

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 29th March, 2001

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

#### NOTICE OF MOTION

##### ADOPTION OF THE NINTH PIC REPORT

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

THAT, this House adopts the 9th Report of the Public Investments Committee on the accounts of State Corporations laid on the Table of the House on 27th July, 2000.

#### QUESTIONS BY PRIVATE NOTICE

##### ACTION AGAINST CORRUPT POLICE OFFICERS

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

(a) Is the Minister aware that police officers from Nkubu Police Station are demanding bribes of Kshs100 from every Land-Rover owner entering Nkubu Market through Nkubu-Mikumbune Road?

(b) Is he also aware the said police officers have ignored warnings from their superiors not to demand bribes?

(c) What urgent steps is the Minister taking to ensure that the concerned police officers are dismissed from the Police Force and charged with corruption?

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

(a) I am not aware of the alleged taking of bribes by police officers along Nkubu-Mikumbune Road.

(b) Arising from my reply in (a) above, parts (b) and (c) do not arise.

*(A cell phone rang in the House)*

**Mr. Deputy Speaker:** Order, hon. Members! Could the hon. Member with that cell phone, please, take it out of the Chamber? To avoid this kind of situation arising again, hon. Members should kindly leave their cell phones  
[Mr. Raila]

outside the Chamber. But that hon. Member should be honourable enough and take that phone out!

**Mr. Murungi:** Mr. Deputy Speaker, Sir, I am wondering whether the Minister can look at me in the eye and repeat what he has said. I was with the Minister at Nkubu Market on 6th December, 2000, and I informed him about this problem and he promised to take some action. I am now surprised to hear him say he is not aware about this matter. Is he in his right mind, or has he gone bananas? Could he confirm or deny whether he was with me at Nkubu Market on 6th December, 2000, and that I told him about this matter problem?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, first of all, I do not take very kindly to the nasty remarks by the hon. Member. It is true that I was with him at this particular place and he told me that police had been taking bribes. I checked with the police officers and I found that no reports about bribe-taking had been made. Therefore, I am not aware that any bribes were being given!

**Mr. Deputy Speaker:** But, Mr. Minister, the hon. Member made you aware about this matter on 6th December, 2000?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, he told me about this but when I checked, there was no evidence to show that any bribes were being taken! Therefore, I am not aware of any bribes taken.

**Mr. Deputy Speaker:** Order, Maj. Madoka! The Question is talking about bribes being "demanded" and not being "given."

**Mr. Raila:** Mr. Deputy Speaker, Sir, the Minister ought to take this House seriously. He is not taking this House seriously when he denies that bribes are being demanded. Each time he travels through a roadblock, he finds policemen and he knows that they demand bribes. In the absence of a state of emergency, why do we have permanent police roadblocks on our highways? What are those police roadblocks doing, if not only soliciting bribes from innocent motorists? When will this Government finally take complaints of the Kenyan people

seriously, about police harassment, bribe-taking and

extortion on our highways and remove those roadblocks?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the Government takes everything seriously that is said about the police. I wish to state that when people say policemen are demanding bribes, I am not aware of that!

**Mr. Deputy Speaker:** Order, Maj. Madoka! Just answer the question put to you.

**Maj. Madoka:** I am answering that question because hon. Raila said these police officers are there to demand bribes. These people can only prove that the police officers are demanding bribes if there is evidence that they have actually demanded a bribe!

**Mr. Deputy Speaker:** Order, Maj. Madoka! That "demanding" was just a rider. The Question was "when are you going to remove these roadblocks?"

