

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 28th March, 2001

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

### PRAYERS

#### NOTICES OF MOTION

##### DIRECT ELECTION OF MAYORS

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:-

THAT, in view of the important role played by mayors, deputy mayors, chairmen and deputy chairmen of municipalities and county councils, aware that the above officers are elected by the councillors and are, therefore, not directly responsible to the public; this House calls upon the Government to introduce an amendment to the Local Government Act, Cap. 265, in order to provide for direct election of the said officers by the electorate.

##### LEAVE TO INTRODUCE THE PALM INDUSTRY BILL

THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Palm Industry Bill, in order to legalise the brewing and sale of *Mnazi* Brew.

##### STRATEGIC PLAN FOR ENVIRONMENTAL REHABILITATION

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, considering the alarming rate of destruction of natural resources, particularly forests which are on the verge of extinction, noting that the country is faced with imminent desertification as a result; this House urges the Government to urgently prepare a five-year strategic plan for forest rehabilitation, protection of rivers and dry land vegetation, and further establish a taskforce to implement

**[Dr. Kituyi]**

Sections 10, 11 and 12 of the Education Act,

the strategic plan under the supervision of the National Environment Management Authority.

##### MANAGEMENT OF BUS STATIONS/TERMINUSES

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions:-

THAT, in the light of the failed experiment of using local authority agents to manage bus stations and stages, given the significant role touting is playing in reducing unemployment, and aware of the frustrations that many stage touts continue to suffer at the hands of police officers and the local authority askaris, this House urges the Minister to introduce the necessary amendments to the law, in order to legitimise and regulate the operations of touts and transporters agents at bus stages and terminuses.

##### AMENDMENT TO THE EDUCATION ACT

THAT, in view of the fact that the largest cost in the development and maintenance of public secondary schools have reverted to the parents and the local community, and given the need for the owners of the said schools to have a right through their agents to make the most fundamental decisions on the stewardship of their schools; this House urges the Minister for Education to introduce a Bill for an Act of Parliament to amend

Cap.211 of the laws of Kenya, and to provide for the transfer of the powers

bestowed upon the members of the Board of Governors to the Parents and Teachers Associations.

#### BILL TO AMEND SECTION 22 OF THE CONSTITUTION

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, this House do grant leave to introduce the Constitution of Kenya Amendment Bill to amend Section 22 and provide that the President shall appoint such number of Permanent Secretaries as he will determine, who shall be vetted by Parliament.

#### QUESTIONS BY PRIVATE NOTICE

##### PAYMENT OF DUES TO RETRENCHES

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

(a) Is the Minister aware that civil servants who were retrenched last year have not been paid their dues amounting to Kshs200,000 each?

(b) What immediate action is he taking to ensure that the full amount is paid?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, may I request that we hold on. My colleague should be coming to answer this Question.

**Mr. Deputy Speaker:** But there is some difficulty here. This is a Question by Private Notice and it is normally not called for a second time.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, my colleague, who is supposed to answer this Question, may be on the way.

**Mr. Deputy Speaker:** But the point I am making is that, if we leave it now, it will be rescheduled for next week.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. Is that to say that the Minister has not seen a copy of the Order Paper for today? If he has, he must have known that this is the first Question on the Order Paper. If he has not, he had better tell us what has happened. We cannot start a new Session like this!

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, I have seen the Question, but I am saying that it is basically not in my docket.

**Mr. N. Nyagah:** On a point of order, Mr. Deputy Speaker, Sir. As we begin a new Session, we need to be more serious. We are not blaming the Minister, but there is a Minister responsible for answering this Question. When

hon. Members do not ask Questions, they lose those Questions. How do we penalise Ministers when they do not come here on time to answer Questions?

**Mr. Deputy Speaker:** Hon. N. Nyagah, you have not raised a point of order, but you have asked a question. I will answer it, nevertheless. When Ministers do not turn up to answer Questions, we defer those Questions. This means that the hon. Member asking that Question will have an opportunity to ask it. That does not explain away the fact that Ministers should know in advance what is expected of them, because there is a schedule which is produced by the Clerk of the National Assembly's office, which indicates all matters that will come to the House during a particular week. So, Maj. Madoka, you may pass this message on to your colleagues, that the House takes an extremely dim view of their absence from the House.

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

**Mr. Deputy Speaker:** Order! I have already made a ruling. So, this Question will be deferred to tomorrow afternoon because the Order Paper for this afternoon is already out.

*(Question deferred)*

##### ALLOCATION OF FERTILIZER TO FARMERS

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

(a) Could the Minister explain why farmers' organisations were not allocated fertilizer which arrived at Mombasa Port via *EX-MV Sukura* on 30th December, 2000?

(b) Could he also table the list of those who were allocated the fertilizer and the mode of payment?

(c) What plans does the Government have to assist the farmers with fertilizer this current season?

**The Minister for Agriculture** (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The fertilizer, which arrived at Mombasa Port via *EX-MV Sukura* on 30th December, 2000, was advertised by the Ministry of Agriculture and Rural Development on Friday, 15th December, 2000, in the *East African Standard* newspaper and again on Monday, 20th December, in both the *Daily*

**[The Minister for Agriculture]**

*Nation* and the *Kenya Times* newspapers. There were no farmers' organisations which participated in the tenders which were opened and closed on 16th January, 2001, at 10.00 a.m.

(b) A total of 41 firms were allocated fertilizer as per the lists attached, and I will table a list of all those firms which participated and were allocated fertilizer. The firms which were allocated the fertilizer were to

raise bank guarantees from reputable banks and payment was to be made to the Permanent Secretary, Ministry of Finance and Planning.

(c) The Government does not subsidize fertilizer or any other inputs in the country. The fertilizer, as hon. Members know, is fully liberalised and, therefore, regulated by market forces.

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, on 30th December, 2000, *EX-MV Sukura* arrived at the Port of Mombasa with fertilizer worth more than Kshs250 million. Could the Minister tell us why only Asians and their banks were the guarantors, and when the payment will be made?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I do not think what hon. P.K. Mwangi is saying is correct. In fact, I do not believe that only Asian businessmen, and firms owned by these people, participated in this exercise. But I believe that this was an open tender, and I know that many Kenyan businessmen participated in this exercise and won the tender.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, the Minister has said that the Government does not intend to subsidize fertilizer or any other inputs in this country. But as the Chair will recall, from last year, when we had power shortage, some industries were subsidized by relieving duty on the fuel meant for production of power. Why can we not extend the same gesture to our farmers who are the backbone of this economy?

**Mr. Obure:** Mr. Deputy Speaker, Sir, the question of subsidising farmers is a matter of policy and at the moment, the policy does not permit subsidies to farmers basically because it is a service the Government cannot afford at this particular moment. But if he is talking about the removal of duty similar to the extensions give to companies in the case of power, I would like to say that fertilizer and other inputs imported into this country enjoy zero rate duty.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I think it is high time this Government, and us, as a country, came out clearly. We know that anywhere in the world, including the United States of America (USA), farmers are heavily subsidised; that is the only way they can do business. On what basis does this Government say that it cannot subsidise farmers? Is it because we do not have the resources, or it is because we are being dictated to by the World Bank and the International Monetary Fund (IMF)? Can we be clear?

**Mr. Obure:** Mr. Deputy Speaker, Sir, that sounds like a very "pregnant" question. Although there are many issues which we cannot address fully under this Question, I would like to say that we have continued to review our policies. As far as the subsidies to farmers are concerned, the current policy does not permit and it is largely influenced by the fact that it is a service we cannot afford at this stage, as a country.

**Mr. Deputy Speaker:** Mr. Minister, this Question asks about the plans the Government has to assist the farmers with fertilizer this current season. It does not really

mean subsidy alone.

**Mr. Obure:** Mr. Deputy Speaker, Sir, in dealing with that Question, I have said that the Government does assist farmers, for example, through removal of duty which makes fertilizer fairly reasonable in terms of price.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, is the Minister aware that fertilizer costs in Kenya are some of the highest in the world, which makes it very impossible for farmers to produce particular export commodities, like tea and coffee, and to be able to compete effectively? Is the Minister aware that the fertilizer prices are some of the highest in the world? Along with that, what plans are there to make fertilizer accessible and affordable to the farmers?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I appreciate that fact, but hon. Members would also appreciate that owing to certain policies which have been put in place by the Government, there is considerable influence towards reducing fertilizer prices. We are doing this by ensuring that we encourage as many firms as possible to participate in the fertilizer and input market. Through competition, we hope that we will influence the prices of inputs downwards.

**Mr. Murungi:** Thank you, Mr. Deputy Speaker, Sir. The Minister knows that the coffee industry in this country has collapsed because the farmers cannot afford the price of fertilizer. We are aware that the Government of Japan has been giving fertilizer at no charge to this Government, so that it can support the farmers in this country. Could the Minister explain how fertilizer grants from Japan reach the farmers? This is because, from this system, it appears that it is taken to the market and sold to farmers at exorbitant prices. What is the Minister doing to make sure that fertilizer grants from Japan reach the farmers in the cheapest possible manner?

**Mr. Obure:** Mr. Deputy Speaker, Sir, it is true that we receive these limited quantities of fertilizer and other inputs from the Government of Japan under the bilateral arrangement. But the grants come with conditions. One of the conditions is that **[Mr. Obure]** we must raise counterpart funds to assist our Budget. Therefore, one of the conditions is that whatever grants we receive, they are sold through Kenyan firms on competitive basis. Therefore, that is exactly what happens, but the principle underlying the grant is that the funds collected through the sale of fertilizer are given to the Treasury to support our Budget.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, liberalisation does not mean Government abdicating its responsibility as a regulating authority. Over the past one month, many selling points in Western Kenya have been theatres where people use adulterated fertilizers; low quality fertilizer mostly imported from Tanzania and Uganda, packaged as if it is from (North Hindru ?)

chapa meli and sold to unsuspecting consumers. We have also seen maize grains from stores painted to look like Kenya seed maize and sold to unsuspecting farmers. Last week, I found at the police station in Webuye packets of sand and stones which had been packaged like fertilizer being sold to unsuspecting consumers. What action is the Minister taking, as the regulating authority on the quality of farm input, to arrest this critical situation before it destroys maize farming in western Kenya?

**Mr. Obure:** Mr. Deputy Speaker, Sir, what Dr. Kituyi is talking about is a reality. In fact, it is a serious threat to farming in this country. It is an offence under the provisions of our own laws to sell soiled or adulterated fertiliser to farmers. The practice has been on the increase and in some cases, it has impoverished regions and farmers as a whole. We are taking very firm action including asking the Kenya Plant Health Inspectorate Service (KEPHIS), to move into those areas and establish a special unit to deal with that particular menace. One of the major weaknesses we have is that there are light penalties imposed in the case of those who have been found to be involved in the practice. Hopefully, in the course of the next few weeks, we will come to this Parliament to ask for severe penalties because the current ones are not deterrent enough. We hope that we will be able to curb this menace. So, already the police, KEPHIS and the seed associations are on the ground trying to curb this menace by apprehending those who are involved in it. As Dr. Kituyi rightly mentions, a number of cases are already in the hands of the police for action.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, it is unfortunate that even as the Government hopes to industrialize by the year 2020, and knowing that Kenya is largely an agricultural country, we still rely on imported fertilizer. Could the Minister confirm or deny that in 1998, the World Bank made available Kshs300 million to cotton farmers to give them fertilizer and seeds? Why has this money not been used to give cotton farmers fertilizer?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I am not aware of the particular funds Dr. Ochuodho is talking about. But I will find out if the funds are available. If they are there, they will be made available to cotton farmers, particularly now that we have embarked on serious plans to revive the cotton industry.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, could the Minister confirm or deny that the fertilizer has not been given out because they want to cripple the potential agricultural economy of the Mt. Kenya region and, therefore, finish GEMA?

**Mr. Deputy Speaker:** Order! Order! There is no question to be answered there!

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, could the Minister tell this House what is so difficult about the chemistry of fertilizer that would make this country not to manufacture its own fertilizer for domestic use?

**Mr. Obure:** Mr. Deputy Speaker, Sir, the Government is in the process of getting out of investment in

enterprises of this kind. It is up to the private sector to take up this challenge. I believe that the potential is very huge. There is sufficient attraction and potential returns are very high. It is up to the private sector to take up the challenge and fill this gap to enable this country get away from reliance on imported inputs.

**Mr. Mwenda:** Thank you, Mr. Deputy Speaker, Sir. This is a follow-up on what Dr. Kulundu has asked the Minister. The Government has a responsibility to encourage private entrepreneurship. Considering the significance of fertilizer in the farming industry, what is the Government doing to encourage and support the setting up of such industries?

**Mr. Obure:** Mr. Deputy Speaker, Sir, we are all aware of the various incentives and tax-holiday programmes already in place to attract investment, both local and foreign. All of us are equally surprised that nobody has moved in to take advantage of the various incentives already in place.

**Dr. Oburu:** Mr. Deputy Speaker, Sir, perhaps, the Minister is aware that the planting period is already running out. As he is promising that he will take action sometime in future, what remedies are there for those farmers who are going to lose their season crop because of this malpractice in Bungoma? Is he also aware that those who were arrested at Webuye Police Station bribed their way and were freed immediately?

**Mr. Obure:** Mr. Deputy Speaker, Sir, this is one of the recommendations we have made in the Ministry and I believe that it is in the Bill that the Attorney-General is due to come up with in this House in a few days. It might not help us during this [Mr. Obure]

particular planting season but the point is that, already we have been able to contain the situation by ensuring that the inspectors and the police are on the ground to reduce the number of incidents. I do not feel that the agricultural industry is threatened to such an extent that we should be so worried. I think the situation is under control.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir. Considering the agricultural potential and importance of Mt. Kenya region as a consumer of fertilizer, is it in order for you to overrule hon. Kiunjuri's question regarding the Government action of paralysing this part of the world?

