down this Temple and build it in three days."

No wonder he was crucified. You do not talk like that unless you are very sure you are going to get the money to build that big factory, which will take care of an area which was catered for by three large factories. The people of Muhoroni, Chemelil and Miwani are co-operating with the KANU Government.

An hon. Member: It is a shame!

Mr. Kajwang: It is a very serious matter, Mr. Temporary Deputy Speaker, Sir.

Our sugar industry is being destroyed by none other than the Government of Kenya. It is amazing that a Government which has decided to do serious business, especially in the agro-industry, it owns 100 per cent of the shares at Muhoroni Sugar Factory, runs it badly and

accumulates debts from other Government agencies, including Kenya Commercial Bank (KCB). After all that it says as follows:

"Because I have accumulated so much debts from KCB, farmers and others from suppliers, I will, therefore, go into what is called protective receivership". Whatever that means.

I thought it means that when you want to go into protective receivership, you are saying: "Let me protect my assets from being attached so that in the meantime, I can reorganise myself." I hope that is what the Government is saying. However, the Government is protecting itself against, the farmers who have already grown their sugar cane, delivered it and it has been processed and sold. Those are the people the Government is protecting itself against so that they do not attach the tractors of Muhoroni Sugar Company. The people whom the Government is protecting itself against are the suppliers of spare parts. Kenyans who have borrowed money from banks and have supplied Muhoroni Sugar Company with spare parts are now being told: "You know we cannot pay you. So, the Government must protect itself against you so that you do not attach anything in Muhoroni."

The consequence of this approach is that, we are destroying the farmer, the supplier, the transporter and everybody else associated with the sugar industry in this country. The Government is destroying these people, forgetting that those are the same people who form part of the Government. The wealth in the hands of hon. Kajwang and hon. Dr. Kulundu here, is the wealth of the Government of the Republic of Kenya. So, when you make them poorer, you are making the Government poorer. This is one notion that the Government has never realised. So, who is the Government protecting itself against?

The people who are spearheading this notion are Kenya Sugar Authority (KSA). The KSA is no Authority, if it were not using farmers' money. They collect levy from the farmers to generate wealth for farmers. The job of KSA is to support farmers, expand farming; and make the farmers benefit more from the farming activities. Now, the KSA is the one which is putting Muhoroni Sugar Company under receivership and protecting itself against the farmers.

Look at this scenario! Where is hon. Obure, the new Minister for Agriculture? He should have been the Minister for "Football" because that is what he understands better. If one is very serious, he should write down notes and take them to hon. Obure and then tell him that the Government cannot protect itself against farmers and survive. This is because if the farmer is destroyed, the Government is destroyed as well! Look at the people who have suffered. Muhoroni Town is soon becoming a ghost town and yet it hosts suppliers, transporters, cane cutters, weeders, sellers of food, traders of molasses, hotel and lodging owners; brewers of *chang'aa* and disco-owners. All these people are suffering, including doctors who treat

people suffering from sexually-transmitted diseases. Generally, people are suffering in Muhoroni Town. Do you know how much it would have cost the Government to put it back? It would have cost just about Kshs800 million. If the Government had invested Kshs800 million into Muhoroni, it would have generated billions of shillings in one year, leave alone the issue of profit. Muhoroni was not started with an aim of making profit. The Government does not build roads so that it can make profits. It does not maintain the Kenya Railways Corporation or the Kenya Posts and Telecommunications Corporations to make profits. It is the service that it gives which makes people create wealth. That is why a Government is in place. The Government must invest money in Muhoroni.

I will give you examples of companies which have gone under receivership. The Kenya National Assurance Company (KNAC) went under receivership because the Government could not inject Kshs400 million into it. The KNAC now has several billions of shillings they have collected in a blind account somewhere. It is more viable than it was at the time it was put under receivership because the Government said it must die, since some people wanted to buy its assets. KENATCO is still under receivership and yet they are buying new Mercedes Benzes. I do not understand how a business which is under receivership can continue buying Mercedes Benzes and new cars and continue doing business at the airport. The Nyayo Bus Corporation which was put under receivership collapsed. My friend hon. Ayoki has told me that it collapsed very badly.

I want to talk about sugar-cane. The National Bank of Kenya almost collapsed. We put Kshs4.5 billion into it, so that it can survive. This is because had it closed, so many people who had deposited their money there would have suffered, these being the teachers, businessmen and some companies. You would have had a disaster in this country. That is how you preserve a national asset which will then preserve the wealth of the nation. They can now sell it at whatever price, but it is still viable. We voted Kshs8 billion here so that the **[Mr. Kajwang]**

Kenya Airways could be sold to some *Wazungu* in KLM. When we have to sell these corporations, we write off the loans. If we do not want to sell them to *wazungu*, they can collapse. We put Kshs800 million in a private company, and now I hear there is KCC-2000 which is owned by a retired general. We gave Kshs800 million to some private people. That was not even a Government business. Muhoroni is 100 per cent owned by this Government. If Otieno Kajwang is in debt, why can he not pay his debt? If I do not pay my debts, they are always chasing after me. Sometimes they claim that: "Kajwang is going under receivership; Kajwang is bankrupt." Why can the Government not pay its debts?

If you owe farmers, why do you not pay them?

I beg to support.

The Minister for Mineral Exploration (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, may I add my voice to those who had already taken the Floor ahead of me. I will be very brief. Many of the country's economic activities, like agricultural and other sectors have collapsed. Those sectors collapsed because of certain individuals. Pointing fingers at certain individuals will not provide a remedy as to how we can revive our economy. When the economy collapses, this affects those who are in power and everybody else in the country. What is wrong? We require to change the attitude of our people. Let every Kenyan think of a way in which we can revive the economy. For example, the cotton farmers must go into their *shambas* and there should be some incentive to help them improve their production. When we start talking of cotton and the AGOA market in America, we are not aiming individually to go into farming, whether we have assistance or not. We should begin from somewhere and move forward. The answer is not talking without implementing those actions.

In my constituency, I am trying to re-organise cotton, miraa, tea and coffee farmers and the pastoralists. We intend to see that by October, when we grow cotton, at least every farmer has planted one or two acres of cotton. That way we will revive our economy. There has been talk of afforestation and deforestation. Recently there has been an outcry that there is excision of forests here and there. I would like to ask my friend hon. J. Nyagah to come up with a list of names of the people involved and state when this occurred. People have been living in some of these areas for quite some time and yet those areas have not been de-gazetted. Let the Minister tell this House who these beneficiaries are and where they are so that when we talk, we know who has what. Since some people like pointing fingers at others, let us hear from the horse's mouth as to who owns what, where and when it was owned. I am telling my Cabinet colleagues to bring a list of the names so that everybody knows who has what.

I would also like to point out that a mistake is always a mistake no matter who does it. Robbery, whether committed with violence or not is still robbery. When certain individuals commit robbery you would want to view one individual's robbery as being worse than the other person's. In 1953 there was a *Mzungu* here who was transferred to Ghana after the Mau Mau emergency. He said: "The killing by the Mau Mau is very bad." According to him the deaths caused by the Mau Mau were worse than any other deaths he had ever seen. However, somebody else answered him that a death is always a death, whether you are shot or you die of natural causes. We should condemn all evils equally so that we can protect our wellbeing.

Mr. Temporary Deputy Speaker, Sir, the pastoralists should be kept in the rowing boat so that when you talk about cotton, tea and sugar, you can also talk about livestock. That way, we will take everything into account

and plan on how we will revive our economy. But all that cannot be done by an individual! It is not President Moi who will do it on his own! We can have very good policies, but when we leave them in the books, they will not come out of the books, come what may! We can have the best policies but if no one takes the bull by the horns, nothing will move. So, we must have a beginning. It is human that you are not always right. When you are right, somebody else is wrong. Some other time, both of you may be wrong! So, to me, we should take everything into account.

Mr. Temporary Deputy Speaker, Sir, still on the economy, there are the liberalised markets. They are an international problem. We must have policies to protect our own economy, although we are under a lot of pressure. I support the Presidential Speech, in which he gave direction on the Bills. It is upon us to debate and pass them because they will benefit our country and not individuals. That is why the President said that when we are discussing issues pertaining to our country, we should forget our party affiliations. We should talk about the unity of this country.