**Maj. Madoka:** Mr. Deputy Speaker, Sir, we are not going to remove those roadblocks on our roads. It all depends on the particular areas where they are placed. I have personally dealt with the various cases that have been reported on these roadblocks.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, is the Minister aware that there are about eight roadblocks from Nyeri to Nairobi? Is that justified by security reasons? Why do you have to keep those eight permanent roadblocks from Nyeri to Nairobi?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am not sure that there are eight roadblocks between Nyeri and Nairobi, but I will check on that.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, if the Minister denies that the police officers on those roadblocks take bribes, is he aware that when the Shaggy and Akamba buses collided last year, the Shaggy bus had just passed a police roadblock where passengers were removed by police officers from one Shaggy bus to another one which was overloaded? That is why so many Kenyans died. Why do we have those roadblocks if they are used by police officers to demand bribes?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I am going to repeat what I said earlier. I am not aware that bribes are being demanded, and I am not going to deny that there are no bribes being demanded, but I am not aware.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, is the Minister in order to refuse to answer the Question, when these hon. Members pass through the roads every morning and witness this vice taking place? From Nanyuki to Nairobi, there are 14 roadblocks! I have been counting them everyday! The Minister does not seem to know what is happening! Is he sure of what he is telling the House?

**Maj. Madoka:** Mr. Speaker, Sir, I have not denied that there are roadblocks. I will check on the number of those roadblocks. Let me also add that we keep on reviewing our position about these roadblocks. Indeed, there are times when there may be too many roadblocks on the way and we have advised the Commissioner of Police to check on it.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, could the Minister tell us what the distance should be from one

roadblock to another, on average?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I do not think we have got any specified distances between roadblocks. I think it depends on the various districts and the jurisdiction area of the officer commanding that particular area.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, since hon. Murungi has now brought this matter to the attention of the Minister responsible for internal security, could he now order the Commissioner of Police to ensure that these people do not take bribes any more?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I stated earlier that when hon. Murungi told me about this, I came and briefed the Commissioner of Police. He came back to me and said he had not been able to establish that bribes were being taken.

**Mr. Murungi:** Mr. Deputy Speaker, Sir, in answer to my question, the Minister says he is not aware that there is bribe-taking by police as no police officers are deployed on the same road. Even the day the Minister was there, there were policemen on this road and they are there even now. Could he undertake to do further investigations on this matter and come back to the House with a proper answer? This answer is not based on any facts! The People of Imenti South will be surprised to hear that there are no police officers on this road when they are paying them Kshs100 everyday!

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I have not said there are no police officers deployed there. That is why I did not read that part of the statement!

**Mr. Murungi:** Mr. Deputy Speaker, Sir, it is clear that the Minister has not dealt with my Question and he has not done his homework well. I am requesting the Chair to send the Minister back to go and establish, as a matter of fact, whether there are police officers posted on the Nkubu-Mikumbune Road, and whether they are demanding bribes of Kshs100 from every Land-Rover? He should also take some action and report back to the House.

**Mr. Deputy Speaker:** Maj. Madoka, you have been asked to state whether you will ensure that no police officers are deployed on the said road. What is your answer?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, when I was there, there were policemen on that road because I saw them. So, today, I do not know whether they are there or not. After that incident, the Commissioner of Police told me that they were not [**Maj. Madoka**] going to have them there. So, I am reporting what I was informed.

**Mr. Murungi:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has not dealt with our request that he goes back and establishes the facts on the ground and comes back with a proper answer to the House. The mere fact that the Commissioner of Police

told him something since we are saying something different should itself ring a bell that the Minister should do something. Could he undertake to do further investigations?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I will comply with that request of the House.

**Mr. Deputy Speaker:** Thank you very much. Next Question!

#### PAYMENT OF DUES TO RETRENCHÉES

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

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

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

#### **The Minister of State, Office of the President**

(Mr. ole Ntimama): Mr. Deputy Speaker, Sir, I beg to reply.

(a) All civil servants retired under the Retrenchment Programme have completed and returned all their forms and the following documents have to be produced before they are paid their dues: Civil Service Reform Programme III Form; Pension Commutation Option Form; copy of the national identity card and the bank account number through which the dues are to be paid. The amount payable is not uniform because it is determined by the grade and salary level of the retirees, number of years worked and the terms of service. The average benefit payable is, therefore, about Kshs235,000 with some retirees earning less and some higher. For non-pensionable retirees, the full amount of severance pay, salary in lieu of notice and "golden handshake" have been, and will continue to be paid as the retirees return the Civil Service Reform Programme III Forms.