**Mr. Deputy Speaker:** Order! Order, Mr. Gatabaki! The Chair does not know of any area in this country called GEMA. That is why I overruled hon. Kiunjuri.

Proceed, Mr. Mwangi!

**Mr. P.K. Mwangi:** Mr. Deputy Speaker, Sir, with your permission I will mention some of the few companies which benefitted from this fertilizer which was 1,856.65 metric tonnes---

**Mr. Deputy Speaker:** Order! What are you

doing? Are you asking a question or giving the Minister information?

**Mr. P.K. Mwangi:** I want to tell the House and the Minister---

**Mr. Deputy Speaker:** Order! I have given you an opportunity to ask a question. If you want to inform the House, choose another forum or Motion and not Question Time.

**Mr. P.K. Mwangi:** Could the Minister deny or confirm that the banks which were used were Imperial Bank Ltd., CFC Bank, ABN AMRO Bank, Credit Finance Ltd., Credit Bank Ltd. and Commercial Bank of Africa (CBA)? Why did he not use the Co-operative Bank of Kenya, a farmers organization in Kenya, as a guarantor?

**Mr. Deputy Speaker:** That is now a good question.

**Mr. Obure:** Mr. Deputy Speaker, Sir, I do not really understand where hon. P.K. Mwangi is trying to go. Tenders were floated and people were invited to bid for allocation of this fertilizer. One of the conditions was that successful bidders were to raise bank guarantees. So, people went to banks of their own preference. The Government has no control over where people bank their money provided the banks are licensed by the Central Bank of Kenya. It is really none of our business.

**Mr. P.K. Mwangi:** On a point of order, Mr. Deputy Speaker, Sir. I am seeking permission from you to refer this matter to the Agricultural, Lands and Natural Resources Committee to peruse the list the Minister has and the one in my possession.

**Mr. Deputy Speaker:** Order, hon. P.K. Mwangi! You ought to know better than I. You do not need my permission to do so. But if you want the House to direct, that is fair enough. It is so directed.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, considering the importance of the quality of the fertilizers sold to our people, and the fact that setting up mobile laboratories is a very simple matter, would the Minister immediately set up mobile laboratories which would go into these Indian shops and check the quality of the fertilizers being sold there? You only need to station them in the provincial headquarters and make impromptu visits to these shops.

**Mr. Obure:** Mr. Deputy Speaker, Sir, I appreciate that proposal, but hon. Members will appreciate the fact that KEPHIS, which is the organisation charged with the regulating standards in the sector of inputs, was only established about two years ago. We are in the process of strengthening this organisation and its capacity to regulate this industry. One of the plans that it has, is to establish mobile laboratories, but I would like to assure this House that this organisation is taking its challenge very well, and the impact of its activities are already felt on the ground.

**Mr. Kamolleh:** On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to say that other countries like Germany and France have banks which deal with fertilizers? They guarantee and sometimes distribute

agricultural inputs. In t

his country, we have created and established the Co-operative Bank of Kenya, and I believe it has been used widely by the farmers in this country. Would I be in order, therefore, to ask the Minister to find ways and means of - whether these other commercial banks come into contact, or not - facilitating the Co-operative Bank of Kenya to offer that kind of service? That can be done through offering the bank privileges so that they can assist the farmers because they are likely to be cheaper than the other banks?

**Mr. Obure:** Mr. Deputy Speaker, Sir, there is debate in Government and other areas as to what should happen, and whether the Co-operative Bank of Kenya should not play a developmental role. But to be able to do so, we will require certain amendments to remove the Co-operative Bank of Kenya from the provisions of the Central Bank of Kenya Act. That is a matter which we cannot conclude here, but I would like hon. Members to know that, that is being considered. The debate is on right now.

#### DISTRIBUTION OF MOSQUITO NETS

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, I beg [Mr. Sifuna] to ask the Minister for Public Health the following Question by Private Notice.

(a) Is the Minister aware that the Anti-Malaria Control Centre, Nairobi, supplied over 17,500 mosquito nets to the Provincial Medical Officer, Western Province, to be distributed free of charge in the province?

(b) How many mosquito nets were given to each district on 27th February, 2001, by the Provincial Medical Officer of Health?

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

(a) I am aware that 2,700 mosquito nets, and not 17,500, were supplied by my Ministry's Division of Malaria Control to the Provincial Medical Officer, Western Province, for free distribution in the province.

(b) The mosquito nets were distributed as follows:-  
Kakamega - 1,000; Vihiga - 250; Teso - 500;  
Butere/Mumias - 700; and Busia, 250.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, could he tell us why Bungoma District was not given the mosquito nets? We have malaria centres in Bungoma and Webuye hospitals.

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, Bungoma District received its share of 500 mosquito nets directly from the Ministry of Health headquarters and not through the office of the Provincial Medical

Officer of Health.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, as you know, Budalang'i is a swampy area, and the Yala Swamp covers the whole of that division. It is one of the divisions in Western Province. Till today, those people have not got mosquito nets, and it is a mosquito breeding zone. Could the Assistant Minister tell us how many mosquito nets are supposed to be supplied to the division, and when will they be supplied?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I have said that we distributed them to the districts and it is up to the district medical teams to distribute them within their divisions.

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by saying that the mosquito nets were distributed to the districts, yet they were given to the province? All the District Public Health Officers went to the provincial headquarters to collect the mosquito nets and not at the district level. Is he in order to continue misleading the House? They were given to the Province and not districts.

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, it is true that we gave them to the province for distribution to the districts.

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, considering that Western Province has a population of nearly 4 million and that at any given time one mosquito net can only be shared out at most by two people, is the Assistant Minister satisfied that the number of nets supplied to Western Province would serve any useful purpose?

*(Laughter)*

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, a journey of 100 miles begins with one step. We are in the process of procuring more. We are looking for more nets to distribute. That was just the beginning.

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, could the Assistant Minister explain if there is a national plan for distribution of mosquito nets? How far has that been done in Rift Valley Province and particularly, how many nets have been sent to West Pokot District?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I missed the question. He was not loud enough.

**Mr. Poghiso:** Mr. Deputy Speaker, Sir, does the Ministry have a national plan for distribution of mosquito nets? If that be the case, where are the nets for the Rift Valley Province? Have they been sent, and how many have gone to West Pokot?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, we have a national plan, and as I said, that was just the beginning. We have now started distributing them in Western Province. We will come up with a proper distribution list later.

**Mr. Werah:** Mr. Deputy Speaker, Sir, using mosquito nets is the most expensive and ineffective method of controlling mosquitoes. There are alternatives of

controlling mosquitoes. Why is the Ministry choosing the most expensive method of controlling mosquitoes?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, it is not true that mosquito nets are the most expensive mode of control. If you look at the case in which you would treat a patient who has malaria, it would cost much more than providing a mosquito net at a cost of probably Kshs200 or Kshs300. Prevention would include use of drugs which would be on a continuous basis, and it would be more expensive.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, in general, malaria in that area and in this country is on the rise. We have the Public Health Act which is very powerful and empowers the public health officers to take certain action. Is the Assistant Minister aware that the spread of malaria is as a result of uncleared bushes, stagnant water and non-spraying of pools? That is the catch, and that is what the Government should address itself to. What action will the Ministry take against the public officers who **[Mr. N. Nyagah]** are empowered to do so?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I totally agree with hon. N. Nyagah that there are other several modes of malaria control. The distribution of malaria control equipment is done at the district level through the District Public Health Officer's office. This involves other modes of control like the drainage of stagnant waters. We advise people to cut tall grass around their houses and not to plant crops near their houses. There are many other methods of control that are being enforced and funded, though not so much funds are available, for the control of vectorborne diseases----

*(Hon. Nyagah withdrew from the Chamber)*

**Mr. Deputy Speaker:** Order, hon. Nyagah! How can you withdraw from the Chamber while your question is being answered? Dr. Galgalo, you are under no obligation to continue answering that supplementary question.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, could the Assistant Minister confirm or deny that these nets are distributed free of charge? If they are not, could he tell us at what price they should be distributed?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I had stated earlier on that these nets are distributed free of charge.

**Mr. Keriri:** On a point of order, Mr. Deputy Speaker, Sir. I would like to seek the guidance from the Chair with regard to hon. Nyagah's question. I thought once a question has been asked, it becomes the property of the House?

**Mr. Deputy Speaker:** Order, hon. Keriri! You know very well that, that was a supplementary question! You do not ask a supplementary question and then

proceed to withdraw from the Chamber!

**Mr. Murungi:** Mr. Deputy Speaker, Sir, this Ministry seems to operate under the impression that malaria is only a problem in Western Province. That is why the nets were sent to Western Province and not the rest of the country. As a matter of fact, there is a malaria epidemic in Meru District right now. Between January and March this year, 1,000 people have died of malaria. We got these statistics last week. What is the Ministry doing to prevent further spread of malaria in Meru District? Will it consider sending some of the nets they are talking about to Meru District?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I appreciate the concerns and the sentiments of the hon. Member. As I said earlier, we are involved in a comprehensive plan to cover the whole country. In fact, we are negotiating with the World Health Organisation (WHO) and they have agreed to fund an anti-malarial campaign whose work-plan is in progress.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, the Assistant Minister has admitted that Bungoma District was omitted. Could he tell this House when the Government will supply, free of charge, mosquito nets to Bungoma District since we were given none when the nets were sent to Western Province?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, unless hon. Sifuna did not hear properly, I said Bungoma District received 500 mosquito nets from the Ministry of Health Headquarters. However, Bungoma District is also benefiting from malaria initiative by AMREF---

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister is misleading this House. We are talking about the mosquito nets which were supplied on 27th February this year free of charge. Bungoma District was not given anything! Could he tell us who took those mosquito nets? Was it yourself or somebody else?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I said Bungoma District received 500 mosquito nets as part of that consignment although it did not come through the Province. They received it directly from Nairobi!

## MINISTERIAL STATEMENT

### FIRE TRAGEDY AT KYANGULI SECONDARY SCHOOL

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I rise to make a Ministerial Statement on the fire tragedy at Kyanguli Secondary School, Machakos District, which occurred on Monday, 26th March, 2001.

But before I do so, with the indulgence of the Chair, I would like to clarify an issue which appears in today's *Daily Nation* under the deliberations of this House. There is a photograph of this Minister and immediately under it, are the words "No repeat". This is in relation to my answer to the Question by Private Notice by hon. Shidiye.

For the avoidance of doubt, it is clear that those who were involved in examination irregularities will have an opportunity to repeat. The rest of the story is substantially correct.

Mr. Deputy Speaker, Sir, I now wish to draw the attention of the hon. Members of this august House to the fire disaster that occurred early Monday morning at Kyanguli Secondary School in Machakos District. Kyanguli is a mixed boarding day secondary school situated about five kilometres from Machakos Town, along the Machakos Kangundo Road.

This school was started on Harambee basis in 1973. It is sponsored by the African Inland Church. It had a total student population of 601. Out [**The Minister for Education**]

of this enrolment, 430 were boys and 171 girls. The school had 275 boys and 98 girls as boarders while the rest were day scholars.

Mr. Deputy Speaker, Sir, the headmaster of this school is a graduate teacher with a Masters Degree in Education (M.Ed). He has a teaching experience of 22 years and has served as headmaster for seven years. The school has a teaching staff of 30 qualified teachers. The school in the past offered candidates for the Kenya Certificate of Secondary Examination (KCSE) with satisfactory performance each year. In the year 2000, this school registered 128 candidates for KCSE. However, the results of 117 of the candidates were cancelled due to irregularities. Following the cancellation of the results, many parents appealed to have the affected students re-admitted to the school. Subsequently, the school management invited the parents for a meeting last week, Friday, 23rd March, 2001. On that Friday morning, before the scheduled meeting, some unknown persons circulated leaflets containing certain grievances, calling on the students not to attend that morning's school assembly. However, the students went on to the assembly and the rest of the day's routine went on as usual.

Mr. Deputy Speaker, Sir, the scheduled meeting with the parents also took place on the same day as planned. During this meeting, it was agreed that since the school did not have the capacity to re-admit all the candidates, only 30 of the 117 would be re-admitted. It was further agreed that the parents would reconvene on Monday, 26th March, 2001 to find out which students would be re-admitted. However, some of the parents were not happy with this decision, leading to an atmosphere of tension in the school. On the same day, the headmaster received information that the students had detected the smell of petrol in one of the dormitories. A thorough search was conducted in the vicinity, revealing nothing. The headmaster decided to boost the security of the school by keeping all the four watchmen on duty instead of the usual two. While we were there, I found the headmaster telling the

Commissioner of Police that, three of the four watchmen were stationed at strategic points.

Mr. Deputy Speaker, Sir, at around 1.30 a.m. on the morning of 26th March, 2001, one boys' dormitory went up in flames, engulfing the students within it. Following the tragic event, the situation is as follows: 61 boys are confirmed dead; nine are reported missing; 14 are admitted in Machakos District Hospital and 13 are in Kenyatta National Hospital. This morning, Dr. Waweru, the Director of Kenyatta National Hospital, was able to confirm to me that three are in the ICU and three are in the High Dependency Unit (HDU), three in the Burns Unit, three are in the Patients Ward, which they refer to as 4D and one is in Nairobi Hospital.

Most of those admitted at the Kenyatta National Hospital suffered severe burns. Following this tragedy, His Excellency President Daniel Toroitich arap Moi and senior officials of the Government, including myself, visited both the school and the affected students admitted in hospitals. We have ascertained that every effort is being made to save their lives at the hospitals.