Mr. Temporary Deputy Speaker, Sir, I said that I will be very brief, and with those few remarks, I support the Presidential Speech.

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support and contribute to the Presidential Speech. We welcome the sentiments expressed by the President that we should unite and work together as a team. That entails respect for one another. I believe that when the President was speaking, he did not only refer to partisan politics, but to the two sections of this nation and the world; that is women and men. It is very disappointing when we keep on hearing [Mrs. Mugo] the leadership of this country belittling women, starting with the President. That is why we wonder whether he is genuine. He belittled women and said that they were of small minds while officially opening a women's meeting!

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Mugo to mislead this House with respect to what the President said? In fact, what the President said had nothing about belittling women. He encouraged women to think big!

Mrs. Mugo: Mr. Temporary Deputy Speaker, Sir, he is wasting my time! We saw in the electronic media the words coming out of the President's mouth, leave alone the print media! You cannot translate that for us! Even those who tried to say that he meant this or that should not try. It will take the President himself to tell us what he meant, and not somebody who thinks about what he said!

Mr. Temporary Deputy Speaker, Sir, we also

get disappointed by hon. Members in this House, who continue to malign women by thinking that they are sub-standard and sub-human. It is a pity! No wonder this country cannot make headway. When an hon. Member wants to show something of the least value, he refers to a married woman! May I remind this House that women are equal shareholders and stakeholders of Kenya and their homes, and are in charge of their lives. We do not need anyone. That is primitive and barbaric. We could do well in this House if we came up to the level of civilised Members of Parliament, who can lead this nation. By that, I mean women and men. I am sure the Dagoretti people will be very mad. I am also sure that the people in Ms. Karua's and Mrs. Ngilu's constituencies will be mad. That is because some very intelligent men voted us to represent men and women in this House. We would appreciate it if such rubbish is taken out of this House.

Mr. Temporary Deputy Speaker, Sir, touching on the economy, it is time we brought our economy to par, if we want to save this nation. It is a pity for the President to blame the weather. We really know that it is not the weather. The weather played a very small margin. It is mismanagement, corruption, ethnic politics and stealing from the public coffers. Until we face the facts, we cannot save this nation. We cannot blame the weather. We should stop and ask ourselves: Why are our children dying in schools all of a sudden? If they cheated in the examinations, who did they copy? Why this new phenomenon? We never had children dying in such large numbers! The eyes of the women of Kenya are full of tears! The women of Ukambani are in tears this morning for losing their children! Why is that? It is because of bad examples from a bad Government and society! What are we teaching our children if we steal all the money and when they go to the hospital, there is no medicine; they cannot get school books because money is stolen? They read the Reports of the Public Accounts Committee (PAC) and Public Investments Committee (PIC) every day, that billions have been stolen. Do we expect a miracle from those children? They are growing among us. We are teaching them bad things.

The Minister for Education should come up with a policy on how the Government will set a good example to the people of this country. We should obey the rule of law. We should not just offer lip service. The time for lip service is over! Our children are dying in schools. We are talking about 68 children! What a shame! We cry crocodile tears, go to those schools and try to comfort them that, that should not have happened. So, why did it happen? Why did it not happen before? So, could we wake up from our slumber, stop being selfish and show the children that we care by stopping stealing from the public? We should provide for those children. The children can only learn from good examples.

Mr. Temporary Deputy Speaker, Sir, the economy of this country can really recover if we are serious and

support all sectors of our economy. I wondered when I saw the delegation which went to the East African Co-operation. How many business people went on that Presidential trip? After all, that is a business co-operation. It is not even a Government co-operation. We used to see, when the former President Clinton and other Presidents visited other countries, that they carried their economic people and businessmen. If we cannot promote the businesses and put those people at the centre stage, we cannot succeed. But here, the Government seems to mean something else. It wants to remain in power at whatever cost. So, what do we see now? The sugar industry is down and there is nothing that can be said about our sugar belt. Why? It is because some very rich people continue to bring in more sugar to become richer, while Muhoroni Sugar Company and others cannot sell their sugar! What a shame? What a country? If we are serious, we have to give opportunity for growth. We have to encourage our business people and give them an enabling environment. We have to have some space for them.

The African Growth and Opportunities Act (AGOA) arrangement has been put in place to help African nations grow economically, but the Ambassador of the United States of America to Kenya said recently that Kenya might miss the boat because we are not adhering to the principles of good governance. These are the issues we are supposed to address. But rather than address these [Mrs. Mugo] issues, we keep on paying lip service to them, with no intention of cleaning up the mess. If we want to facilitate the participation of our business people in the AGOA arrangement, we must clean up our acts not by talking, but rather by acting. Actions speak louder than words.

Mr. Temporary Deputy Speaker, Sir, following the outbreak of typhoid in Embu District recently, we in Nairobi are worried. We in Dagoretti, parts of Kawangware, Riruta and other areas have no water. Residents in some estates have not had water in their taps for months now. They do not even know the sources of the water that is being sold to them. There is going to be an outbreak of water-borne diseases in Nairobi. Once an outbreak occurs in one area, the whole City will be affected. Could the Minister in charge of water assure us that clean water is going to be supplied to residents in those areas? I believe that people from City Hall shut down water supply to some estates. For instance, even when water is available in plenty, it does not flow to Suna Estate. I do not want to believe that the Government has failed completely to maintain law and order and effectively look into the welfare of Kenyans. We cannot surely punish such people; we should ensure that citizens have water.

The issue of dilapidated roads in Dagoretti Constituency has been, for some time, the debate in the Press and electronic media. Roads in that area have

ceased to exist, but no funds from the *El Nino* Fund were allocated for roads rehabilitation in that area. Dagoretti constituents pay tax. So, we demand that our roads are also repaired. The pathetic condition of the roads in Dagoretti has been covered by all the media houses. Even the Kenya Broadcasting Corporation (KBC) featured the bad roads in Riruta area. Despite the tax money the Government collects from Kenyans and through funds such as the *El Nino* Fund, it has failed to rehabilitate roads. That is a shame.

Mr. Temporary Deputy Speaker, Sir, the only good thing that the Government has done, and for which I congratulate President Moi, is yesterday's appointment of this country's first lady Head of Public Service and Secretary to the Cabinet, Dr. Kosgey. That was very good. I would like to take this opportunity to congratulate Dr. Kosgey for having been appointed to that office and urge her not to allow herself to be intimidated by people who tend to put pressure on anybody who tries to work in accordance with the law.

With those remarks, I beg to support.

The Minister for Water Development (Mr. arap Ngeny): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Motion on the Presidential address.

First and foremost, I would like to congratulate His Excellency the President for his wonderful Address. In that Address, the President distinguished himself as a true patriotic statesman, whose heart is with Kenyans.

Mr. Temporary Deputy Speaker, Sir, I know that some people will not agree with me, but quite a number of Kenyans will agree with me that the President has a lot of goodwill for Kenyans. A few years ago, supposedly new ideas flooded the country; even some very educated Kenyans opted to impose ideas on us. They hoped that political and economic liberalisation would bring about enormous benefits to Kenya and Africa. Unfortunately, most Kenyans fell for that trap. In that belief, we liberalised almost every aspect of our economy, and retrenched public servants. We went further to adopt policies that barred employment of teachers, yet this country's population is increasing by the day. So, could we have adopted such policies? Surprisingly, nearly every Kenyan accepted that policy. We are now backtracking and saying: "Oh, we made a mistake". Even some hon. Members of this House agreed to those policies then.

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

The Minister for Water Development (Mr. arap Ngeny): Mr. Temporary Deputy Speaker, Sir, hon. Kituyi would always like to interrupt me. Nevertheless, he may inform me.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I am very grateful to hon. Ngeny for allowing me to inform him. I wish to inform him that whatever we may say about liberalisation, the process allows us to build state corporations to which future leaders cannot do to them what

he did to the defunct Kenya Posts and Telecommunication Corporation (KP&TC).

The Minister for Water Development (Mr. arap Ngeny): Mr. Temporary Deputy Speaker, Sir, I know that my friend, Dr. Kituyi, is just trying to intimidate me. I would, however, like to assure him that I cannot be intimidated by his irrelevant remarks.