My office has released several Press statements through print media and the radio appealing to the retirees to return or submit the following documents to their respective Permanent Secretaries: CRC Form III, Pension Commutation Option Form, copy of the national identity card and the bank account through which the dues will be paid. As soon as the documents stated above are returned to the Government, benefits will be processed and paid without further delay.

**Mr. Kihara:** Mr. Deputy Speaker, Sir, I understand that one of the agreements that Civil Service retirees are required to sign is to the effect that they will never seek any employment in the Public Service. They do assist those people, particularly from North Eastern Province, who have filled in their forms correctly but have not been paid their dues?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, as a matter of fact, I do not know of anybody who has filled in his form and has not been paid. Probably, it is just taking the normal processing time. If the hon. Member knows anybody

cannot be consultants or take any job in the parastatals or any other public organization. Is the Minister satisfied that these conditions are fair to the retiring civil servants whose experience is important to this nation?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, that is normally the understanding between the retirees and the Public Service. But I do not know whether there are any special conditions which should probably be considered by the Government. But definitely, it would not be normal for the retirees to be re-employed in the Public Service under the normal circumstances.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, the truth of the matter is that, now it is almost six months since those people were retrenched. Secondly, when the Government retrenched these civil servants, it was clear that they were going to compensate or pay them their dues amounting to Kshs235,000. Now, it is six months down the line and they have only been paid Kshs40,000. Could the Minister explain to this House how he expects those people to survive with only Kshs40,000? These people are supposed to feed their families and educate their children with Kshs40,000 only, yet that money had been provided for by the Government.

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, if there was any confusion at all, definitely it arose from the retirees' failure to follow the normal procedure as laid down. I am sure if they could do what they are required to do; for example, submit the forms through their Permanent Secretary promptly, I do not see why there could be any delay in paying their dues immediately.

**Mr. Wamalwa:** Mr. Deputy Speaker, Sir, I would like to put it to the Minister that the Government was not honest in dealing with these retirees because, if they had wanted these people to be paid their dues, they should have insisted on the retirees filling out these forms and having everything in order before retiring them. The fact that they were retired and then asked to fill these forms seems to me that the Government was buying time. Is that the position or not?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, definitely, we are not buying time. It is the normal procedure.

**Mr. Shill:** Mr. Deputy Speaker, Sir, we know for a fact that civil servants who are retrenched go through nightmares in Nairobi. There are retirees who have filled in the forms correctly, but for the last two months, they have been staying in Nairobi. Could the Minister tell us what he will [**Mr. Shill**] who has filled in the forms and stayed for a week or two in Nairobi, I will be very grateful to know who he is.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, since the Permanent Secretaries are stationed in Nairobi, could the Ministry authorise those forms to be passed to the retirees through the District Commissioners? It is very expensive for the retirees to travel from upcountry

to Nairobi.

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, the forms are submitted to the Permanent Secretaries. Whether for some reason the Permanent Secretary gives the forms to the District Commissioners to facilitate them getting to the retirees, I would not vouch. Definitely, it is the Permanent Secretaries who are responsible for the exercise.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, could the Minister confirm that the Government believes that the retrenchment of the civil servants was fair?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, this process went through all the stages, including passing through the House, and I am sure everybody agrees that it was fair.

**Mr. Deputy Speaker:** Order, Mr. ole Ntimama! You were asked to bring to the House a Sessional Paper to outline the details of this retrenchment and you have not done it. So, it has not gone through this House as you have alleged.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, it is pathetic that the Government decided to retrench civil servants aged 28 years old, leaving those aged 60 years. These are the most potential brains that we have in this nation and there is not justification for us taking that action. Now, the Minister is confusing the whole House that---

**Mr. Deputy Speaker:** Order, Mr. Kiunjuri! Ask your question.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, is the Minister telling the House that out of the thousands of retrenchees, none of them has complied with the requirements, and hence none has been paid?