Mr. Deputy Speaker, Sir, the Ministry of Education and some NGOs, notably the Red Cross - I want to thank them, because they were there trying to remove the bodies - as well as the UNICEF and others involved in counselling were on the ground at Kyanguli dealing with students, relatives as well as friends. The Government has launched investigations to establish the cause of this tragic disaster. The Government calls on anyone with any relevant information to contact the police, the investigating team or officers of my Ministry.

Mr. Deputy Speaker, Sir, I am deeply saddened by this tragic event, and on my on behalf and that of the education fraternity, I take this opportunity to convey our heartfelt condolences and sympathies to the parents, relatives, friends and the Kyanguli Secondary School community. I also wish to wish all those hospitalised a quick recovery. May I also thank those who have kindly assisted in various ways, including the appeal I saw last night by Standard Chartered Bank, where they have even opened an account to try and assist in meeting the hospital expenses incurred by some of the parents of these students.

Thank you.

**Mr. Kikuyu:** Mr. Deputy Speaker, Sir, while thanking the Minister for that explanation, could he tell this House whether he was satisfied with the condition of the dormitory, which he has not divulged? The doors were closed and all windows were barricaded as if it was a bank. Why was this situation allowed to prevail and is it the same in other schools? How many students were supposed to be housed in that dormitory and why was the number doubled? I understand the dormitory capacity is to accommodate about 60 students, but at that night, it contained 139 students. Why does the Ministry allow this to happen in schools?

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Could we observe a minute of silence?

**Mr. Deputy Speaker:** Order, Mr. Angwenyi! The Minister is replying to a point of order. Proceed, Mr. Musyoka!

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, the hon. Kikuyu and I spent about four hours at the scene. I would like to thank him for having been there. I agree with [**The Minister for Education**]

him that the condition of the dormitory was less than satisfactory. Following the Bombolulu incident, I had the Director of Education, who should be sitting somewhere within the precincts of this House, to show how seriously we take this matter - issue a circular to all the schools specifically addressing the question of safety in the boarding houses in our schools.

Mr. Deputy Speaker, Sir, five points are to be adhered to with regard to fire safety regulations. For example, the doors should open outwards. We found this was not the case in Kyanguli Secondary School. There should be clear fire exits; there should be fire fighting equipment also available; and that there should be frequent fire drills undertaken in every school. We did this, but it is obvious that sometimes it is not easy to get some of these people implement these measures. Therefore, we are taking very strict measures to ensure that the inspectorate teams move around the country ensuring that these safety measures are adhered to.

**Col. Kiluta:** Mr. Deputy Speaker, Sir, the Minister has just told us that during a meeting with the parents, the school administration agreed to re-admit 30 students, but not all the 117. This seemed to have been the main problem by the students. What criteria was used to admit the 30 students, but not the 117 students? Secondly, what plans does the Minister have for the remaining students who were not re-admitted?

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I thank the hon. Member for Masinga, and want to tell him that, yes, indeed, this seems to have been part of the problem. Because, to admit only 30 students and leave out the rest seems to have caused the tension as I have highlighted. The criteria for admission, according to the parents - rightly or wrongly - was that those to be given priority were top candidates academically, best disciplined candidates and those without fees arrears. I would like to confirm to the House that every effort will be made to ensure that the rest of them repeat, if not in that school, but elsewhere within the province.

**Mr. Muite:** Mr. Deputy Speaker, Sir, these tragedies appear to be happening far too frequently. The nation gets horrified, but we do nothing, only wait for the next tragedy to occur. From the hon. Minister's speech, it would appear *prima facie*, this was a case of arson. To date, nobody has been taken to court over the Bombolulu incident. Could he tell this House who is heading these investigations? In my opinion, given the



proportion of the tragedy, the Director of CID himself should be heading those investigations. This House expects whoever was responsible to be arrested and taken to court within a matter of days.

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I cannot agree more with hon. Muite. But I would like to actually confirm that I found the Director of CID, Mr. Sang', actually present before I got to the scene, as well as the Commissioner of Police, just to confirm to this House that every effort is being made to arrest the culprits. It is true *prima facie* foul play seems to have been established because of what I have just read. But we cannot do anything more than that at this stage. We have also to distinguish the circumstances pertaining between the Bombolulu and Kyanguli incidents. As I said, we have about 4,000 public schools and these incidents have happened in two, but the gravity of it is devastating. That is why we hope that this will never happen again. As Bishop Imathiu led the investigating team over the Bombolulu incident, we are also constituting another team to investigate this case. But, I think, the two situations are completely different.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, the gravity of this matter is extremely serious. From all indications, it appears this situation was caused by the cancellation of last year's KCSE results for this particular school. This cancellation of KCSE results was also done in various parts of the country. What measures is the Minister going to take to ensure that incidents of this nature do not extend to other schools in the country that have been affected by this particular problem of results cancellation?

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, it is obvious that hon. Maundu may not have been in the House yesterday, afternoon. But for his benefit, I would like to reiterate that, during the year 2000, a total of 181,984 candidates sat for the KCSE Examination. Out of that huge figure, 2,880 were found to have been involved, one way or the other, in examination irregularities. The Ministry takes a very serious view of this matter. We are in the process of constituting, expeditiously, a task force to unearth this problem. I cannot say more but only plead, that for the benefit of 179,000 others who took this examination very serious, we do not allow a situation of degradation of our education system. As I said yesterday, the sanctity of examinations should really not be played around with.

**Mr. Raila:** Mr. Deputy Speaker, Sir, at times like these, we need to be very sober when we deal with tragedies of this nature. It is quite likely that we are going to be treating the symptoms rather than the cause of this tragedy when we direct ourselves to people who are responsible for arson and not those who are responsible for cancellation of the examination results which is the cause of this tragedy. Why is the Ministry in the habit of treating teachers responsible for cancellation of examinations like this in a cavalier manner when they continue to victimise teachers who are responsible for good

**[Mr. Raila]**

examination results like the former headmaster of Mang'u High School?

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I appeal for sobriety. Indeed, I cannot agree more with the Member for Langata. I also ask that he be sober because, again, this is a serious tragedy and we should not mix issues. We should not also politicise transfer of education officers. I personally agree with him that people---

*(Mr. Maitha stood up in his place)*

**Mr. Deputy Speaker:** Order, Mr. Minister! Just a minute! Hon. Maitha, your Standing Orders inform you that you must not be standing when another Member is on the Floor. You cannot be the only Member who wants to speak since all these others want to do so. So, when a Member is on the Floor give him an opportunity to finish his statement.

Proceed, Minister!

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, I was just appealing to the Member for Langata to be understanding of the seriousness of this matter and not to bring in the Mang'u High School matter which was, unfortunately, politicised.

**Mr. Raila:** On a point of order, Mr. Deputy Speaker, Sir. I was not mixing matters. I was talking about the gravity of this particular issue and I was saying that there are teachers who are responsible for cancellation of examination results of over 117 students and nothing has happened to those teachers. They have not been arrested or charged with that crime and that is why we are having this tragedy. I was saying that instead, the Ministry is punishing other teachers who are doing well.

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, this Minister will not supervise a Ministry where foul play is evident. Nobody gets unfairly punished. That is number one. Number two is that if the Member for Langata has evidence that there are some teachers who were involved in examination irregularities, I would want him to come and personally brief me so that we give that information to the investigating team.

**Mr. Kaindi:** Mr. Deputy Speaker, Sir, this matter must be given its due weight because a year-and-a-half ago, the headmaster's house and a vehicle of Kathiani High School were burnt down by students and it was only by sheer luck that the headmaster fled for his life when he heard the commotion. Now, we are in a situation where the Government has not yet come out to establish disaster funds apart from the efforts we have seen in the Press from the Standard Chartered Bank. Could the Minister come up with a comprehensive policy statement which will address the issue at hand?

This should include the following: One, what are they going to do in terms of identifying the bodies because parents are grieved out there and some of them do not know where the students are? Secondly, could the Minister assure us that the Government will put its foot down to ensure that a disaster fund is introduced? As a matter of fact, it is my view that it establishes a small committee to co-ordinate the activities of the burial and identification of those students so that we can relieve the parents of their pains because they do not know where the students are. They are neither at the mortuary nor at the school. They do not know where they are. So, I think the hon. Minister should be able to come up with a programme of action which can address the issues at hand. This is so that, as we meet as Members of Parliament, we also have a co-ordinating arm of the Government which can assist the nation to come to terms with this tragedy and resolutions as to what to do next.

**The Minister for Education** (Mr. Musyoka):

Mr. Deputy Speaker, Sir, I thank the Member for Kathiani for those wonderful suggestions. Indeed, soon after this, I will be sitting with the Permanent Secretary, the Director of Education and the entire team of the Ministry. It is unfortunate but we really now have to think of burial plans. When we buried our loved little kids in Bombolulu, we were to do that in a mass grave. It appears the identification system will also be very difficult. I gather that only one victim has so far been identified, giving the impression that we may have to consider a mass burial again. However, we will be sitting and, as I said, I thank people at the Standard Bank for having taken the initiative. It is only that this is the second tragedy and I do not know whether we would want to be anticipating that this is going to happen again or rather deal with the root causes and seal this problem once and for all so that we do not really ever have to deal with fire and the tragedy that comes with it in any of our schools.

**Mr. Imanyara:** Mr. Deputy Speaker, Sir, given the circumstances that preceded this very unfortunate incident, and given the history of the kind of investigations that were carried out before, would the Minister consider opening a criminal inquest under the headship of an experienced magistrate where the proceedings can be public in nature and the recommendations can be made public rather than a commission that is going to perform its work in secret and whose findings will never be made public? Could the Minister consider a criminal inquest rather than a commission?

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, my learned friend will agree with me that it is also important [**The Minister for Education**] where there is the possibility of moving expeditiously with charging people who may be serious suspects with regard to arson that, that does not even have to await the findings of the commission or task force or, indeed, having to wait for the possibility of opening a criminal inquest. However, we are open to whatever suggestions. Perhaps, it would be of some benefit also to hon. Members to know that in this

particular school, there are some related past incidents. Like, for instance, in 1997, some students actually burned a book store in that school and in 1998 some students attempted to burn the kitchen. It was just an attempt and it did not succeed. In 2000, there was an attempt to burn the administration block. So, perhaps these events could be related with the incident of cancellation of exams. So, we are taking a very serious view of this matter.

**Mrs. Mwewa:** Mr. Deputy Speaker, Sir, every year the Government spends a lot of money sending invigilators to every school in this country. What has happened is that a time comes when examination results are cancelled. At the time these examinations are being done, there are invigilators in every exam room. What will happen to the invigilators? Are they going to be arrested? This is because we do not see how these children go on cheating in the examinations and at the end their results are cancelled. Can the Ministry arrest the invigilators who are sent to those schools including Kyanguli?

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, when I was answering the question from hon. Raila, I did intimate that, perhaps, it is too early to apportion blame. The moment we are able to clearly identify the culprits, of course, the natural course the law would want to take normally will be taken. It will, of course, not be the province in answer to hon. Mrs. Mwewa's question. It is not really within my province to arrest, but I think those with the responsibility will certainly move very swiftly to do so.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, it is a very sad affair that we have to deal with this tragedy in this House this morning. I would like to ask the Minister to excuse me, if I got him wrong. The impression I got from the Ministerial Statement is that the most responsible adult persons who were in that compound that night were four watchmen. Much as we understand the Ministry has taken some steps to prevent this kind of situation since the Bombolulu incident, what is the Ministry doing to ensure that there are some responsible persons in all boarding schools to ensure that there is somebody to take immediate action when something like this happens?

**The Minister for Education** (Mr. Musyoka): Mr. Deputy Speaker, Sir, I thank Eng. Muriuki. In fact, we will benefit from his experience. I do not know whether he is a structural or civil engineer, because the construction of buildings seems to be part of the problem and that is why hon. Kikuyu talked about the barricading of some of these buildings. I also want to confirm that the headmaster himself was actually present until 11.30 p.m.. This is because he had clearly gathered from the circumstances that something was amiss. It was not just the four watchmen who were present on that day. He told us that the three watchmen

were strategically placed. It is also important to point out that one of the dormitory's doors was closed for two weeks. This we found unacceptable, particularly in view of the circular I referred to, that one of the dormitory doors remained closed because somebody had lost the key to the padlock. If you look into this situation, we all feel that the situation was unsatisfactory.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I would like the Minister to clarify two very fundamental issues. He says that there was tension in the school, there were leaflets and that there was smell of petrol. Did the school inform the security agents because it is a situation which watchmen are not trained to deal with? How did they expect watchmen and the headmaster to deal with a situation of that kind? Secondly, the main cause of this tragedy was the cancellation of examination results, from what we can tell. This has happened in very many other schools. It is simply because there is a vacuum; there was no policy in place from the Ministry as to how to handle it. There were haphazard statements in the Press from all over the place. Now that we are, by default, wiser through a tragic loss of our children, would the Minister take the responsibility of ensuring that all the candidates whose examination results were cancelled are admitted in various schools in the country to avoid a similar situation happening elsewhere?

**The Minister for Education (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I take most of what hon. Anyona says except when he talks about "haphazard manner" of handling the examination results because that was not the case. We have to be very clear in order to safeguard---

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

**Mr. Deputy Speaker:** But he is responding to you on a point of order, technically.

**The Minister for Education (Mr. Musyoka):** Mr. Deputy Speaker, Sir, much as hon. Anyona may find it difficult to accept, I have to place it firmly before this House that the Ministry takes a very serious view of the question of examination irregularities in order to safeguard---

**Mr. Anyona:** But, Mr. Deputy Speaker, Sir---

**The Minister for Education (Mr. Musyoka):** He talked about haphazard manner of handling the cancellation of examination result, if I heard him correctly.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I did not say that at all. All I said was that there were statements in the Press as to how the question of cancelled examination results would be handled. Some said there will be no repeating and others said other things. In fact, I think it is when the President intervened that everybody fell into line. That is all I said.