Mr. Temporary Deputy Speaker, Sir, therefore, Kenyans have been led astray to even liberalise the activities undertaken by "small" people in this country. Liberalisation has resulted in dairy farmers being very poor. Every Tom, Dick and Harry is now importing maize just to discourage maize farmers. Everybody is now importing second-hand clothes, leading to the total collapse of this country's textile industry. All this is a result of liberalisation. We now stand here and accuse the Government of all sorts of misdeeds. Who initiated the decisions that led to these problems in the name of liberalisation? Some hon. Members of this House embraced that idea then, hoping that liberalisation [**The Minister for Water Development**] would be the messiah to our problems. Unfortunately, that was not the case.

All of us, therefore, must think as Kenyans and not as members of political parties or individuals. We have always blamed this country's problems on the Government, yet we are ourselves the Government; the Government is the people. Every community in this Republic is represented in the public service.

With those few remarks, I beg to support.

(Mr. Orengo moved to the Dispatch Box)

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Orengo! Could you go and speak from your usual place?

Mr. Orengo: Most obliged, Mr. Temporary Deputy Speaker, Sir.

(Mr. Orengo moved to a microphone away from the Dispatch Box)

Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to speak on this Motion. Since I have very limited time, I will try to make my points as quickly as I can.

For the last 15 years, this country's economy has been experiencing a downward trend. Even before the multiparty elections of 1992, this country was already undergoing a very difficult economic situation. The Government was already in conflict with the donor community with regard to the manner in which the country's economy was being managed. Nobody can rightly accuse anybody else for the bad economic policies this Government adopted, which have brought us to the situation we are experiencing, except the

Government itself. Sometime back, if you had a school certificate or a degree certificate, you needed not know anybody in order to get employed. You just needed to walk into any office in the Industrial Area and ask for a job. You cannot do that today. If you do so, you cannot get a job. Poverty is increasing.

Mr. Temporary Deputy Speaker, Sir, the Democratic Republic of Congo is registering more than 5 per cent growth rate. This is a country which is in at war, yet in Kenya, for the last three years, we have been experiencing an economic downturn. The situation will not improve because this Government had that opportunity the moment it was elected in 1997. Right now, a lot of investors, both external and domestic, would not want to put their money in Kenya until they know who is who, and what type of transition we will undergo. In the next two years, I can promise you that we will not experience any changes. All good investors would want to see how we are handling the issue of transition. We cannot blame anybody other than the Government which has adopted bad policies. Those bad policies have made this Government borrow externally and domestically, to the extent that even with hon. Donda's Bill, the interest rates are still going up on account of this Government.

Mr. Temporary Deputy Speaker, Sir, what is worrying are the social effects of this economic downturn, the poverty and the unemployment people are experiencing in this country. I want to say that political scientists have characterised situations such as the one that exists in Kenya today. A Government which is interested in creating prosperity in a country will go by records. It can point out how many roads it has built and how many jobs it has created. I have never heard, on any one day, the President or any Minister in this Government saying: "In this particular year, we have created so many jobs". This is because the Government is not interested in creating jobs for the people of this country. It is interested in playing politics 24 hours a day and forgetting that it has a responsibility to make the lives of Kenyans better. That has meant that in order for this Government to engage in politics for 24 hours a day, it has invaded every cash-cow that there was in this country, that was created by the sweat of the people.

The problems that we are experiencing today in the Kenya Co-operative Creameries (KCC) are not problems that were created by the farmers. The KCC had a very unique character. It was both a limited liability company and a co-operative society, but then the Government intervened. When it intervened, instead of KCC being a profit-making organisation, it was ridden with debts. Right now, the sweat of the people of this country, who include so many generations; the assets built up by KCC, are being sold for Kshs400 million. The KCC was a co-operative society that was in almost every part of this country. Even in Kisumu there was, and I believe there still is, a KCC delivery point. The same goes for every other sector, be it coffee, tea and now the sugar industry. These industries have fallen. I can

point out from all the reports that have been laid in this House by the Public Investments Committee (PIC) and the Public Accounts Committee (PAC), that it is this Government and individuals who are in this Government who have destroyed these organisations.

The other day, when I was in Bomett, there is an old man who told me that during the Kenyatta era, at least, when they delivered their milk to KCC in Sotik, they used to get their money. He told me that in 1992 and 1997, they were cheated that if they voted in a particular way, their land was going to be taken away. Now, the people who are taking away their land and their factories are people in this [Mr. Orendo] Government. They are not people in the Opposition.

Mr. Temporary Deputy Speaker, Sir, I am saying that once you create unemployment and poverty, you are bound to have insecurity in the country. The Police Department can close whole towns like Kisii and Kisumu, because there will be a *Muungano wa Mageuzi* rally, when, probably, hon. Kituyi, hon. Kathangu and a few patriots will hold a rally in one of those towns. But when there is an army man armed with an AK 47 rifle going through three districts, from West Pokot through Baringo, the President's own district, to Marakwet District, that army man is successful in conducting raids, taking cattle away and no one person is arrested. That is because the Kenya Government is asleep when it is not stealing. It is asleep at night, from 8.00 o'clock, because its members are too fat and have made too much money. During the day, they are busy stealing our money and assets.

The time will come when whatever we do, will catch up with us. I can say this from this House because so many things that I have said have come to light. However much you try to escape from this responsibility, when you can steal with impunity, it will catch up with you. The best thing that you can do to this country at the moment is to try and sit together and dialogue, so that you can go through a transition.

A Government that stays in power for too long, even in the most democratic societies such as Great Britain during the time of Mrs Thatcher, or in Germany at the time of Chancellor Kohl, in its tenth year, it cannot do anything. It is just too long for somebody to be in power. I can tell you that if today President Moi announces that he is no longer interested in being the President, but he is interested in a new Constitution and a new order, the shilling value will shoot up. This is because we will become predictable and will be complying with the law of the land. In the United States of America or everywhere else where there is a new constitution, it does not, in fact, need to be said so much that somebody will not run again, but because we do not obey the law of the land as it exists, the Constitution of this country, it is important that, that announcement is made. If we will have a Nyayo legacy, then the President

should be courageous and tell Kenyans: "You want a transition and that transition will begin by me assuring you that 20 years is good enough and I will not run again for the Presidency".

I believe that once that is done, the constitution-making process will have some legitimacy and people will be committed to creating a new constitutional order that will bring about change in the lives of the people by making the economy strong, and making sure that every Kenyan can have a meal. There are so many people in the streets of Nairobi who do not have a meal. You just need to walk between Parliament and River Road and see the suffering of Kenyans.

Now, in Miwani and Muhoroni Sugar factories, there are problems. Chemelil Sugar Factory is being run by a relative of the President, and even a relative of the President has brought Chemelil Sugar Factory down. You do not need angels to run factories, but you need people who obey the law and respect the fact that if you have debts, you have to pay those debts.

The Assistant Minister, Office of the President
(Mr. Gumo): (Inaudible)

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, if Mr. Gumo would listen to me, there would be a better country. Muhoroni, Miwani and Chemelil Sugar Factories have fallen because of the bad economic governance that we believe in. For example, somebody called Somaia was supposed to put some capital into Miwani Sugar Factory, but he took it without paying for a single share. Now his own bank is the one appointing a receiver for Miwani Sugar Factory. How can a thief catch a thief? This needs to be explained to the people of Kenya.

With those few remarks, I have stated my position.

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I wish to thank His Excellency the President for his wise Presidential Address.

I would like to talk about education, especially in Narok District. We have many problems in this district, especially in the education sector due to lack of enough teachers, because most of them do not want to go to remote areas when they are transferred or posted there because of poor roads or lack of proper communication. It is only in Narok District where teachers do not enjoy hardship allowance. I would like to inform this House that teachers in our neighbouring districts, for example, Kajiado, Trans Mara and Bomet, enjoy hardship allowance, and we feel that it is certainly unfair for teachers from Narok District to be sidelined by the Ministry of Education, Science and Technology. These teachers should also enjoy that privilege because Narok District also deserves hardship allowance.