**Mr. ole Ntimama:** Mr. Deputy Speaker, Sir, this is a very confusing question because I am sure the majority of the people who have been retired have filled in those forms and have been paid their dues.

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

#### DISBANDING OF KCB SUBSIDIARIES

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

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

**[The Minister for Finance]**

The KCB is currently undergoing major restructuring and rationalization of its operations. The efforts they have put in during the last two years are beginning to bear some fruit as evidenced by their financial results. In order to support the restructuring and ensure quick return to sustainable profitability, the Kenya Commercial Bank and its subsidiary boards have recommended the proposed mergers.

The issue of the sale of Kencom House is subject to litigation, and since the matter is in court, it is not

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

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

(a) I am not aware that the Kenya Commercial Bank Managing Director has disbanded some KCB subsidiaries, such as Savings and Loans Kenya Limited and Kenya Commercial Finance Limited. However, I am aware that KCB and subsidiary boards have agreed to merge or integrate the Savings and Loan Kenya Limited and Kenya Commercial Finance Company Limited into Kenya Commercial Bank Limited. This proposed merger or integration is, of course, subject to the approval of the Minister for Finance as provided for under the Banking Act, and the shareholders of the KCB in an annual general meeting. The same is yet to be implemented after all the approvals have been obtained. I am similarly aware that Kencom House has been sold to KCB Staff Pension Fund.

(b) The KCB is currently undergoing major restructuring and rationalization of its operations. In reaching the strategic decisions to merge or integrate the subject subsidiaries, the KCB Board fully recognizes the on-going importance of their product as being vital to KCB core business. However, expensive subsidiary structures are not needed to deliver these products to customers. In fact, product sales can improve using the extensive KCB branch network. For Savings and Loans Kenya Limited, there is a recommendation before me at the moment by the Central Bank to disband it. However, no decision has been made at this point in time.

As for Kenya Commercial Finance, the KCFC and KCB are carrying out similar and even competitive roles. By merging their operations, it is expected that the bank will benefit from economies of scale and increased utilization of resources. Most of the customers of Kenya Commercial Finance are already customers of KCB, and for them, this will mean dealing with one relationship point. Savings will be realised on a number of expenses which will be reduced or eliminated altogether, for example, directors' emoluments, pension scheme contributions, office rent and maintenance and other operating expenses. These are estimated at about Kshs90 million a month. Savings in staff costs included above are due to reduction of jobs for the integrated staff by about 45. It is

advisable for me to comment on it.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, it looks as if the Minister is not controlling the Treasury. The Kenya Commercial Bank is under his docket, but he is not aware that even Savings and Loans Kenya Limited is being merged with the KCB. The Savings and Loans Kenya Limited is up for sale. The Managing Director wants to sell Savings and Loans Kenya Limited to Barclays Bank. As I am talking here, Barclays Bank has already submitted an application to go into the business of managing mortgages. The Minister is also saying that

he is not aware that other subsidiaries of KCB are up for sale.

Mr. Deputy Speaker, Sir, I want to share with him, but---

**Mr. Deputy Speaker:** Order! I will allow you to share with him whatever you want in the form of a question. If you have documents to lay on the Table, yes, do so, but I will not allow you to make a speech.

**An hon. Member:** It needs co-operation!

**Mr. Ojode:** Let us just co-operate on this issue, Mr. Deputy Speaker, Sir.

*(Laughter)*

**Mr. Deputy Speaker:** Order! I do not know whether he is talking about co-operation or a merger, but, hon. Ojode, for the time being, I want you to ask a question.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, let me give him the background information and then I will ask the question.