**The Minister for Education (Mr. Musyoka):** Mr. Deputy Speaker, Sir, now that hon. Anyona knows that those affected candidates have a second chance, I suppose that puts the matter to rest. But I also want to respond to the rest of his concerns; the smell of petrol, the leaflets and the fact that the security agents do not seem to have been

brought into the picture. I think this will have to be looked into by the investigating team.

**Dr. Omamo:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Anyona asked a very specific question on the policy vacuum. He said there is a policy vacuum in this area of cancellation of examination results. Since nature abhors a vacuum, so many things could happen. Could the Minister be specific and tell the nation how the Ministry will seal this vacuum by coming up with a definite policy, so that the parents, teachers and students know what will happen in case of cancellation of examination results? If this is done, we will not have these meetings and quarrels. What is the policy on this issue?

**The Minister for Education (Mr. Musyoka):** Mr. Deputy Speaker, Sir, I think the respected hon. Member will agree with me that this vacuum as of now is completely sealed. The affected candidates know they will have a second chance, I do not know what other language we can use. At the same time we, as a Ministry, will not condone examination cheating because this will have the effect of demeaning the qualifications majority of Kenyans would have worked for. Just in an attempt to make sure that there is no vacuum that nature will abhor, it is clear from the point of view of the Kenya National Examinations Council (KNEC) that before the sitting of the examination, every candidate has to read a caution. I want to refresh the hon. Members' minds on the instructions. It is entitled "Instructions to candidates." It says:

"You are not allowed to leave the examination room before the end of the period allocated to the paper, except by special permission of the supervisor. No candidates so permitted to leave may take a question paper out of the examination room."

Mr. Deputy Speaker, yesterday I did point out that fact, and it is really so unfortunate that we have now to handle this particular issue within the context of the tragedy. It is so sad. I do not believe it is just the cancellation of the examination results alone that brought about the tragedy. For instance, there was concern by the students about a postponed Harambee in that school. Therefore, something had to trigger this unrest. There is also some possible evidence of drug abuse within the school. I do not think it is fair to say the tragedy happened simply because of the cancellation of examination results. This is disproportionate! One would not think people would want to kill themselves and innocent students just because of cancellation of examination results.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I rise on two issues. The first one is to seek clarification from the Leader of Government Business and the second one is

from the Minister of State, Office of the President, in charge of internal security.

There have been some two incidents whereby contradictory Government policy statements or reactions have been made on matters of an international nature, in the recent past, and which are causing confusion and embarrassment.

First, two months ago, members of a pro-government militia from Ethiopia, accompanied by some local policemen from Ethiopia, raided Gurar in Wajir District, killed 13 Kenyan citizens and then raided a police post in Uran in Sololo and killed eight policemen. The Statement from the Minister of State, Office of the President, in charge of internal security was that, the Ethiopian militia raided Kenya in hot pursuit of Oromo Liberation Front (OLF) guerillas.

The Statements from the Minister for Foreign Affairs and International Co-operation and the Minister in charge of defence were that, there were no OLF guerillas in Kenya. A week ago, in the aftermath of the massacre of Marakwet children, the same Minister of State, Office of the President, in charge of internal security, spoke at a public function in West Pokot and Marakwet District, and said that the Government of Kenya had been arming Pokots because they have neighbours in a neighbouring country who are armed. The position of the Minister in charge of defence and the Minister for Foreign Affairs and International Co-operation is that Kenya had not been arming any border communities in anticipation of war with neighbouring people. So, could the Leader of Government Business clarify who speaks the truth about Kenya's foreign policy in regard to Ethiopia and Uganda? Is it the Minister in charge of internal security or the Minister for Foreign Affairs and International Co-operation, who is saying the truth?

**[Dr. Kituyi]**

Mr. Deputy Speaker, Sir, my second matter is to seek clarification from the Chair. It is my belief that the honour and dignity of this House is dependent on the honourable conduct of the hon. Members of Parliament. The utterances we make out there hurt us collectively. There has been an occasion two years ago, when an Assistant Minister of the Government---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! Proceed hon. Dr. Kituyi!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the Assistant Minister issued a statement which was quoted in the newspapers, to the effect that he would tell his people to secede from Kenya, and he never denied it. That hurts our collective dignity in this Parliament.

Mr. Deputy Speaker, Sir, my attention has been drawn to the contents of the Sunday Nation of 26th March, 2001.

**Mr. Deputy Speaker:** Order! You cannot use

newspapers as reference materials or authority!

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I am not going to use newspapers as authority, but to say the following: That the new Member of Parliament for Kapenguria, one Mr. Samuel Moroto, is extensively quoted to be calling upon the Pokot to raid people of Turkana, Trans-Nzoia and parts of Bungoma and he has not denied that up to now.

Regardless of the futility of that game of divide, the reality is that, our collective responsibility as leaders is to desist from making actionable, irresponsible and criminal utterances. Could the Chair tell us why this madness is being given vent by a person who purports to be an hon. Member? What recourse do we have, particularly when the Government of the day is turning its deaf ear to a criminal incitement?

**Mr. Deputy Speaker:** Your time is up! First of all, hon. Dr. Kituyi, the term "madness" is not parliamentary language.

I just want to set one thing straight. Ordinarily, we do not accept what is said in newspapers as evidence or authority for one to make certain accusations or allegations in the House. But when it comes to matters like secession which the hon. Member is talking about, it ceases to be really a matter for the House; it must be a matter for the State organs to take the appropriate action. But I have taken note of what you have said in respect of that matter.

In respect of the second issue that you raised, boundaries of all the provinces and districts of this country are a matter of law. If a member wishes to get them changed, he is free to bring a Motion here and seek leave of the House to amend the Act.

**The Vice-President** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I just stand up in respect to the statement made by hon. Dr. Kituyi that there were contradictory statements made by the two Ministers. I just want to inform the House that the Government is not aware of any contradictory statement made by the two Ministers.

Further, I think you better be patient. Incidentally, the two Ministers are very responsible and hold sensitive portfolios and are in full consultation with the rest of the Government. I want to make it very clear here that there is no contradiction at all between the Minister for Foreign Affairs and International Co-operation and the Minister of State, Office of the President in charge of internal security. They are in continuous consultations on some very important matters, especially when it comes to the relationship between the State and any other neighbouring State for that matter.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. I would urge the hon. Vice-President, who does not seem to know what he is talking about, to go and do his homework and comes to tell this House, that

when hon. Dr. Bonaya Godana says that there are no OLF guerillas in Kenya and the hon. Maj. Madoka says that, the militiamen were in hot pursuit of guerillas into Kenyan territory that, that is not contradiction! When hon. Dr. Godana said that we do not arm border communities in anticipation of war with neighbours and the hon. Maj. Madoka said on television last time that, Kenya arms the Pokot people because of fear of being raided by armed neighbours and he does not see any contradiction between that, I should ask him in Kikuyu, so that he may understand.

**The Vice-President** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I have never known an occasion where I have had, really as it were, to retract whatever I have said. I am not ignorant at all, given my position. I want to say once again that there is no contradiction between the two  
(*Applause*)

**Mr. Anyona:** Mr. Deputy Speaker, Sir, what the Government does in the kitchen is one matter and what happens outside in the public domain and comes to the attention of the National Assembly, is a very different matter. The Ministers and the Government are responsible for the people of Kenya through this Parliament. This matter has come before the Floor of the House that there were contradictory statements made by two senior Government Ministers. This Parliament and the people of Kenya cannot leave that contradiction the way it is. It is either one or the other who is wrong.

Could we have a clear statement? If there was an error, let the error be corrected, but let us have one position.

**Mr. Deputy Speaker:** Order! Order! Yes, Mr. Minister!

**The Minister for State, Office of the President** (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member is misleading this House. I am on record stating quite clearly that we do not harbour any OLF people in this country. I have said that many times and it is on record.

Mr. Deputy Speaker, Sir, I spoke about the Ethiopian militia pursuing the suspected OLF people crossing into Kenya and that statement still stands.

In my public address in Marakwet, I never said that we arm the Pokot people to protect themselves. I did say that, we do have Kenya Police Reservists (KPR) to take care of the interests of their people.

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

**Mr. Deputy Speaker:** Where are you now?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, you have made a ruling over a matter and Kenyans have seen a Minister smiling on TV, making some rather ridiculous statements. How does he stand to pre-empt the statement from the Vice-President later on?

**Mr. Deputy Speaker:** Order! Well, I have already given a ruling that the Vice-President should examine all the details available and then come and make a statement.

Ministers. Incidentally, the Minister of State, Office of the President, in charge of internal security is here and I hope with the Chair's permission he will stand up here and state the position very carefully for the sake of avoiding the doubts here.

Before that, I think the Minister in charge of internal security whose attributions are being---

**Mr. Deputy Speaker:** Order! Order! Mr. Leader of Government Business, I think that section needs no attention. I would advise that you take your time, whether you are the one or the Minister in charge of internal security who is going to respond to check your facts so that you can respond accurately.

Next Order!

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

I would like to contribute to the next Order.

(*Laughter*)

**Mr. Deputy Speaker:** Order! Mr. Maitha, you have the Floor.

## POINT OF ORDER

### INTRODUCTION OF VISA FEE

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I stand on a point of order, to seek a Ministerial Statement concerning the issue where the Government recently introduced a visa fee for travellers from some countries. This has hurt tourism especially at the Coast. The outcome is that tourists have really cancelled their trips to this country because of the visa issue. Can we have a Ministerial Statement on why the Government introduced this fee and what benefit the country is getting from this new development?

## PROCEDURAL MOTION

### EXEMPTION OF BUSINESS FROM PROVISIONS OF S.O.33

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

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

This Motion is self-explanatory. We all know

that about this time on a normal Wednesday, we would be embarking on the deliberation of Private Members' Motions. As things stand now, not a single Motion has actually matured. Indeed, it was only yesterday after the rise of the House that, Private Members' Motions were balloted. None of them is mature for debate today. This is why I have brought in this Procedural Motion to enable the House to deliberate on the Motion on the Presidential Address.

I beg to move.

**The Assistant Minister for Information, Transport and Communications** (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to second.

*(Question proposed)*

**Mr. Maundu:** Thank you, Mr. Deputy Speaker, Sir. It is difficult for traditions to die. Usually when we have the Presidential Speech we have this Procedural Motion which we support unanimously. I would urge the House to accept that, according to tradition, we should exempt the Presidential Speech from the provisions of Standing Order No.33 and proceed forthwith with the debate on the Presidential Speech to conclusion.

*(Question put and agreed to)*

### MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

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

*(The Vice-President on 21.03.2001)*

*(Resumption of debate interrupted on 27.03 2001)*

**Mr. Deputy Speaker:** Who was on the Floor? Mr. Muriuri, you have three minutes remaining.

**Mr. Muiruri:** Mr. Deputy Speaker, Sir, yesterday I talked about insecurity in this country. The security of this country is the responsibility of the Commissioner of Police. The Commissioner of Police and his officers are the ones who are normally out there when we are asleep. Since Moi started running this country we have had many Police Commissioners. We have had Messrs. Bernard Hinga, Bernard Gethi, Bernard Njinu, Kiruki and Kilonzo, among many others. Now we have Mr. Abong'o. Until such a time that the Commissioner of Police will operate entirely on his own without any interference whatsoever, the problem of insecurity will persist. Until the Constitution is changed to ensure that the Commissioner has security of tenure, there will always be interference. The Commissioner of Police should be left alone to manage the security of this country.

Insecurity in this country is something that is

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, I oppose this Motion because yesterday this House demanded to discuss a tragedy that occurred in Machakos and we were told clearly that we cannot take time off from the Presidential Speech to discuss that important matter of the nation. Today I also want to propose that we should not take time out of the Private Members Motions to discuss the Presidential Speech. We should, instead allow the hon. Member for Machakos to raise that important matter so that it can be discussed in this House forthwith.

With those remarks, I want to oppose the Motion.

worrying everybody. You only have to see the condition of hon. Leshore to confirm this fact. You can see how he is almost crippled. The other day somebody was shot by some Administration Policemen as he was going to his own house. In my constituency there is total insecurity. When somebody dies the police are not even equipped with any transport whatsoever. Even when somebody is murdered the police cannot get there to investigate the crime. Henceforth, investigations cannot be properly conducted because the police are totally---

*(Mr. Wanjala held loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Wanjala!

**Mr. Muiruri:** It is about time that the Kenya Police had their own---

**Mr. Deputy Speaker:** Order! Your time is up! Mr. Keah!

**The Assistant Minister for Information, Transport and Communications** (Mr. Keah): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I have reason to support this Motion. I want to express my sincere appreciation for the Presidential Address which was very full of direction and wisdom. It was very reconciliatory and, indeed, very unifying. I commend the Address as presented here in its entirety.

The President, in his Speech, touched on a number of things and this is why I said it is directional. It touched on the economy. It is up to us to discuss here, as Members of this august House, how to help ourselves and this country, direct the economy to better heights. We appreciate it is at a low ebb and that the growth rate is low, but it is entirely up to us here to debate and for the whole country to come together in a unified manner for our benefit and that of our children. I want to emphasise on how directional the Speech was. It also touched on aspects of high quality service in every sector. When we give our best performance, the professionals and everybody, we will have value and the economy of this country will progress.