The other issue I would like to touch on is tourism. We know very well that tourism is the backbone of our economy, and we are very happy with the Ministry of Tourism, Trade and Industry because it has brought life to the tourism sector. We are very happy with the Minister,

hon. Biwott, for his active role in this sector. If I may also touch on health, I would like to say that I am very disappointed to report to the House that the Health [**The Assistant Minister for Environment and Natural Resources**]

Department in Narok District is the most corrupt department we have in the Government. I would like to say that most of the officers issue licences to some lodges due to influence from some powerful politicians in the district. These officers issue licences to these lodges without following the laid-down procedures, which is totally unfair, and my people will not take it lightly because many people are suffering from typhoid, which is a very serious disease.

Mr. Temporary Deputy Speaker, Sir, I would like to point out that this disease costs my people huge sums of money to treat. Some of the lodges in Mara National Game Reserve, which is the heart of the tourism industry, for example, Musiara, which is owned by one of the prominent politicians in this House--- I would like to say that due to his influence, they use money to bribe officers so that they can issue bogus licences to ruin the Mara National Game Reserve.

Mr. Temporary Deputy Speaker, Sir, if I may touch on corruption, I am really disappointed to report that some of my colleagues, especially from the district I come from, are the most corrupt fellows we have in the system.

(Applause)

You will find a lodge like Musiara Limited owing the Narok County Council millions of shillings, but they "silence" the officers by bribing them. I would like to say that several reports have been written by the Ministry of Local Government for the last 20 or 50 years about Musiara Limited. What is so special about Musiara Limited?

An hon. Member: Who is the owner?

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, my people will not take such things lightly because Musiara Limited has exploited them. I would like to say that the lodge is owned by a Cabinet Minister.

Mr. Wanjala: Who is that?

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Mr. Temporary Deputy Speaker, Sir, the lodge is owned by "Mr. Lie Low".

(Laughter)

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I knew all the names of the Ministers in this House, but I do not know

the name that the Assistant Minister has just mentioned.

The Temporary Deputy Speaker (Mr. Musila): What is your point of order, Mr. Murungi?

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to refer to non-existent persons as Ministers in this Government?

An hon. Member: He said a Cabinet Minister!

The Assistant Minister for Environment and Natural Resources (Mr. ole Ntutu): Thank you very much, Mr. Temporary Deputy Speaker, Sir. The hon. Member is interrupting my short contribution.

It is also good for the Minister, as I can say, or hon. ole Ntimama, to declare the money that he owes the Narok County Council because my people are becoming "uncomfortable" and we do not want to cause any confusion in the tourism sector. So, let him pay the Narok County Council the Kshs40 and Kshs78 million he owes it, so that--

Mr. Temporary Deputy Speaker, Sir, that is the much I can contribute and I support the Presidential Address.

Thank you.

Mr. Keriri: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. The Speech by the President, which was supposed to be on the state of the nation, in my view, was generally all right, but my problem is whether or not the ideals expressed in that statement will be implemented. More often than not, things said by this Government are very sweet to hear, but they are never implemented, and there are many of them, which we do not have to mention.

There were a few things that the President, either deliberately or by oversight, did not want to mention. In my view, they were very important aspects for this nation. First, we have been talking about the ethics of this nation. We have been talking about the ethics and code of conduct, and the World Bank and the International Monetary Fund (IMF) had touched on it; and people in this country have been talking about it, but the President just left it out. Those who were drafting the President's Speech may have left it out because some of them may not want to have a code of ethics, which will make them suffer because of their own misconduct. I hope that the Government has that in mind, even if it was not mentioned in the Presidential Speech.

Mr. Temporary Deputy Speaker, Sir, roads in this country are in a terrible state. We passed an Act in this House last year, which sets out the proper way of managing our roads. The President did not mention it although it is a matter that has been messed up by both the Government and the Judiciary. But since that matter is somewhere else, I do not want to talk about the Judiciary. We do not have disbursements for our roads to be repaired and [Mr. Keriri] built. We passed a law which stipulated that a certain amount of money will go to districts but the whole thing is in a confusion. There is nothing happening and the roads are

in a mess.

Mr. Temporary Deputy Speaker, Sir, in that whole Speech, nothing was discussed about HIV/AIDS. Is it because the Government is keeping a lot of money in its coffers which has been given by donors to fight and reduce the spread of HIV/AIDS? Does the Government want to use that money for something else, like it normally does with all the money that it gets? It is very important that someone in the Government told us about Government policies. We keep on hearing that HIV/AIDS has been declared a national disaster, and yet the Government continues to keep all the money in the Office of the President. Constituency AIDS Committees have been appointed and excuses are being given that they have not been inaugurated. What is inauguration? If a committee has submitted its proposals, why do we have to wait for its inauguration? Is it just to go public? We can go public even after getting the money. I think we are treating our own people very contemptuously. They have suffered a lot.

Mr. Temporary Deputy Speaker, Sir, it will probably be interesting if someone asked the Government side: "Who is the worst criminal; is it the fellow who shoots another one when he is robbing the bank, or someone who keeps money which is supposed to help this country fight HIV/AIDS when people are still dying?" They continue dying in large numbers than the fellows who are shot on the streets. Is that person more of a criminal than that Government? My answer is "No". The Government has kept more than Kshs6 billion that was given by the European Union for the improvement of agriculture; coffee, tea and so on. That money has been kept for seven years when people have been dying of poverty. I am sure you will agree with me that, that system is more criminal than the fellow who shoots another one when robbing. It is more criminal because more people are dying.

Is it not criminal for a Government to destroy all our forests? Destruction of forests is more than stealing Kshs1 million. I think it is criminal for this Government to do it that way. I think we should wake up. When we say we are going to do something for our people, we should do it. We should not keep money. We are saying that we are poor, and yet we are keeping money which should help our people. I think it is wrong.

Mr. Temporary Deputy Speaker, Sir, there is one aspect which I would like to mention. This Government is very fond of keeping Parliament ignorant of the policies they intend to follow. The Government goes on negotiating agreements and treaties with donors. They bring them to this Parliament only after finalising those agreements, and after they have committed themselves by signing some documents. They only inform Parliament when it is too late. For example, we have had a lot of trouble with the World Bank and IMF and all the other donors just because the

Government has entered into agreements committing itself into conditions that it says it can fulfil, only later to come back and say that these conditions are terrible. Why were they not terrible when they were negotiated and signed?

If the Government wants to be strong in negotiating, they should come with their own policy documents into this Parliament and tell us the conditions they have been asked to agree to, and the ones that are impossible to implement. Then, when they are supported by this Parliament, the Government would go and negotiate with that strength of the highest organ in the land. They come with affairs like World Health Organisation (WHO) where issues are negotiated and Parliament is kept in the dark, only later on to say that some of the articles in the WHO are impossible to implement. Why do you not tell us beforehand so that we can support you? It should not be assumed that this Parliament or the Opposition will always oppose the Government. We are part and parcel of the Government. We want to be involved in supporting our own Government. But if you do not inform us and then you come back with World Bank conditions which are so difficult to implement, what do you want this Parliament to do; to come and sing with you that you cannot implement those policies? When money is delayed, mwananchi is not benefitting. He is dying. Money is being kept by the World Bank because the Government committed itself to implement certain policies without seeking the support of Parliament and, therefore, of Kenyans. Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Local Government

(Mr. Kiangoi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity also to thank His Excellency the President for the Speech that he delivered in this House, which I must say is somehow misunderstood by a section of Members of this august House.

Mr. Temporary Deputy Speaker, Sir, the President did, indeed, say that he has a keen interest in all matters affecting the economy of this country. He has been on record at all fora expounding Government policies. It is not necessary that all the items in Government policy must be expounded in one afternoon in a document delivered in this House. HIV/AIDS has been spoken of and the project is in the docket of the Office of the President because we declared HIV/AIDS a national disaster. The Ministry [**The Assistant Minister for Local Government**]

that deals with disasters is the Office of the President.

We should be concerned with how to improve our farming. I agree with those who say that we should improve our roads so that we can take our produce to the nearest markets, so that our tea leaves do not rot in the buying centres. I am also concerned with my district, Nyamira, which I must say is a great tea producer in this country.

Mr. Temporary Deputy Speaker, Sir, we have consumed our time politicking. The Government is being accused of engaging in politics, but that is not the position. Politics is being played by the people on the opposite side

there. Those are the people who engage in politics, maybe, for 22 hours; I will give them three hours for sleeping. But during the time that they sleep, I think they dream about politics. The people of Kenya are being engaged in all manner of politics that divert them from their normal course in development. You will find that most people are now thinking on how they can become Presidents of this country, and not how they can contribute to the economic growth of this country from its present position. That is the pre-occupation of some of the people.

Mr. Temporary Deputy Speaker, Sir, the President did rightly say that we should not engage ourselves in unnecessary wrangles. Indeed, we have engaged ourselves in very unnecessary wrangles that were uncalled for. Take the example of the constitutional review process. We started the process in this House by forming the Parliamentary Select Committee on constitutional review process, and we did not move forward. There was the Ufungamano Initiative which came up to carry out the process. Recently, there was a merger of the two groups and yet again, there is another Ufungamano Initiative II. There will be another Ufungamano Initiative III and Ufungamano Initiative IV. Every Ufungamano Initiative that will be formed will claim to be talking on behalf of the people. If Ufungamano Initiative I was talking on behalf of the people, how can the section that has been left out right now again claim to be talking on behalf of the people? If that is the case, they should then claim to be talking on behalf of a section of the people. I do also hope that those leaders will see sense in avoiding those wrangles, so that we can come here and forge ahead and write a Constitution for this country as soon as possible.

Another area I would like to comment on - I do not know whether it is lack of understanding - is that it has been claimed that a farmers' organisation which has taken so much money to build is now being sold for Kshs400 million. The law is very clear. If you want to borrow money from a bank, you have to get security, and you become the mortgager and the bank becomes the mortgagee, or the charger and the chargee, respectively. If you default in payment of the money loaned to you or advanced to you, then the mortgagee, which is the bank, will exercise its power of sale. After that, it can transfer that property to any person who bids, and the property is sold in public auction or by private treaty. The bank can transfer such property to that person. The KCC's case is very clear; that they had loans. They were the mortgagers and the mortgagee exercised his powers of sale and advertised the property for sale. The farmers chose to appoint a committee which would redeem that property instead of being sold to a third party so that they could not lose. The farmers have taken the initiative to appoint a committee which is now buying the property back for the farmers.

The farmers are redeeming their property. They are not buying it for Kshs400 million. It is the farmers who are just returning their property to themselves.

I was in that meeting that was held in Nakuru recently. I am sure that some of the people who spoke during the meeting were dairy farmers, and others chose to be away. So, the farmers met there, passed their resolutions in the first and second meetings and, finally, in the third meeting. They recommended that the property of the KCC be reverted back to the farmers, having been redeemed from the bank. That is the case. So, let us not confuse Kenyans that farmers are losing out. Farmers are recovering their property, which would otherwise have been lost.

I know that, that position is known, but because of politics, and that is what I was talking about, and because they would like to see the Government is portrayed negatively, then that issue is brought up, that the farmers are being cheated out. It is time that we, as a nation, began thinking positively about certain actions that are genuinely done. Do not criticise for the sake of it. You should criticise because you have an issue to raise, so that your criticism can also be taken into account. This is because sometimes some criticisms can be constructive. They can be helpful, but if you continue criticising for the sake of criticising, you would be seen as a person who is dissatisfied, and nobody will take you seriously even in future.

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

Mr. Muchiri: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Presidential Speech, if there are good intentions in it. This is because on many occasions, we have been made to believe here that the KANU Government is going to operate on what we are told in this Parliament, but when we go outside, we will find this Government is operating contrary to what we have been told. I am going to give a few examples. In this country, we have been promised that this **[Mr. Muchiri]**

Government is going to protect lives and property, but it is not doing so. If you move in all parts of the Republic of Kenya, you will find that there are so many cases of insecurity. In Nairobi alone, there are more than 20 incidents of car-jacking, and people being murdered, either by the police or by the robbers, daily. If you go to the North Eastern Province, you will find that the schools have been closed. People are being escorted from one place to another. When you go to Rift Valley Province, you find that the Marakwets are being killed by their fellow Kenyans from the other parts of the Republic. You wonder and ask yourself: How can 1,000 people assemble in a country where there are National Security Intelligence Service officers, without them informing the Government that there is such a move? Yet, not a single Minister in this country has condemned the act when our fellow Kenyans are being murdered. When you go to Mombasa, there is a clique of some people who have invaded the farm of a gentleman known as Mr. Waigwa---

The Assistant Minister, Office of the President

(Mr. Gumo): Alienda huko kufanya nini?

Mr. Muchiri: I beg your pardon!

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Muchiri! Address the Chair!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I am addressing you; I am not addressing him. I am saying that some people have invaded the property of others. In Mombasa, there is a farm of a Kenyan which has been invaded. People have put up storey buildings on his farm, and Mr. Waigwa has gone to court. He got a court order to evict those people from his farm. The PC, the DO and the OCPD have not been of any assistance to him. When you go to Eastern Province, or Coast Province, there is the farm of hon. Criticos. Some squatters have invaded that farm. He is an hon. Member, and no member of the Government has raised an alarm. If you go to Rift Valley, there is the farm which used to belong to the late Mr. Slade. Some people have invaded it, and they are claiming that the land belongs to them. If you go to Rift Valley, you will find that some people have invaded the farm of the former Justice Lutta. Not a single Government officer has assisted them. How can the Government claim it is protecting life and property? In fact, what we see in this country is a bunch of people who are being supported by Government officers to invade other people's property. In Nairobi and particularly in Embakasi, there are some people who have invaded other people's farms. Eight people have lost their lives. Why should we sit down here and say we have a Government that is protecting people's lives?

Mr. Temporary Deputy Speaker, Sir, when you come to the issue of schools, you find parents are being exploited in this country by the owners of schools. The headmasters have become another group of mercenaries, and yet the Government is not assisting to solve this problem. Here in Nairobi, you will find not find a single road that is being maintained. The only roads that are being maintained are the ones leading to Karen, Muthaiga and Lavington, where the Cabinet Ministers stay. Why do they not think that the people in Eastlands and other places need good roads? We as the citizens pay taxes. When you go to other parts of Nairobi, you will find that they are paying rates. There is no single service that is being rendered to Nairobi residents, and yet we have a Minister for Local Government who rarely visits those places.

Mr. Temporary Deputy Speaker, Sir, I do not know whether you have of late visited our courts. Courts in Kenya start operations at 11 o'clock. You find the prosecutors, lawyers and witnesses are there, but the magistrates are nowhere to be traced. The effects of this lateness is that we have got over 20,000 people in prison whose cases are awaiting trial and yet who bears the costs? It is the relatives of these suspects.

The Minister of State, Office of the

President (Mr. ole Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member assist us - because I am sure he is making a valuable contribution - and tell us which particular court starts at 11 o'clock?

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I have been to Kibera Law Courts, Makadara Law Courts and Mombasa Courts and to make the matter worse, even those courts do not have toilets. They are locked up and yet we are saying we have a Government in this country.

Mr. Temporary Deputy Speaker, Sir, I thank you and this House since you have never been late here. However, you find that what was deliberated on here in the past, what is being deliberated on today, and what will be deliberated on in the future, is never implemented. In this country, we have judges who are convicting people, and yet they are not able to take them to prison because the implementation is not being done. In other words, what I am saying is that the laws passed in this House are just there. They are kept in the archives and they are not being implemented. That is why this country has gone to the drains.

Mr. Temporary Deputy Speaker, Sir, when we come to the issue of the economy, we find it has collapsed. In other words, go to the agricultural sector and you will find it has collapsed, and yet Kenya relies on it. Which sector would you say is actually performing? The coffee, sugar and pyrethrum industries have collapsed. What do we have in this country, actually? All that we are saying is the Speech delivered here---

The Assistant Minister, Office of the President (Mr. Gumo): What are you saying?

The Temporary Deputy Speaker (Mr. Musila): Order, hon. Gumo!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, sometimes I hate being interrupted.