The Presidential Speech touched on security, poverty reduction and regional as well as international

issues. It did say that peace is a recipe for development. The President talked about the Business of the House, that is the Bills that are to be introduced here. He also talked about the dignity of this House. He talked of unity, discipline and humility. All these aspects presented a sense of direction and a guideline which is what the Speech ought to contain. I am personally very gratified for the direction that was contained in His Excellency's Speech.

Mr. Deputy Speaker, Sir, let me now take this opportunity to speak on one or two issues raised in the Presidential Address, which are of concern to me and my constituents. Since Independence to date, we have been talking about poverty eradication. This country is today probably experiencing the worst level of poverty in its history despite the efforts that have been made by the Government and other agencies to reverse the trend. I would like to say that the latest sense of direction towards that end is very commendable.

**Kilifi District is one of those districts which [The Assistant Minister for Information, Transport and Communications]**

have involved the grassroot people in discussions geared towards prioritising their economic activities in order to eradicate poverty. We have had meetings with stakeholders of all sectors of the economy in the constituencies in the district. We have put together all that we considered to be our priorities in our efforts to alleviate poverty in the district. We did a thorough job. My concern is whether these aspects will, indeed, be included in the Medium Term Expenditure Framework (MTEF) as we suggested. It is my hope that the views of the grassroot people will be considered during the preparation of Budget for the 2001/2002 Financial Year, and provision made. Really, that was our biggest concern as far as the efforts to alleviate poverty are concerned.

We would like the infrastructure rehabilitated. We, in fact, proposed that there should be wealth creation through micro income-generating projects for the people as a priority. But where will the funding of those projects come from? In my view, the funding for those projects will come from the Government, donors and investors. It is upon this House to assist set up a facilitative environment towards that goal.

Mr. Deputy Speaker, Sir, I would now like to make an observation regarding the campaign against the Acquired Immuno-Deficiency Syndrome (AIDS). Although the Minister has been doing a good job, I would like him to listen to what I have to say. The campaign against AIDS has, indeed, been going on very well. I commend the Ministry for that, particularly the Minister and the National Aids Control Board (NASCOB) Chairman, Dr. Mohamed Abdalla. The Minister and Dr. Abdalla have always availed themselves in person to launch the campaign in various constituencies. So far, that has been a job well done.

I would, therefore, appeal for the release of the funds meant for that campaign, so that the exercise can proceed as planned. We have been made to believe that

funds for that exercise are available. So, having launched the anti-AIDS committees, we now want to activate the campaign throughout the country, starting from the village level to the constituency level. Unfortunately, despite having launched those committees with pomp, there has been nothing for us to follow up. We attended the various fora and talked about the need to control the spread of the deadly virus. I hope that the Minister and his colleagues will fulfil the promises they made regarding the funding of the exercise.

Mr. Deputy Speaker, Sir, I would now like to talk about the coconut industry, which is very important to the coastal people, particularly those in the lower parts of the province. I am aware that one of my colleagues intends to move a Motion on *mnazi* later. Meanwhile, I would like to call for the revitalisation of the entire coconut industry. The coconut industry is as important to the coastal people as the coffee and tea industries are to the people of Western, Central and parts of Rift Valley Provinces. Unfortunately, the coconut industry has been ignored. That is why we are now coming up with suggestions on how to revitalise it.

I would like to observe that every Budget since Independence has provided millions of shillings for the development of the tea and coffee industries through the STABEX Fund, among other sources. The Government has always negotiated with bilateral donors for funds to develop the tea and coffee sub-sectors, but it has never done so with regard to the coconut industry. There are three or four Acts governing the coconut industry. However, these Acts are archaic, having been enacted during the colonial time. They, for instance, talk against somebody loitering next to somebody's coconut palm. We would like a coconut board established.

I am particularly looking forward to seeing monetary provision for the development of the coconut industry in the Financial Estimates for the Year 2001/2002, so that we can tap the wealth in that industry. There are over 100 products which can be derived from the coconut industry. We have not been able to develop this resource due to lack of technical know-how and funding. I hope that this House is going to send a delegation that will particularly comprise of hon. Members from the coast region, to Indonesia and other countries to see for themselves how the coconut industry is developed in those countries.

With those remarks, I support.

**Mr. Murungi:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to comment briefly on the Presidential Address by the outgoing President, Daniel Toroitich arap Moi.

Mr. Temporary Deputy Speaker, Sir, the address the President presented to this House last Tuesday was his second-last address to this House. In March, 2002, which is about a year from now, President

Moi will present his last address as Head of State to this House. So, we would like him not to listen to people like Mr. Nassir and others who mislead him. He should, as he advised us, respect the rule of law and the Constitution and not try and seek a third term of office. We respect the institution of the Presidency, and would like President Moi to have a soft landing. We would not like President Moi to have a chaotic exit from office, as happened to the former Presidents Milosevic of Yugoslavia, and the late Mobutu of the former Zaire. We would like him to retire in a civilised way and become a respected former President, whom we can be visiting at Kabarak, or at some other parts of the country, without any bitter feelings. So, we would like the

**[Mr. Murungi]**  
President to respect the Constitution and not try to seek a third term of office.

*[Mr. Deputy Speaker left the Chair]*

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

As he presented his Address to the House, the President dwelt at length on the need for Parliamentarians to respect the rule of law and the Constitution.

Mr. Temporary Deputy Speaker, Sir, I noticed that, as the traditional prayers were being said, the Constitution of this country was breached. Section 53 of the Kenya Constitution states that: "The official languages of Parliament will be English and Kiswahili." One wonders on what basis was the Maasai elder permitted to say prayers in this House in the Kimaasai language, in breach of the Constitution. Not all of us understand the Kimaasai language, but one hon. Member who understands the language confided in us that, the Maasai prayers were very interesting. The Mzee prayed that the Opposition should perish and President Moi should rule this country forever!

*(Laughter)*

We need the HANSARD editors to translate those prayers into English, so that we can know whether that is true or not. We have at least 42 different ethnic groups in this country. Although some of us have been converted into Christianity, there are still those who pray in the traditional way, among those 42 communities. We do not know why it is the Maasai who has to pray every year, during every official opening of Parliament. We would like the Samburus, Boranas and Bukusus to be given a chance to pray. Even if the other communities are not ready, we in Meru, are ready because the Njuri Ncheke is there. The Njuri Ncheke elders can come and say traditional prayers in English! So, next year, let us try another ethnic group. We do not want groups here who only pray for President Moi to rule forever! We would like another group which might pray for hon. Kibaki or somebody else.

Mr. Temporary Deputy Speaker, Sir, touching on the Constitution and the rule of law, we would like to advise the President to respect the Constitution, and use the rule of law in his dealings with other political parties. There are various laws that he can use in dealing with parties like the National Development Party (NDP). He can use the Constitution because Section 5 of the Kenya Constitution permits a coalition Government to be formed in this country. So, if he wants to appoint hon. Raila to his Cabinet - and we understand he wants to replace hon. Nassir with hon. Raila - he can use Section 5 of the Constitution. He can appoint him the Vice-President if he wants. There are legal provisions for that to be done. If he wants to strike an agreement between the NDP and KANU, he can use the law of contracts, which allows agreement between two consenting parties. The law of marriage is also there! But the current marriage between KANU and the NDP is invalid in law because the essential formalities were not observed! The Luos have not received any dowry! They have not received any bride price! So, hon. Raila should be advised that the marriage is illegal! It is an immoral cohabitation! They should legalise it as soon as possible!

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard hon. Murungi saying that the Luos have not received any dowry! Why has he come to the conclusion that the Luos should receive the dowry, rather than giving it?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I do not want to get into the intricacies of all that! The relationship---

**Mr. Kombo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Murungi has talked about the dowry between the Luos, and I do not know which people! Why is he the one to speak for them? The Luos have not complained!

**Mr. Murungi:** That was not a point of order! I would like to proceed! The President also talked about the doctrine of separation of powers. The country is interested in resumption of the relationship---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Murungi in order to mislead this House that the Luos have not received any dowry, when we know that they have received dowry in appointments like that of the Chief Justice, the Commissioner of Police and many others that are on the way?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, there is only one problem between us, the World Bank, the International Monetary Fund (IMF) and other donors. The problem is that of high-level corruption. Until we do something serious about high-level corruption in this country, the relationship between the World Bank, IMF and this country will always remain strained. We are very happy to welcome people



like Dr. Anangwe to the Back Bench. The problem that we have been having in the past is that Cabinet Ministers who have been charged with corruption continue to sit on the Front Bench. Until we take serious action against those people, there will always be a problem! It is not enough to remove a corrupt person from the Cabinet---

**Dr. Anangwe:** On a point of order, Mr. [Dr. Anangwe]

Temporary Deputy Speaker, Sir. You heard the statement made by hon. Murungi. There was a prelude to the mention of my name when he made references to the IMF and corruption. Then he said: "We welcome Dr. Anangwe to the Back Bench." Although he did not complete that statement, he did impute that Dr. Anangwe is on the Back Bench because of corruption. Could he substantiate? Could he bring a substantive Motion and apologise?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I do not want to dwell on that! That matter was very much in the Press. Everybody knows why Dr. Anangwe is in the Back Bench. He is lucky he is not behind bars!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Murungi! Dr. Anangwe has raised a very valid point of order. Imputing improper motives or not, if you would like to discuss the character of a Member here, you do so via a substantive Motion. So, if you are really implying that he was sacked due to corruption and things like that, you do so through a substantive Motion, or you substantiate your allegations before the House!

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, Dr. Anangwe said a mafia from South Imenti got him out of his job as a Cabinet Minister! I have evidence as to why Dr. Anangwe is in the Back Bench! I am ready to bring it before this House if I am given some time! I do not have the materials to substantiate now. I am sorry, my time is up!

**Dr. Omamo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek your guidance because we do not like this House to be treated to petty issues. You recall that my friend who has just spoken referred to a marriage between the NDP and KANU. The institution of marriage has a very special meaning in the African society. It involves dowry and things like that---

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Omamo, that has been overtaken by events. You should raise that matter when you get your chance. I have been waiting for a point of order and it is not forthcoming.

*(Mr. Kombo stood up in his place)*

Order! Sit down, hon. Kombo.

**An. hon. Member:** The previous speaker was from the Opposition also.

**Mr. Murungi:** It is okay. Let him continue.

**The Temporary Deputy Speaker** (Mr. Poghisio): Okay, hon. Kombo, proceed!

**Mr. Kombo:** Mr. Temporary Deputy Speaker, Sir,

thank you for exercising your discretion in my favour. I was not in the House when the President delivered his Address, but my son taped it for me and so I listened to it. When I was listening to it, I thought that the presentation was rather quite interesting. In fact, it was fairly comparable to Ms Catherine Kasavuli's presentation of news.

This is Parliament and what we need is not the presentations that are similar to those of Ms Catherine Kasavuli. The President has got to be more serious and have more substance in his Address. When I looked at the Address, I saw a lot of contradictions. He talked of an economy that has done well.

**The Temporary Deputy Speaker** (Mr. Poghisio): What does Ms Catherine Kasavuli have to do with this?

**Mr. Kombo:** Mr. Temporary Deputy Speaker, Sir, I said that the President's presentation of his Address was as good as Catherine Kasavuli's presentation of news. The President talked of the economy and his update about the economy was that it had done well. But if you look back, you will ask: "Which economy has done well?"

*(A mobile telephone rang in the Chamber)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Where was that sound coming from?

**Mr. Kombo:** Mr. Temporary Deputy Speaker, Sir, one should ask himself what economy has done well. The agricultural sector has collapsed. The sugar industry is down completely. Those of us who come from Western Kenya, for example, Bungoma District, know that the sugar industry is on its knees because of bad management. If you look at the education sector, you will see that students are dying because of bad management. The health sector is also down and so is every other sector. So, I just wondered what economy the President was saying had improved. These contradictions in his Address should be sorted out. The President would have been more honest with Kenyans if he had admitted that he has messed up the economy of this country, and then continued to talk about what should be done to improve the situation.

The President went ahead and blamed the rains. He said that the economy is bad because the rains had failed to come. He was grateful that the short rains had arrived, and, therefore, things will be better. Then one wonders how the President knows that the rains will continue falling. Has he got a contract with the Almighty, guaranteeing him that the rains will continue? If the rains fail, what will happen to the economy? Thirty years after Independence, our planning should not be dependent on the long and short rains. We should know that we [Mr. Kombo]

have had problems and, therefore, plan on the basis that

we know from experience that the rains can fail. Therefore, the President should not be happy and say that because the short rains have come, we will have a better economy. The President should be more serious than that. In his Address, there was no mention of an affirmative action at all. During this time of our history, when we are already preaching the affirmative action, there should have been more in the presentations on that area.

Mr. Temporary Deputy Speaker, Sir, on a more serious note, I want to say that corruption, which has destroyed this country, caused the collapse of the economy that I have already mentioned, the education and health sectors, and has got to be addressed more seriously. Before we went for Recess, we had the Anti-Corruption and the Economic Crimes Bill to be debated, but because the Government had its own ideas, it dilly-dallied until we did not debate that Bill which was going to help in the fight against corruption. The Government dilly-dallied because it had ideas on how to kill the Kenya Anti-Corruption Authority (KACA). In fact, at one stage, the Attorney-General said that we could not debate that Bill because there was a case in court, and we had to wait for the court's ruling. One wonders whether the Government was working in cahoots with the Judiciary to kill KACA. We did not know that at the end, KACA would be killed through a very strange order from the Judiciary. At the moment, the fight against corruption has not been won at all. The Bill should be brought to the House as soon as possible. In fact, it should be one of the first things that should be under debate. Up to now, nothing is being said about it. The Bill has not been published, even though the President did mention that we would discuss it. There is a delay in the fight against corruption. In the process, the Government has collected all those files that belonged to KACA. This means that all the investigations that KACA was carrying out are now with the same people who were being investigated. So, the files will start disappearing, and when you try to open new files, there will be no records and these people will go scot-free. It is very unfortunate that the fight against corruption can be delayed through very devious means.