Coming to the other issue, we are in a state of confusion in this country. This Government issues directives today and tomorrow you will hear the directives are nowhere. For example, right now there is the issue of the DDC. Who is controlling the DDC? After all, it is an illegal body and you know you are issuing directives to the PCs, DCs and DOs. Are you going to chair them? Next time it will be Members of Parliament holding elections. You will find that the same case applies to HIV/AIDS. Nobody knows who is controlling who in this country. Can this Government be specific on these issues? This is simply because we seem to be ruled through the Press. No Government operates through the newspapers. Come out and say where you are, so that we understand and when we go to the constituencies, we tell our electorate what they are supposed to do.

Mr. Temporary Deputy Speaker, Sir, the other issue is that you will find a lot of rainfall in this country, and yet we have no dams. The Government knows there will be drought and famine. Why are we not having a plan for 20 to

50 years to come? We shall leave this country since we shall die and go six feet deep, but the country will remain. In other words, what I am saying is that this is a Government which has no plan. It wakes up and works on a crisis and does nothing. For example, yesterday, all Cabinet Ministers were in Machakos. They knew in advance that fire tragedy may occur, but what plans had they put in place to combat it? They were advised that both doors of the school dormitories should be opened. Instead, they closed both doors with padlocks. Surely, how can we have a bunch of Cabinet Ministers and Government officers who are given directives even by the highest authority, and they do not act upon them? If they do not act upon them, why are they there? In other words, what I am saying is that if the Speech has good intentions, and if we act upon it, then we shall proceed and make a good country. However, currently, I do not see the people to follow it.

Thank you.

The Minister for Environment (Mr. Nyenze): Thank you, Mr. Temporary Deputy Speaker, Sir for giving me a chance to contribute to the President's Speech. I think the President's Speech deserves praise because it was very comprehensive, and as an earlier colleague said, we cannot compress everything that touches on the nation in one afternoon. However, it gave direction as to what we should do as a nation to find our bearing.

I would like to say that Kenya is experiencing a lot of economic hardships and these have been brought about by globalisation, free trade and not the modern industries. Since Kenya cannot compete favourably with developed countries, that is why we are experiencing these problems. These problems are everywhere in the world. I travel a lot and hear so many Kenyans talking about poverty, and especially hon. Members here. However, to tell them the least, I once travelled to West Africa and while I was there, I missed the flight for one full week. The poverty and disorganisation that I saw there led me to the conclusion that we may criticise Kenya's economic status as compared to the other nations but Kenya is an island on its own, and an economic power whether we want to pretend or not. Kenya is only comparable to very few countries in Africa, considering that we got our Independence just the other day.

Mr. Temporary Deputy Speaker, Sir, those who are advocating for His Excellency's tenure to expire in 2002 are misinformed. This is because most of these Members of Parliament, especially the Opposition, during the recess remain in Nairobi. We who have travelled into the interior have heard Kenyans say: "Mzee aendelee." That is the message, unless you want to pretend that you have not heard it; that is exactly what Kenyans want. However, a few Members of Parliament, with their own kind of hunger for power, want to

convince Kenyans that people are dissatisfied with His Excellency's leadership when we know that he is popular. Consider the crowds he pulls wherever he goes for public rallies. Consider the kind of crowds he pulls whenever he goes for public rallies anywhere in the country. All Opposition Members combined cannot pull such a crowd. That shows that it is the desire of Kenyans to be led by him in order for peace to prevail. Let us not assume that we have peace in this country by chance. This peace has come because of the wise leadership of his Excellency the President. I am sure that if the leadership of this country was taken by some of the leaders in the Opposition who have a lot of rhetoric, we would have gone to war---

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to mislead this House that there is peace in this country when recently, in Marakwet District, over 50 people were murdered by Pokots? Is that what he refers to as peace?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, hon. Wanjala is my friend and I can never take a chance to embarrass him. However, I want to tell him the difference between peace and war. There is no war [**The Minister for Environment**]
in the country. It is only one tribe trying to attack the other, but that problem is being sorted out by the State.

Mr. Temporary Deputy Speaker, Sir, I think we should be mindful of the less fortunate people in our country. Some hon. Members decried the destruction of forests. I want to tell this august House that, as a Minister entrusted with the responsibility of protecting the forests, I have done my utmost to protect them. There is a presidential ban on all logging. So, all forests are being conserved. However, from time to time, you find that there are illegal loggers who infiltrate into the forests. Therefore, it is our duty to supplement what the Government is doing in the areas we represent. We should educate our people not to involve themselves in illegal harvesting of timber, burning of charcoal, or encroaching on the forests.

Mr. Temporary Deputy Speaker, Sir, the other thing I would like to clarify, with your permission, is that since there are so many landless people in the country, I am asking hon. Members in this House to be mindful of the less fortunate and poor, the way his Excellency the President is. Whenever he goes and finds very poor people with no farmland, he offers them some land to earn a living. But some hon. Members here who make a lot of noise have been allocated land over the years. After some time, they defected from KANU to the Opposition. They make a lot of noise---

The Temporary Deputy Speaker (Mr. Musila): Order! Hon. Members do not make noise. Will you withdraw and apologise to the House?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise because hon. Members do not make honourable

noise.

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this Minister to preach to this nation about virtues of destroying forests when he knows that the result will be drought and famine?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, the hon. Member is concerned about our forests. That is a good concern because if we destroy our forests, there will be no rain. There will be power rationing and soil erosion, among other things. We all know of that and that is why we are trying to come up with definable boundaries for features like rivers and ridges, so that people do not encroach further into the forests. After we do that, we will issue title deeds for those forests so that people do not encroach further.

Mr. Temporary Deputy Speaker, Sir, the refusal by donors for a long time to give us money has been occasioned by bad Press and some Opposition Members who have been clamouring that Kenya should not receive aid because of their own reasons. I think we should be patriotic. When we come here and increase our salaries, or when we urge the donors not to give money to our country, it is the common man who suffers most. So, this thing is a vicious circle and it will affect you in one way or the other. So, let us be patriotic. When we give ourselves hefty salaries, let us also think about those poor people. It is not the KANU side alone that supported our salary hike when the economy was bad. In fact, I am on record saying "no" to the salary hike, but I was overwhelmed by the support of the Opposition Members in this House. So, let us be mindful of---

Mr. Waithaka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that we, as hon. Members, made a decision to increase our salaries when I cannot remember when that decision was made by hon. Members? Is he in order?

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, I never said we made that decision, but I said we get big salaries. Therefore, let us be mindful of those other people who do not earn any salaries. Whenever we pass a decision here, let us not be selfish. Let us mind about other people's welfare.

Mr. Temporary Deputy Speaker, Sir, so that these hon. Members do not waste my time, let me say that Kenya is a beautiful country to live in. We should be proud to have been born here in Kenya because it is the only country in the region where there is peace. We may have poverty or crime here and there, but even in New York, there is crime. So, let us try to address those issues jointly. The Government and the Opposition should jointly address the issue of insecurity and

investors will come and our economy will grow. Let us try to address these other issues that affect this nation. Let us be patriotic instead of just criticising.

Mr. Temporary Deputy Speaker, Sir, we have heard of certain tribal groupings, with some people alleging that GEMA communities have to get to power by any means. This is tribalism of the highest order and it should be discouraged. If we say Kambas have not produced a President and it is their time to do so, then the Luos, Luhyas and Kisiis among others, will follow suit. Who will lead this country? The only common denominator to ensure that there is peace and no war in this country is his Excellency the President. Our eyes are open, and his Excellency the President will continue ruling so that we continue enjoying peace. I do not want people to imagine that a small clique can get power through hook or crook.

Mr. Mboko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister [**Mr. Mboko**] in order to say that there is no other person who can lead this country other than his Excellency the President? Even the Chair can become the President of this country.

The Minister for Environment (Mr. Nyenze): Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to support.

(Mr. Thirikwa banged the Bench with the Order Paper)

The Temporary Deputy Speaker (Mr. Musila): Order! What have you done? I am sorry going by our Standing Orders, your behaviour is not honourable. Consequently, I declare you disorderly and exclude you from the proceedings of this House for the rest of the day.

Mr. Thirikwa, what you have done - to bang a Bench - for whatever reason, is not honourable. I did apply for you, Standing Order No.88(1), whereby I have now to ask you to be excluded from the proceedings of the House for the rest of the day.

(Mr. Waithaka escorted Mr. Thirikwa to the Bar)

Mr. Waithaka, are you party to that behaviour? Would you go and take your seat? If you want to leave, you can do so later. This Standing Order applies to Mr. Thirikwa.

(Mr. Thirikwa left the Chamber)

Mr. Wanjala: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute and oppose this Motion on His Excellency the President's Address.

Mr. Temporary Deputy Speaker, Sir, it is high time Kenyans became serious in whatever is happening in this country today. You will find His Excellency the President

moving around the country the same way he came to this Parliament, talking about tremendous developments that he has made. However, there is no time when he has ever singled out what he has done. There is nothing that has been done although we are being told that tremendous development has been undertaken, 40 years since Independence.

Mr. Temporary Deputy Speaker, Sir, I had a privilege during the last campaign to visit Kapenguria in Pokot District. What I saw there made me believe that I was not in this country 40 years after we got our Independence. Kenyans are suffering outside there because they do not have water, health facilities and roads. Let us admit that we do not have good roads in the whole country, even in Budalangi. We are wondering why some of our colleagues are advocating that the incumbent President should continue leading this country. Even if they are happy because they are in the Cabinet, that does not help other Kenyans. Some of us enjoy being Back-benchers, but we want things to be done in a better way.

Mr. Temporary Deputy Speaker, Sir, 40 years since we got Independence, the people of Budalangi still experience floods year in, year out. This is something that can be controlled by this Government within a month or a day. Everybody is seeing over the television what is happening in Budalangi; dykes are being washed away. This Government has got a Disaster Emergency Fund, and yet nobody has come to Budalangi to assist the people who have been affected by floods. We are asking the Government to take temporary measures by constructing dykes because they have been given an estimate of Kshs35 million for the whole project. The Government should take its citizens seriously because they pay taxes. It should spend the money now instead of waiting for disaster to befall the people; sweep away all their houses, crops, animals and their households. The people of Budalangi climb trees and to the top of their houses whenever there are floods. This is a serious matter that must be addressed by the Government now. It is not necessary for the Member of Parliament for Budalangi to come to this House and talk about floods in that area year in, year out. If that was to be the case, then I would spend most of my time addressing the issue of floods instead of addressing other issues.

Mr. Temporary Deputy Speaker, Sir, the Government is making efforts to reduce poverty in this country. However, with floods in Budalangi, it will not be able to reduce poverty in the region. Until and unless floods in Budalangi are controlled, we will not accept that the Government is making efforts to reduce poverty because once there are floods in Budalangi, everybody is impoverished.

Mr. Temporary Deputy Speaker, Sir, people do fishing in the area where I come from. Budalangi is closer to Lake Victoria. I do agree with the Government

that trawling is destroying the breeding of fish in Lake Victoria. But last year, this is the same Government which licensed fishermen to use trawlers in fishing. The investment which the fishermen have put in acquiring the trawling equipment is huge. For instance, one trawler costs about Kshs300,000. There are over 400 trawlers in the Lake. The people of Budalangi have invested their money in this fishing equipment, but all of a sudden, they are being told to remove their nets from the lake without notice. The Government should go [Mr. Wanjala]

and buy these nets from the fishermen instead of leaving them to lose their money because they bought the trawling nets after having been licensed to do fishing. The Government should come up with an idea of buying the nets from the fishermen and then burn them, if they do not want them. Otherwise, the Government should start a loaning system whereby fishermen can get loans to buy new equipment before changing the system of fishing from the current one to the one which suits the interests of the Government, rather than telling them all of a sudden to stop fishing and start confiscating their trawling equipment and burning it. Are we not impoverishing our people?

Mr. Temporary Deputy Speaker, Sir, let the Government handle this issue responsibly rather than handling it as if it were touts in the streets or in *matatus*. The people of Budalangi have invested in trawlers, but we are now impoverishing people who have already been impoverished by floods. We are telling them to remove those nets from Lake Victoria without giving them any compensation! The people of Budalangi should be compensated to enable them change the system of fishing.

Mr. Temporary Deputy Speaker, Sir, with regard agricultural industry, Budalangi has a rice irrigation scheme. However, all irrigation schemes in this country are dead. If this Government is serious on poverty eradication, then it must go back and think seriously about agriculture because agriculture is the backbone of the economy of this country. All agricultural activities in Budalangi have collapsed. The Government must come up with a policy on how to save the agricultural industry from collapse. If irrigation schemes are dying, as is happening in Bunyala, Ahero, West Kano and Bura. Perkerra Irrigation Scheme which is in His Excellency the President's constituency is also dying! That is why even his own people are poor although he is the Head of State. However, somebody still says that he should continue leading this country. Should he continue to lead this country in order to continue impoverishing Kenyans?

Mr. Temporary Deputy Speaker, Sir, let us look at agro-based factories in Nyanza and Western Provinces. The late President Jomo Kenyatta was in office for just 15 years, and yet the incumbent President has been in office for the last 23 years. The present Government should not be blaming the Government that was there for 15 years, because for 23 years, it would have corrected the mistakes that were there by now. Although the first President of this country was in office for 15 years, he left Kicomi Factory in

Kisumu, but it is no longer there now! He left Muhoroni and Miwani Sugar Factories, but they are no longer existing. Nzoia Sugar Factory is on the verge of collapse. All that this Government found having been done by the previous Government is being washed away.

An hon. Member: Because of population!

Mr. Wanjala: What are you telling us? Are you talking about population? When we are many, we contribute more in terms of taxes! Today, the population of Kenya is higher than it was during the reign of Mzee Jomo Kenyatta. Therefore, our revenue has gone up than it was during those days. This Government is destroying whatever was there during that time. We would have reclaimed the Yala Swamp!

Mr. Temporary Deputy Speaker, Sir, my constituency has got a very big swamp called Yala Swamp. The soil in that region is fertile because we have alluvial soil. If we were to reclaim the Yala Swamp and grow rice, we would not import rice from Egypt, which is benefiting from the water that flows from Budalangi through Lake Victoria. This Government is asleep! We even import horticultural products like oranges from Egypt. It is shameful for us to do that when we have enough land and plenty of water. What are we doing? Even if we are in a free trade area, our products should be cheaper than those that we import from Egypt because we produce them locally.

Thank you, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Musila): Mr. Arap-Kirui!

Mr. Muiruri: You have changed your mind!

The Temporary Deputy Speaker (Mr. Musila): Yes, I have changed my mind. It is at my discretion.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion before the House. Let me first congratulate His Excellency the President for a wide ranging Speech. It had a lot of solid content. The Members from the other side of the House have admitted the truth and accepted the fact that the President gave a very rousing Speech. It is not news that the economy of this country has been going through difficult times. We are also not unique in this respect. We cannot begin to compare the events of today with what went on 30 years ago. Immediately after independence, many African economies did, in fact, grow very fast because the shackles of colonialism had just been reduced. Once we reached a certain plateau, many African economies, Kenya's included, did begin to suffer.

We have got to admit that ours has not suffered as much as the other African economies. We may have had low growth in the recent past, but we have not had

negative growth. Our economy has not shrunk to the extent that the Ugandan economy [**The Assistant Minister for Finance and Planning**]

did, not too long ago. I find it very unfair to compare our economy with that of Uganda, for example. The Ugandan economy could be growing faster, but this is because they had gone way far behind. They started from nowhere. So, even just a little improvement can amount to 50 per cent growth in the economy. It is also on record that at the moment Kenya is not among those countries that are considered seriously under-developed. I am saying this to merely point out that some of the blame that many Members from the other side have attempted to heap on the Government does not really have much of a base. On the other hand, we have no reason to celebrate either. We do appreciate that we have quite a lot to do to pull up our economy and to get the economic growth rate to equal and if possible, surpass the rate of population growth, so that we can begin to register a positive per capita income in our country.