Lastly, I just want to say that there has been mixing of roles between the Executive, the Judiciary and the Legislature. Sometimes we do not know where separation of roles starts and ends. Yesterday, I was rather amused to see that when the National Chairman of KANU came here to chair a KANU Parliamentary Group meeting, he was escorted by the Provincial Commissioner of Nairobi, the Speaker of the National Assembly and the National Anthem was even played out there. This was just a KANU Parliamentary Group meeting. These are issues that we should think about seriously. If we will separate our roles, we should know when the President is present as the Head of State and when he is present as a politician chairing a KANU Parliamentary Group meeting. I am sure that the President was in the KANU Parliamentary Group meeting as a politician and as the National Chairman of KANU.

Therefore, playing the National Anthem and doing all those other things was mixing our roles. This is what destroys our systems. We should be serious about this.

Mr. Temporary Deputy Speaker, Sir, I mentioned earlier on the sugar industry. I come from Bungoma District and 85 per cent of my constituents depend on the sale of sugar-cane through Nzoia Sugar Factory. Today, Nzoia Sugar Factory owes farmers over Kshs500 million. We have been crying for years and years that the Government should sort out the problem of Nzoia Sugar Factory. We have been told many times that a Cabinet Paper was being prepared to ensure that this matter is sorted out, but nothing has happened. Nzoia Sugar Factory is on its knees because, right from the time of its inception, instead of the Government putting in equity, it made the factory borrow money from banks. Therefore, debts started accumulating at the very early stage. When there was a problem to be sorted out in Kenya Airways (KA), the Government wrote off the debt owed to it by KA. We have been asking this Government to do the same for Nzoia Sugar Company, but all that we have been told is that there was a Cabinet Paper being prepared to look into the problem. When will this happen? Is the Government waiting until the problem is very big so that it can move in and put the company under receivership, and then its members can buy the company at a throwaway price? As far as Bungoma District is concerned, it does not matter what we do; hon. Mwangale can take the people of Bungoma District to the President 100 times, but if the sugar-cane farmers' problems are not sorted out, then the President is doing nothing for the people of this district. I think these are issues that should have been raised in his Speech. In fact, when hon. Mwangale went there with the farmers, we expected that they would be told that they would be paid their arrears amounting to Kshs500 million, because that is all we need. As far as we are concerned, poverty in Bungoma District is brought about by Nzoia Sugar Company. If you pay the farmers their money, then poverty will be alleviated. In Bungoma District, we do not need these seminars. Members of Parliament from that district do not attend the poverty alleviation seminars held in posh hotels because we know where our problems lie. We know that so long as sugar-cane farmers are not being paid money for their crop, our poverty will continue. [Mr.

**Kombo]**

So, I just want to say that in Bungoma District, sugar-cane and other farming inputs--- At the moment, we are struggling to get fertilizers and maize seed to plant, but when the crop is harvested, its price will go down.

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

**The Minister of State, Office of the President** (Maj. Madoka): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to

contribute to the Presidential Address. I think the Presidential Address was very balanced and one of the issues that the President touched on was on the question of hon. Members taking this House's business seriously. It disappoints me when I hear my friend, hon. Kombo, talk about the President being escorted by the Provincial Commissioner (PC) and having the National Anthem played when he is around. We are talking about the institution of the Presidency. It does not matter where he goes; the National Anthem will be played. The President happens to be the Chairman of KANU. It is unfortunate that hon. Kombo's Chairman will never be a President and, therefore, he will not be privileged to have the National Anthem played when he goes to chair his party meetings.

**Eng. Toro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Minister to say that hon. Kombo's Chairman will never be a President? Is the hon. Minister assuming the role of God to determine the destiny of hon. Kombo's Chairman?

**The Temporary Deputy Speaker (Mr. Poghiso):** That is still a question.

Proceed, Mr. Minister.

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Temporary Deputy Speaker, Sir, I will ignore that point of order because it is a dying party and, therefore, they will never get to the top. This House has to take that seriously. I think the President was very clear on this.

I would like to say that---

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

**The Temporary Deputy Speaker (Mr. Poghiso):** Order, now! Hon. Members, from the onset, the Chair has ruled that points of order should be based on Standing Orders. So, if you rise on a point of order, you must tell us the Standing Order that has been breached. So, I would allow points of order to that extent.

**The Minister of State, Office of the President (Maj. Madoka):** Thank you, Mr. Temporary Deputy Speaker, Sir. I am saying that this House has brilliant lawyers, professors, businessmen, bankers, retired police officers and military officers. With these combined brains and experience, this House should get on very serious business and do great things for this country. But what we do find is that when, we, hon. Members come to this House, we do not really discuss issues. I would like to say that we deal with trivialities, and this does not help. We have got to discuss matters more seriously and come up with solutions. What we always hear is people criticising the Government and individuals, but never coming up with solutions. We are not helping this country in that manner. I think hon. Members should come up and give us suggestions on how certain issues should be solved.

I would like to talk about the tragedy that happened at Kyanguli Secondary School. It is most unfortunate that these incidents should continue to happen. I would like to

state that the Cabinet has approved a Disaster Management Strategy document which is aimed at organising how these disasters should be managed and controlled. We will circulate this document, and hope to go into greater details of this document to ensure that such disasters are well managed in future. It would be naive for any hon. Member here to say that these incidents will never happen again because they will continue to happen. It is how we manage them that matters. After all, there are accidents throughout the world; we get these fires breaking out, and what have you. But hon. Members have got to take this issue responsibly and not just blame individuals. I think we all have that responsibility. If you take the management of these schools, you will find that we have the parents and teachers associations and the boards of governors. How often do they possibly go round these schools to check on some of these facilities to ensure that there is adequate security and enough safety measures? I think schools should have their own safety and security committees that will frequently visit them, go round and ascertain whether some of these measures are put in place, to ensure that the students are safeguarded. It is not good just to complain about the management; all of us have to take that responsibility.

Mr. Temporary Deputy Speaker, Sir, that also applies to the various insecurity situations which we have experienced in this country. We have illegal firearms coming into the country; we have tribal and ethnic conflicts, and most of these are as a result of irresponsible statements from hon. Members of this House and other leaders in the country. If you go into the conflicts of the Maasais and Kisiis; or the Marakwets and the Pokots; or the Ormas and the Pokomos, you will always find that at the heart of it all, it is the leaders who are inciting those people into these conflicts. We have had traditions where people go into other people's grazing ground. There has always been a tradition that people have been able to talk and agree on how they should be handled, and we have never had these [The Minister of State, Office of the President] killings that have been going on these days. I think we need to revive our cultural values and ensure that we go back in some areas where we continue to have dialogue when we want to do certain things. I will take Members to task; let us all be responsible and not issue inflammatory or inciting speeches to our communities. If we do that, most of these conflicts will not be there.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about the National AIDS Control Council (NACC). It is a pity that the Leader of the Official Opposition, hon. Kibaki, is not here because he was asking what the NACC was doing with the money which it is supposed to have received. Well, the position as it is today is that, this money has not yet come in. But more important, even if this money came in,

unfortunately, hon. Kibaki's Othaya Constituency would not get any funds because he is one of the culprits who have not helped us in launching his own Constituency AIDS Committee. There are a few Members here too who are not working hard enough to ensure that we launch these Constituency AIDS Committees, so that the funds can be released. We have deliberately planned to launch the President's as the last one. We want all other Members to do it. So, we are appealing to all Members to launch their Constituency AIDS Committees so that we can start disbursing this money.

Mr. Temporary Deputy Speaker, Sir, I am glad to report that within the next two weeks, all the papers will be through and we will be able to get this money. Then we will soon start disbursing it, subject to us getting viable programmes from those particular constituencies. We are not just going to dish out money; we must have programmes which have been properly evaluated so that we can ensure that these funds are properly utilized. I want to appeal to all Members to intensify this battle against the scourge of the HIV/AIDS. It is going to finish this society unless we do something about it.

Mr. Temporary Deputy Speaker, Sir, recently, one of the companies declared that 51 per cent of the labour force has people living with the HIV/AIDS virus. You can see what effect it has on the labour force, and that will continue. So, let us all fight against this scourge. I am sure we will win the battle.

With those remarks, I beg to support.

**The Assistant Minister, Office of the President**

(Mr. Gumo): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. The President's Speech was one of the best delivered this year. I am always surprised when Members of the Opposition refuse to support anything that the President says and yet, a majority of them are the ones who have benefitted most during the President's tenure.

**Eng. Toro:** Are you sure?

**The Assistant Minister, Office of the President**

(Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I am very sure about that because even if you look at the Civil Service at the moment, nearly 70 per cent of the civil servants come from the GEMA area. When they talk of corruption in the Civil Service, then it is them who are corrupt. If you look at the benefits and even Government projects that have been done for the last 20 years, most of the money has gone to Central Province, particularly. It is their duty to support the President more than anybody else in this country. I know that they have always wanted to get the President from their community, but unfortunately, I do not think they are going to get him because GEMA alone cannot make a President. They need others. But as long as they keep on saying that they want the number one and then the other people number two, there is no way. They must be prepared to support somebody else also. Let them be number two or three.

Mr. Temporary Deputy Speaker, Sir, we have

heard people talk of deforestation. There is something called "Greenbelt Movement" which is led by Prof. Maathai. They have always hoped---

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

**The Temporary Deputy Speaker** (Mr. Poghisio): What has he breached now?

**Dr. Ochuodho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Do you think we are upholding the dignity of this House by allowing tribal discussions in this House?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, Dr. Ochuodho!

**The Assistant Minister, Office of the President** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, there is nothing tribal, particularly when, a few minutes ago, some of the Members were talking of the out-going President. He is not out-going because the constitutional review is coming and you never know what will come up. As far as I am concerned, President Moi is just in time. President Kenyatta took over and ruled for 15 years. So, President Moi is still strong and he can rule very comfortably for another 20 years. I am sure some of you would not like to hear that.

**An hon. Member:** You will be promoted!

**The Assistant Minister, Office of the President** (Mr. Gumo): I do not need that promotion. I think I am comfortable enough where I am now.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, now!

**The Assistant Minister, Office of the President** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, we have talked about the economy of [The Assistant Minister, Office of the President]

this country and this is the time when we need unity. Whenever a country is in problems, that is when everyone of us needs to come together and find ways of solving the problem. The problem we have in this country is that Members of the Opposition are always going to donors' offices to discourage them from assisting Kenya. Then how do you expect our economy to recover? Most of the roads or any other project in this country have to be done through the assistance of donors and taxes. But if the donors are being discouraged by some of us, how do we expect the Government to manage most of the projects that are supposed to have been done? All along, most of the money that has been running these projects has been coming from the donors. But most of the Members of the Opposition are not patriotic enough, the way they should be. They keep on discouraging donors. Whenever they hear that World Bank officials are around, they go to their hotels and tell them not to listen to this Government and that they should not bring money. That is not the way to conduct our affairs. Even if you want to be the President, you must inherit a healthy Government. You do not have to

inherit a dying one. So, let us all work together and make sure that we develop together. When elections are called, let any of you stand and if you want to be a President, you can go ahead and become one. In fact, the problem that we have been having in this House is mainly that of people wanting to be Presidents. I think next time, the people who want to be the President of this country should only stand for the presidency and not constituency, so that when they lose those seats, they go home to look after their cattle. They are the ones who are dividing people. Let them stand for presidency only and not constituency, so that we can have, at least, quality and not people who are getting 100 votes as presidential candidates.

Mr. Temporary Deputy Speaker, Sir, I would like to say something about what is on going in schools. I think there is something very wrong because I do not think anybody in his senses can do what was done in Machakos the other day. This is happening day after day. There must be something wrong somewhere. It is high time some of these principals went for seminars every now and then. In the past, we used to have seminars for headmasters and principals. They used to learn how to run institutions, but today, we do not have seminars. That is why we have problems between teachers and students. If we do not do that, I am sure we are going to have bigger problems every now and then. Very soon, we might have people burning our homes because the majority of our people live in grass-thatched houses.

Mr. Temporary Deputy Speaker, Sir, my Minister talked about HIV/AIDS. This is a big problem, and it is not only in certain areas. We used to think that it was only in areas which were bordering mainly Uganda and so on. But now, Kenya is worse than all the neighbouring countries. Wherever you go in my constituency, where we have slums in Kangemi, most of the young people that you would see walking around show signs of HIV/AIDS. You can tell who is suffering from the disease, but the drugs are extremely expensive. The Government, or the Minister for Health, should try and negotiate so that we can get these drugs at reduced prices. This is because the prices of these drugs are so high that any ordinary person cannot afford them. Today, if you go to Kenyatta National Hospital, some of the patients are even told to go back home and die. They cannot be admitted to the KNH because the number of patients is too big, and the beds are not enough. Even in the district hospitals, I do not know what we are going to do. Although the President declared HIV/AIDS a national disaster, it seems as if our people still do not know how serious this disease is. This is because some of them just say: "After all, who will not die in this country?" Another person was telling me that "the bull dies with the grass in its mouth."

*(Laughter)*

They do not bother whether they contract the disease or not. It is not a serious matter to them. So, we, as politicians, need

to hold barazas and try to educate our people. Maybe, they will understand about the dangers of the disease, but most of the young men today do not bother at all. I do not know what we are going to do.