Mr. Temporary Deputy Speaker, Sir, I think it would be very helpful if all the leaders of this country could join the Government in this effort. The best way that we could begin to support the economy of this country is by being positive and engaging in productive activities. What has tended to happen is that in this country we value politics more than economic development. Our leaders spend inordinate amounts of time politicking. The experience that we have had recently regarding the constitutional review process is one very illustrative point. This is a process that should have taken off more than a year ago. We would probably have finished by now, but we have spent a lot of needless energy politicising this issue almost to the exclusion of everything else.

I would like to congratulate those involved for having brought some sanity into this process so that we now have the gun to inch ahead. I hope that those who still continue to oppose this process will see the light and join other Kenyans in speeding up this process so that we can move on to more productive activities.

May I also touch on an issue that has been very topical recently in the news; the issue of STABEX Funds, to the extent that many Members seem to wish to sideline the tea growers of this country. These funds are meant to assist both coffee and tea growers. Due to certain sectarian interests there has been a lot of noise about "coffee money" being held up somewhere. The Minister clarified the issue the other day and I hope that all and sundry in this country do understand that this money is also meant to benefit tea farmers. Coming from a tea growing area I would like as much as possible to see these funds released as well. In fact, I begin to wonder whether the politicking by those within this House and elsewhere who come from coffee growing areas may not have been meant to cover up funds that have already been spent on the coffee farmer. They would wish to grab all this money when it comes through, so that the

farmers in the tea growing areas are excluded.

The tea farmers of Western Kenya have been seriously marginalised over the years. The equilibrium--

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead this House when he knows that the money is meant for coffee and tea farmers? I am sure the Leader of Government Business will tell him so because he negotiated for this. In each case, tea and coffee represent not less than 5 per cent of our total exports, out of which we have earned less because of the prices. To emphasise that we are arguing about coffee without thinking about tea is misleading!

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I wish you had saved me from that needless interruption. I merely made the point that there is too much emphasis on coffee by certain interested parties, which seems to be intended to exclude tea farmers.

We, in the tea growing areas, have been marginalised over the years. At Independence, tea was almost exclusively grown in Western Kenya, but because of a very determined process of marginalisation, most of the yield, although not the acreage, has been concentrated in Eastern Kenya to the extent that Western Kenya has been marginalised. Two-thirds of the factories by KTDA at the moment have been erected in Eastern Kenya although we have the same acreage of tea by small-scale farmers.

Mr. Temporary Deputy Speaker, Sir, in my constituency, we have a very unique situation where people trade in green leaf because the factories' capacity is not enough! Although we have liberalised the industry to a certain extent, a lot needs to be done. I would like to see a situation where the interests of the tea farmers in Western Kenya are catered for. To that extent, I hope we will get to the day when one of my earlier proposals will be put into effect; that, we will have an exclusive agency to cater for the farmers in Western Kenya. The tea farmers in Eastern Kenya can be taken care of by the existing agency.

With those few remarks, I beg to support.

Mr. Muiruri: Mr. Temporary Deputy Speaker, Sir, the problem in this country is that of poverty. Kenyans have become so poor that everybody is desperate, irrespective of his or her tribe. In 1977/78, one US dollar was equivalent to Kshs7 and one Sterling Pound was equivalent to Kshs14. But now, the figures are there and inflation [**Mr. Muiruri**] has gone up tremendously.

This country is formed by communities. There are the Whites, Asians and Africans. The Asian community in this country has become so corrupt that, it has even corrupted some of us, especially the people in the Government. To quote a case that is very well

known, that is the Goldenberg case, it was only one typical Asian who destroyed the economy of this country. One single person totally destroyed everything! He was not alone but he came up with the ideas.

Mr. Temporary Deputy Speaker, Sir, as we speak now, the Asians are building shrines in Nairobi, costing billions of shillings! In the streets of Nairobi, you will find that even the small kiosks are owned by the Asians. Literally, the whole country has gone to the Asians. The Africans have been left out! The Asians are in every sector of the economy of this country. All the Asians are connected, one way or another. Now that the economy is so bad, the Asians have come up with a well protected method, where they have taken over the banks and are lending money under the table! There is a company in Mombasa called Shah Hill Jimanek Limited, owned by two Asian brothers called Pravin Shah and Ashachi Shah. Those are the people who ran down Bullion Bank and Trust Bank. They own hotels in the United Kingdom (UK) and are very rich but as of now, because there is no money in the country, they are lending money under the table at an interest of 40 per cent, and about 25 per cent under the table! They do not pay taxes! I am sure the Governor of the Central Bank of Kenya (CBK) is aware of that matter, but somehow, he is not doing anything about it. So, we are now colonised by these Asians, who have dominated all areas of the economy. You will be surprised to realise not very many Indians are engaged in these activities, though. Only about 20 of them are responsible for this mess.

Mr. Temporary Deputy Speaker, Uganda does not experience the Asian problem. You cannot find the Asian problem anywhere in Africa except in Kenya. I therefore think that it is high time the Government controlled these Asians, because they have gone too far in messing up this country's economy. They are everywhere. They have spread their wings to the manufacturing, financial, construction and all other sectors of the economy. This country is literally owned by Asians and a few well-connected individuals in Government.

During the reign of the late President Kenyatta, Asians were given notice to quit some of the City's major streets, such as Biashara Street, but they have now gone back. Members of that community never used to drink alcoholic beverages then, but they do so nowadays. They even abuse us in bars and other places. They have now taken over this country. So, it is high time that the Government did something about these Asians.

Mr. Temporary Deputy Speaker, Sir, most of the Asians in this country are not Kenyan citizens. You will, for instance, find that some Indians working at Bidco Industries in Thika have been imported from India. They do not know even a single English or Kiswahili word. How do they acquire the documents that enable them to come into this country? Everywhere you go, you find Indians, some of them even darker in colour than their colleagues. How do these people find their way into this country? Therefore, this

Government must protect its nationals in all ways. It does not seem to do so now.

Sometime back, we had Dr. Leakey as a Member of this House. He, however, resigned from Parliament and joined the public service. When he was appointed Head of the Civil Service and Secretary to the Cabinet, because we knew him well, many of us asked him: "What are you going to do in the Office of the President?" He replied: "I am going to make things better for this country". It is less than two years now since that appointment, and he is no longer in that Office. So, you wonder what he achieved.

Dr. Leakey did not achieve anything. While in that Office, the East Africa Industries Company Limited was taken over by Unilever (Kenya) Limited, while the immediate former Managing Director of the Kenya Commercial Bank (KCB) was replaced with a white man, Mr. Gareth. The KCB used to be managed very well by Messrs. Michuki, Kamincha, and another person who ended up being Kenya's Ambassador to the United States of America. At the same time, he replaced the Chief Executive of the Housing Finance Company of Kenya (HFCK) with a white man. I do not regret his exit because he did not achieve anything whatsoever. He meant to colonise this country.

Mr. Temporary Deputy Speaker, Sir, in order for this country to move forward, we should ensure that the Cabinet is run by younger people. How can the Cabinet be run by people of Mr. Nassir's age? Although younger persons such as Maj. Madoka are also in the Cabinet, I do not think they are doing any good. I will say why.

Mr. Obwocha: He is an old young boy.

Mr. Muiruri: I think that is why Maj. Madoka was once the *Aide-de-Camp* to the late President Kenyatta. He married this country's most beautiful lady then. That was an achievement. However, as the Minister of State in charge of internal security, he has not done very well.

Mr. Temporary Deputy Speaker, Sir, I come from a constituency which has about 35,000 acres of **[Mr. Muiruri]**

forest land. The trees in at least 4,000 acres of that forest have been badly destroyed. The about 3,000 poor people who live in that forest are waiting to carry out the inter-planting exercise.

However, in return, those people are being killed. I went there last week and found a corporal Ojiambo. Some people calling themselves what I do not now have killed three people in that forest. They also rape women whenever they come across them. I will take the Minister for Environment on a tour of that area. The general insecurity in this country is worrying everybody. If the Commissioner of Police, Mr. Abongo, is not allowed to exercise his powers in accordance with

the Police Act, he will never perform his duties properly.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila):
Order, Mr. Muiruri! You still have some minutes to your credit. You will continue tomorrow.

Hon. Members, it is now time for us to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 28th March, 2001, at 9.00 a.m.

The House rose at 6.30 p.m.