With those few remarks, I beg to support the Motion.

**Dr. Omamo:** Thank you, Mr. Temporary Deputy Speaker, Sir. I can remember that there is one area where we all agreed; that when you are a herdsman and a cow gives birth, you get all the credit. When a goat gives birth during the time you are the herdsboy, you get all the credit. Vice-versa, when you are the herdsboy or herdsman and one is lost, you get the blame. I would like to link that experience with the work of the President. His Excellency the President, as the Head of State, plays the role of the shepherd for the whole nation. To me, his Speech last week was good. The difference was that I asked many people who attended the opening Session about their views. I later went to the constituency and asked people what they thought of the Presidential Speech. As people's representative, I would like to report to the House that many of them were rather happy with what the President said. I would like to say this: In all honesty, that was not the first Presidential Speech I heard. I have heard **[Dr. Omamo]** many. I have also heard reactions to Presidential Speeches for many years, but the one for last week, for some reason, was much better received. I do not know how you explain it yourself.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, there are two areas which I would like to comment on because the gigantic work of leading this nation and its economy is a very big job. I think, as a national policy, we should help His Excellency the President to stress on certain areas, to encourage activities in certain areas which in your opinion or my opinion are rather slow. One area is what we are referring to as eradication of poverty or alleviation of poverty; whatever you do with poverty. I think we must focus on alleviating poverty more practically by having projects that are more focused in eradicating poverty, if it is going to be eradicated at all.

Mr. Temporary Deputy speaker, Sir, regarding that area, I think the Government must remember that our economy is still agricultural. Agriculture is still the backbone of the economy. But I would like to ask: For how long---

*(Maj. Madoka stood up to withdraw from the Chamber)*

I can see hon. Maj. Madoka is withdrawing from the Chamber when I want to mention something about his Ministry.

*(Maj. Madoka sat down)*

Thank you very much, Mr. Temporary Deputy Speaker, Sir. He has heard me and sat down. For how long are we going to persuade the Government to change its food policy, so as to have irrigated agriculture? How long is the Government going to take, before taking elaborate steps to have irrigated agriculture as a major policy? This is because it would make all the difference.

Regarding the old schemes, like the Bura Irrigation Scheme, which was a faulty design, when will these faulty designs be corrected? The Ahero Pilot Scheme was a faulty design; when will it be corrected? Regarding West Kano and Bunyala, when will all these be corrected? On more than one occasion, I have persuaded the Ministry of Agriculture, Livestock and Rural Development to look at hillocks and make sure that they are improved. God did sprinkle them along the lakeshore from Busia, across to Siaya, Bondo, Kisumu and Nyando, and to all these districts, down to the Tanzanian border. There are hillocks everywhere, and the lake is not far. Why not pump water from the lake to one of these hillocks and make it an irrigation unit so that you have irrigated agriculture along the lake shore? This is because the lake shore lies in the rain shadow. This should be done in order to get rid of this rain shadow. Why do we not make use of the hillocks? Why not? I hope that will be done. This is because if that is done, the lake shore area would write a totally different economic history. All the crops can be grown there. The grain and root crops will all be grown, using irrigation water from the lake; fresh water. What is the Government doing about this?

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

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

Mr. Temporary Deputy Speaker, Sir, the other area which I would like to persuade the Government to take care of concerns tribal clashes. We have heard enough about tribal clashes. Let us not allow tribal clashes to start again. Let us not allow ourselves to see them start again! As we are talking now, we have trouble along the Nandi/Nyando Districts border. The Minister should take action in this regard. We do not want tribal clashes to start again because of misunderstanding. We do not want the friendly Nandis and the friendly Luos to quarrel any more.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Maizs): On a point order, Mr. Temporary Deputy Speaker, Sir. The hon. Member says they do not want clashes and yet his people beat a queen, and they were only human---

**Dr. Omamo:** Mr. Temporary Deputy Speaker, Sir, I do not know what the hon. Member is talking about! When

people are beating each other, that is what I call clashes! The Government should take immediate action to put a stop to this thing.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the sugar problems in Western Kenya. We have had a lot of trouble with the sugar industry. Kenya can be self-sufficient in sugar production, but today, it is a net importer of sugar. The Government should do everything possible to save the sugar industry and the farmers from the terrible economic situation they have found themselves in. As we are talking today, all the sugar zones are short of sugar-cane. Something should be done. Hon. Mark Too, who is the Chairman of the Kenya Sugar Authority, is here and he should take note of that.

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

**Dr. Omamo:** Mr. Temporary Deputy Speaker, Sir, I do not want any information. Can you imagine anyone wanting to tell me anything about sugar? I have all the information about sugar! Let the Kenya Sugar Authority, through the Sugar Development Fund, get money to the farmer so that the farmer can develop land to plant sugar-cane.

Let the loan be repaid after three crop seasons. I appeal to the Kenyan traders to save the sugar industry. Why should they import a lot of cheap sugar to flood the local market? The sugar traders in this country should be humane. They should not spoil the sugar industry.

With those remarks, I beg to support.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, I would like to congratulate His Excellency the President for this Speech, which had a lot of insight.

Mr. Temporary Deputy Speaker, Sir, this country belongs to all of us and no one should imagine that some tribes can go it alone when it comes to matters of leadership in this country. Kenya is a cosmopolitan country. We are just like a co-operative society and each one of us must play their roles effectively. I am saying that because we will only elect one President at a given time. We cannot afford to have two Presidents at the same time. Hon. Members should realise that Kenyans are looking up to this House to show them the way. We can only do that if we respect institutions like the Office of the President. Those aspiring to the Presidency would also like to be respected. How do hon. Members feel if the people who elected them in their constituencies do not respect them?

Mr. Temporary Deputy Speaker, Sir, I would like to speak on the issue of the pastoralists and livestock farmers in this country. The problems bedeviling the agricultural sector are more intense when it comes to the

Department of Livestock. The pastoralists in this country are a forgotten group. I do not want to be mistaken that I am against the Government. What I am expressing are my personal opinions and those of many other pastoralists in this country. Since 1954/55, when Kenya Meat Commission(KMC) came into being, no other meat factory was ever built. Halal Meat Factory was about to be started in May, 1970, but it died before it was born.

Mr. Temporary Deputy Speaker, Sir, it is a fact that when things go wrong in the tea industry, the leaders from that part of the country will complain very loudly to the Government. There are so many factories that have come into existence since Independence. If things are not progressing well in the sugar sector, the leaders from the affected areas will complain bitterly. It is a pity that no one is trying to advocate for the revival of KMC in order to raise the standards of living of the livestock farmers.

Mr. Temporary Deputy Speaker, Sir, if we want to get rid of cattle rustling between the Pokots, Turkanas and Marakwets, the KMC should be revived and those people will not have time for cattle raids. Many livestock farmers would like to sell their cattle at certain times. But where are they going to sell them? It is unfortunate that the Ministry of Livestock Development is non-existent. We used to have the Livestock Marketing Division which used to provide holding grounds for livestock, but it is no longer there. This has led to the problem of land grabbing. Since there are no activities on these pieces of land, all the holding ground has been sub-divided to private developers.

Mr. Temporary Deputy Speaker, Sir, I would like to request the Ministry of Agriculture to direct its attention to the Department of Livestock. I felt happy to learn that Kenya Co-operative Creameries is being revived. That is one way of improving livestock production in this country. Very soon, we shall start importing meat from outside because we are not taking care of the meat industry in this country. It is a shame for a country like ours to import meat from South Africa or other neighbouring countries when we can keep large numbers of animals.

Mr. Temporary Deputy Speaker, Sir, how can we eradicate poverty when we are not giving any incentives to the farmers? The incentives are like dams, as Dr. Omamo suggested, for irrigation and livestock development. They will not bother coming to the urban areas. Many people come to Nairobi because that is where they can get something to eat, either legally or illegally. When they steal, they get something to eat. They cannot steal in the reserve because there, they are known, whereas in Nairobi, you only need to move a few steps from your residence and nobody will know who you are.

Mr. Temporary Deputy Speaker, Sir, insecurity in this country must be addressed urgently. The Government should discuss this issue with wananchi openly and involve those who matter, to ensure security is restored in this country. We have a lot of problems in the Ministry of Tourism, Trade and Industry simply because of insecurity.

The Minister for Tourism, Trade and Industry has been touring the whole world trying to portray Kenya as a safe tourist destination. Unfortunately, insecurity is our undoing. I would like to request the Minister concerned, who is a very experienced person as a retired Major, to go back to the drawing board and [**The Assistant Minister for Tourism, Trade and Industry** improve the security of this country.

Mr. Temporary Deputy Speaker, Sir, I am glad Langata Road has been made a dual carriageway up to the area covering Kenya Wildlife Service. I do not know whether that was done with a hidden purpose. This dual carriageway should have been extended to Ngong and Ongata Rongai. We have always talked of constructing a dual carriageway along Mombasa Road. If we can afford to have a dual carriageway to the central part of Kenya, why not the coastal and eastern parts of Kenya? There is always congestion along the Outer Ring Road simply because a certain section of the City, for the haves, has been paid attention to, at the expense of the other areas of the have-nots.

Mr. Temporary Deputy Speaker, Sir, as I said, Kenya is like a co-operative society of very many tribes. It is also a co-operative society of many classes of people. We should take care of all those people.

With those few remarks, I beg to support.

**Mr. Muite:** Thank you, Mr. Temporary Deputy Speaker, Sir. As usual, the President said all the right things, but what is more important, and what Kenyans are looking forward to, is the implementation.

It serves no purpose saying all the right things and doing the opposite. One notices a dichotomy between the speeches and declarations of good intentions, and the action or the conduct of the Government. What we are interested in are the actions rather than just the language. For example, how does one reconcile the excising of over 10 per cent of our forests? Are these actions intended to promote economic development in this country? We talk about being an agricultural country and agriculture being the backbone of our country. Does one see actions on the part of this Government that truly promote agriculture in this country?

Mr. Temporary Deputy Speaker, Sir, in the case of forests, in this country, we used to have a balanced policy where landless people were permitted to cultivate in the forests, and one could cultivate as much land as one was able to, provided that the landless person also planted tree seedlings. In other words, the cultivation was only permitted where mature trees had been harvested. But in return for harvesting and growing the food, those squatters would be required to plant tree seedlings. So, they got food and the Forest Department got free labour in terms of tree planting or afforestation. This policy worked beautifully. Why do we now want to give titles to everybody? We have to accept that there

will never come a time in this country when we shall be able to give land to each and every Kenyan. That, we must accept, is an objective we cannot achieve. So, why does this Government not revert to that policy, whereby, instead of excising forests and issuing title deeds, they allow the landless people to cultivate and plant their crops for two or three years the way it used to happen? These are the policies that one would like to see from this Government if they are interested in economic development.

Mr. Temporary Deputy Speaker, Sir, even in agriculture, we should hear from the President, implementation of policies that are well thought out. For example, when it comes to sugar, I am not saying we should not have the sugar factories; in fact, I think closing the sugar factories is a step in the wrong direction, but there are much more fundamental issues. Our sugar, over the years, has progressively become very expensive to produce. This is why it is not competitive any more. We should be told by this Government what policies they have put in place to encourage the use of high yielding sugar seeds like they are doing in other countries, in order to lower the cost of production and in turn, lower the cost of our sugar and make it more competitive. We also need to lower the cost of the milling. That you can repeat with about every crop.

When it comes to coffee, again over the years, our coffee is becoming very expensive to produce because of the cost of inputs; the chemicals, the fertilizers and the insecticides that are used. What policies does this Government have to lower the cost of production of our coffee, so that the take-home package of the farmer can be increased? These are the policies that we would have wanted to hear from the President. Why is it that it is only Europe and the international community that actually do research in order to manufacture chemicals and the fertilizer that we use for agriculture in this country? Why do we not hear from the Government, the steps they are implementing in order to encourage our scientists to come up with affordable chemicals to be used for farming? This will bring down the cost of production of our coffee and sugar. These are policies that are lacking. At the end of it, you pass a judgement that these are just platitudes and good words which are being said, and they are not matched by action.

When you go to the pastoralists, it is not just KMC. What policies is this Government saying it has in order to improve on the stock production of beef cattle? As we speak here today, our meat is not permitted in Europe. Why? Because the policy we used to have of vaccinating the animals, that is de-worming, has collapsed. It is no longer there. If we had an effective way of implementing the improvement of the beef stock in this country and adhering to international standards of veterinary requirements, this country would have been able to take advantage of the crisis in Europe with foot-and-mouth disease. However, these are the policies again, the details of which are missing from the Presidential Speech. Where is he talking about the dams and how he is going to

build abattoirs in these areas where beef cattle are reared?

Mr. Temporary Deputy Speaker, Sir, when we come to the issue of security, this issue touches not only the urban areas, but all over the country. Now, if you start from the border of Kenya and Uganda, coming down to Pokot, Turkana, Samburu, all the way down here, there is effectively no Government outside the urban centres. I had occasion three weeks ago to visit Samburu and talk to the ordinary people there. These are people who you can see are ordinary humble country people, and they are not lying; they told me the truth. Their complaint is one as Samburus; that when Pokots go and steal their cattle and drive 2,000 head of cattle and the Samburu gather themselves in order to go and follow their animals, that is the time that the Government employs GSU to stop the Samburus from following the animals.

**The Assistant Minister for Information, Transport and Communications** (Mr. Lengees): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Muite, do you want to be informed?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, if it is a point of information, I will take it from the Member for the area. But if it is a point of order, no.

**The Assistant Minister for Information, Transport and Communications** (Mr. Lengees): Mr. Temporary Deputy Speaker, Sir, the Samburus and the Pokots are not fighting since they are brothers. Maybe, the hon. Member may tell us who are these people who informed him about that animosity between the two communities.

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Lengees, Question Time is over. Proceed, hon. Muite!

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am saying that we should not take this issue of insecurity lightly or politicise it. I am saying that we need, in fact, a Parliamentary Committee to investigate what is going on in those areas. Why are Members of a particular community able to terrorise other communities? When you read Andrew Morton's autobiography, which was an official one and he spoke to members of the "kitchen cabinet", you find some very interesting passages there. As far back as 1982, during the attempted military coup, the debate that was going on in Nakuru was what options were available to the President. One option was to go out of the country and the other was to go to West Pokot and mount a counter-offensive from there. Why West Pokot? Why is there a community which is armed to the teeth and left alone to terrorise others? Are we seeing the beginnings of a preparation of a militia that will be used in the event of there being tribal warfare in this country? Is that what



the Pokots are being prepared for?

**The Minister for Vocational Training** (Mr. Ruto): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to impute that when a group of thugs go to terrorise---

**The Temporary Deputy Speaker** (Mr. Imanyara): We have already ran out of hon. Muite's time. So, your point of order is overruled.

**Mr. Maundu:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to make a few comments on the Presidential Speech.

The President's Speech could not have come at any other time in the history of the Eighth Parliament. This speech was made fairly and concretely soberly and its visionary flare cannot be ignored by anybody. The circumstances under which this Speech was made should draw our attention to some of the salient events that are taking place in our country. Of primary importance to any Kenyan today is the Constitutional Review Process. I think the President, in his wisdom, considered that there cannot be any responsible, continuous, sober and peaceful transition without a constitutional review process in which all Kenyans take part. The President has welcomed, without any reservation, the process of a merger. I believe that all of us in this House are now agreed on this process. So far, there are those busy bodies all the time, who want to scuttle a good job for our country. There are those who want to go round saying that hon. Members of the Select Parliamentary Committee on the Constitution gave in too much to the merger. Some of them, even now, are being targeted for isolation because they pushed the process of the merger in a manner that was reasonable and prudent. Do you know some of those busy bodies lie around without doing so much? But behind the scenes, they cause much havoc and damage to a process that will benefit the country.

Mr. Temporary Deputy Speaker, Sir, we, as a Parliament, must now resist these manoeuvres from all these quarters and accept that a merger of the Constitutional Review Process is the way forward. We have heard voices who disagree with us and they are entitled to do so. We know that unless we have responsible critical voices in this country, all of us, at one time or the other, will go to slumber. Therefore, when the Bill comes for the purposes of the merger, we will look into it critically and make sure that the process is proceeded with, without due **[Mr. Maundu]** delay. There is no way we will say that we are in politics in this country unless the future for all Kenyans is made clear. This is because we should not be only talking within the confines of this House and appear to understand each other, or even to understand the future, without Kenyans taking a role to know the future of their country.

Mr. Temporary Deputy Speaker, Sir, the problem with us in this House is self-preservation. I read in a book called the *Grain of Wheat* of one fellow called Mugo who was so scared of the Mau Mau movement that he had to go and buy his stuff just before it was too dark and then come

back to his own small hut and sleep early enough. But when the "flowers" of Mau Mau opened up, they did not spare Mugo and finally he was hanged for being too careful about his own life. We do not want to be too careful as hon. Members of Parliament, only to consider the fact that we should remain in this House because the benefits are better than they have ever been at any other time. We should be in this House to do our national duty, and when our time is up, we pack our boots and go home.

Mr. Temporary Deputy Speaker, Sir, in this regard, we want to test whether the President was serious in accepting a merger. That can only be seen if all of us, again, accept that principle and proceed with it until we find a roadblock somewhere and raise the alarm to say what was in the President speech is not all reconciliatory. We must do our bit and piece to prove him right. I think this is an area we need to look at.

Mr. Temporary Deputy Speaker, Sir, the other issue is that when we come to examine the Economic Bills, we must have a clear mind about them. We must not be twisted and manipulated by groups of pretenders who want to perpetuate themselves in power when their time has lapsed.

Mr. Temporary Deputy Speaker, Sir, the Economic Crimes Bill and the Code of Ethics Bill will help us to manage corruption which is a serious disease in our country. There are those people who have looted in this country, but again they happen to be within the leadership. We must discover how we want the way forward to be. The question of saying that so-and so must be isolated or hanged when we are in the Government is not the way forward. We must be a nation at this time now, which can forgive. We must be a nation that is prepared to chart a new path for a country. According to the Economic Crimes Bill, we must be able to provide for the Government, as well for this country the way forward in a clear and acceptable manner. But when corruption is turned around to encompass communities or even tribes, in that regard, we will not be able to stamp out corruption and we will not be able to fight it, and you will find much resistance and we cannot move forward.

Mr. Temporary Deputy Speaker, Sir, I must indicate here that I was a Member of the Select Committee that was appointed to probe corruption. I think, with all due respect, the warnings we were given by one of the professionals from Hong Kong, much as we took it very seriously, were not taken seriously because we ignored certain aspects of that particular advice. We should not take too much that we cannot chew. We did it, I admit and we were unable to chew. When we begin discussing these Bills on corruption, we must be able to accept that, we must come up with something which is prudent, practicable, and which can be implemented for the benefit of this country. We do

not have to jump the gun; let us begin with process that we can implement by ourselves.

Mr. Temporary Deputy Speaker, Sir, in that regard, I would like the Economic Crimes Bill to be very specific. We have heard hon. Members of Parliament complaining about some sugar which is imported into this country from Zimbabwe. I was in Zimbabwe three weeks ago, and I went to where sugarcane is planted. I am surprised because no sugar can be imported from Zimbabwe to a country like Kenya. There is nothing! Where does it come from in Zimbabwe?

If you went to one of our sugar belts, you would see that no area in our country is of the size of what I saw in Zimbabwe. So, who is cheating who and telling us that there is sugar which is coming from Zimbabwe? Sugar must be coming from elsewhere over the high seas. The gurus who manage this particular mafia-like group know how to manipulate it. People in Nyanza and Western Provinces are going to cry for a long time, unless we enact serious legislation that will make it impracticable for the mafia-like gurus to import sugar or other commodities into the country to the detriment of Kenyans.

I think we must stand up and say enough is enough. I have never seen a time when we stood up and said; "Enough is enough". We are complaining about the importation of sugar into this country. Sugar in this country cannot be bought by the devil at night! It is bought by Kenyans or conspirators with certain Kenyans. We want to ask the Government, for the sake of Kenyans, that the Ministers responsible for this docket should from time to time assure Kenyans that they are not doing anything that would hurt us. We must be sympathetic to the plight of our people. The Government should be in the forefront making sure that such practices do not occur, and the ordinary people are not injured by irresponsible decisions made within a process which is not altogether transparent.

[Mr. Maundu]

Mr. Temporary Deputy Speaker, Sir, I want to say that as a Parliament, unless we are united as patriots and participate in those things that would benefit Kenyans, we are not going to succeed. We would be seen as an irrelevant eighth Parliament whose biggest achievement was to award itself huge salaries for doing no job at all. If we are going to justify our stay here, we must really be able to give Kenyans what they expect of us.

Mr. Temporary Deputy Speaker, Sir, I want to quote the words of one of our greatest leaders in Africa, Kwame Nkrumah, who said the following:

"Unless you are united; the glory which awaits Africa cannot come about until Africa is united. If you fail to unite, then a great nation will go to sleep altogether, and we as a country will be seen to be slumbering. Unless we unite on a common call and process to help our people, we are going to sleep as a nation

altogether and nobody is going to be spared by that particular process."

Mr. Temporary Deputy Speaker, Sir, let us put our hands together; let the old nation called Kenya disappear and perish in its greed and be born again with new hope and promise. The words of the President were very prophetic. He was calm and clear in his mind, and he wants to test that wisdom so that Kenya may have a future.

I do not want to end this speech without also quoting another great politician and leader called William Tubman, who said:

"We must destroy all ideologies that tend to divide us. All of us must register a new era of justice, equality and equal opportunity for everyone from every part of our country regardless of creed, race and colour."

I also want to quote the words of retired President, J.J. Rawlings of Ghana. He said:

"Suspicion and distrust of those who do not always think identically with us will not help the revolution process. All those of goodwill must continue to create a just society."

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Eng. Toro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to go through a few issues that were highlighted in the Presidential Speech. As many before me have said, the Speech touched on all the areas that we should address as Members of Parliament. Once we address these areas, the question is: Who will implement the directives of the President, because he cannot do it single-handedly? Parliament can pass very good laws, but what about the implementation stage?

On the issue of corruption, the President has always said that he is fighting corruption, but what is happening in the Government is the opposite. As Members of Parliament, we have raised these issues all the time. We have asked who will fight corruption because Members of Parliament are not the police or the intelligence officers. Where does the buck stop in fighting corruption? We get discouraged when we are told to enact laws and yet the existing laws are not being followed. We will be encouraged to enact even more laws when we see the existing laws being implemented.

Members of Parliament feel very insecure, even when they are in their constituencies. They visit police stations and discuss with the OCPDs about insecurity problems and the kangaroo courts that exist in all police stations where people are arrested and never charged. Innocent people are being arrested and released when they pay *kitu kidogo*. Once the criminals who are terrorising people in the rural areas are apprehended,

they pay *kitu kidogo* and they are released. So, the vice continues. Insecurity has to be addressed seriously because it is not sparing anybody, whether in the Opposition or KANU zones. We should address that issue collectively.

I had the privilege of hosting the President in my constituency last Monday when he came for a public rally, and I raised a few issues. On that day, the President affirmed that the ban on allocation of plots he had imposed earlier on was still in force. Despite that Presidential directive, plots allocation was still going on in Kandara Town Council. Last week, after the President reaffirmed that the ban on plots allocation was still on, some people met and decided that what the President had said was nonsense. Last Thursday night, which was merely three days after the President directed that Government houses should not be allocated to individuals, a private developer went ahead and demolished House No. Kandara/LG/2A-B, which was being occupied by a lady called "Halima" and her 10 children. The private developer, who is popularly known as "Kamaliza", demolished that house at 3.00 p.m. with the full knowledge of the police and the Provincial Administration (PA).

Mr. Temporary Deputy Speaker, Sir, on that day, the said lady and her 10 children were thrown out in the cold, and her property was stolen. I understand that those who carried out the demolition exercise were armed with guns. The lady's

**[Eng. Toro]**

Kshs60,000 was stolen and her property loaded onto lorries and looted, but no action has been taken against those people. All this happened following the President's order that Government houses should be left alone. Now, who is going to enforce the law? I can see that the Deputy Leader of Government Business is here. I would like to appeal to him to ensure that the Government does something about this. The PA and the police cannot act contrary to Presidential directives.

**The Minister for Vocational Training (Mr. Ruto):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Member to make a very serious allegation on a matter he could very easily raise during Question Time or report to the police? The hon. Member could be maligning people who are not here to defend themselves.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, as a Member of the Cabinet, hon. Ruto can respond to the issues I am raising here. He only needs to make a telephone call to establish that what I am saying is the truth. Also, he should be reminded that I am entitled to speak on matters affecting the people I represent here. My people are being harassed as the Government watches.

Following that incident, the people of Kandara requested the President to dissolve Kandara Town Council, which he did. I now hear that the councillors and other leaders have seen the Minister for Local Government, and that they have been assured that the President was dreaming when he said that he had dissolved Kandara Town Council.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, we are talking about the integrity of the President. Some people have said that the President was dreaming when he made his speech in Kandara, and nothing is being done about it. Those people who have been peddling rumours about the President having dreamt are still free, and nobody is asking them anything about the matter. If the President's directives can be ignored and such rumours spread about him, could we know the person who is in control in this country? Is it the President or the rumour mongers?

**Hon. Members:** The rumour mongers!

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, that is the fact of the matter. The people are very concerned that the President can be taken lightly. The President was serious when he made that announcement. So, I challenge those in the Government to protect the image of the President. We are talking about people who

have grabbed land in Kandara Town Council, and who are saying that they cannot let it go. Those people want to continue grabbing land, whether the President likes it or not. That is pathetic. When we talk about the economy of this country, the constituency that I represent is a coffee and tea growing area. We need to have policies from the Government to revive the coffee industry. Without the revival of what used to be the number one cash crop and number one foreign exchange earner in Kenya, we will talk about poverty forever and ever! Poverty alleviation programmes and seminars that are being held in the districts are completely useless! You are going to ask the people to tell you exactly what the Government knows! If coffee production has gone down by 80 per cent, do you need a seminar to be told that we need to revive the coffee industry? You do not! When water catchment areas have gone, and the Provincial Administration officials are there watching, do you need a seminar for the people living in the water catchment areas to say that, that is wrong? We need to be serious! When the President appeals to us to be serious, the Government should also be very serious.

**The Assistant Minister for Energy (Eng. Manga):** Thank you, Mr. Temporary Deputy Speaker, Sir. Let me take this opportunity to, first of all, say the following: On my behalf and that of the people that I represent, I send condolences to the families and parents of those young men who perished in the calamity that occurred in Machakos. Those incidents have become very common. I would like to cite one incident that I witnessed in my own constituency. One day, as I was

presiding over a Harambee in aid of one mixed secondary school, somebody whispered to me and said: "Do you know that the girls in this school are in prison at night?" I could not understand that. He went on to explain that a watchman locks the door of their dormitory from outside, and stays there to make sure that the girls do not come out.

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Imanyara): Eng. Manga, you will have eight minutes in the afternoon to finish your contribution!

It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.