**Mr. Deputy Speaker:** Order! You have done enough!

**Mr. Ojode:** The Minister should know---

**Mr. Deputy Speaker:** Order! Hon. Ojode, I am going to move to the next Question.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, is the Minister aware that the KCB Training School in Karen is being sold at a throwaway price? An acre of land where those buildings stand is going for Kshs900,000.00

**Hon. Members:** What? Aha!

**Mr. Ojode:** And yet the valuation report refers to a figure of Kshs3 million. I am not against the Minister, but I wanted to ask him whether he is aware---

**Mr. Deputy Speaker:** Order! You have done it. You started by asking if the Minister was aware of all those things you have stated. Now, I want the Minister to tell us whether he is aware or not.

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I think, in my response, I did say that I was aware of Savings and Loans Kenya Limited having been recommended for disbandment. I did say that the Kenya Commercial Finance Corporation has already been approved for disbandment because of the similarity of the functions it carries out with the KCB. However, I am not aware of the sale of the KCB Staff Training Institute and at Karen at Kshs900,000 per acre.

**Mr. Michuki:** On a point of order, Mr. Deputy Speaker, Sir. I had decided not to raise an issue, but I have been forced by circumstance to do so. As you know, I initiated and supervised the construction of the Kencom House when I was the Executive Chairman.

**An hon. Member:** You are touching on an issue of *sub judice*!

**Mr. Michuki:** Whether the issue is in court, the fact is that the bank is forcing Pensions Fund to buy Kencom House without involving itself in the principal sale. So, we

can discuss the principal sale.

Mr. Deputy Speaker, Sir, when we get a building like Kencom House, which was purposely tailored to show the strength of finance in the hands of Kenyans, are we not showing our children that tomorrow, we shall be asking hon. J. Nyagah to cut part of Kenya and issue a title deed which we can sell to settle debts? Could the Minister tell us why, even Savings and Loans Kenya Limited deals with long-term mortgage cases for the building society has nothing to do with the KCB? So, the Kenya Commercial Finance Company (KCFC) takes deposits although it is not part of the ailing commercial activities. So, where is the synonymity between the KCB, Savings and Loans Kenya Limited and the KCFC?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I am surprised that hon. Michuki can comment about the KCFC and KCB carrying out dissimilar functions. If you take your memory back, the KCFC was established because of the provisions of the Banking Act at that time, which stipulated that a commercial bank would not lend loans for a period exceeding three years. But, of course, as you are aware, that provision was removed. Therefore, the existence of KCFC as an independent financial institution is unnecessary because that function can be carried out by a normal commercial bank.

When it comes to the question of Kencom House, it is very difficult for me to comment on the [**Mr. Okemo**]

sale because it is the sale which is actually being challenged in court now. If I comment on that, then, obviously, I think I will be acting *sub judice*.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, is the Minister telling this House that stripping of assets by the KCB is a good thing for the economy of this country? Is it not just an excuse for Mr. Gareth George to justify his balance sheet and his salary of Kshs60 million, which he is paid in advance?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I am not condoning stripping of assets, as hon. Kombo puts it. The question of the land where the KCB Staff Training Institute stands at Karen being sold at Kshs900,000 per acre has come to my attention through hon. Ojode. I would like to request that I share that information with hon. Ojode and appropriate action will be taken to stop that sale if, indeed, it is going for Kshs900,000 per acre.

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. Before Savings and Loans Kenya Limited and the Kenya Commercial Finance Corporation were sold, what was the value of those two corporations? Were they established by an Act of Parliament? If so, why was the matter not brought to Parliament for approval before they could be sold?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, these are actually subsidiary companies of the KCB and there

is no Act of Parliament that established any of them. Therefore, the merging of the KCB and the KCFC is a management decision that was taken as part of the restructuring process.

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Ojode raised a very serious issue and before he shares the information with the Minister, could he substantiate the allegation that an acre is being sold at Kshs900,000, plus the buildings, so that we can know what exactly is going on? Who is this person who bought this particular plot?

**An hon. Member:** It is a Mzungu!

**Mr. Sifuna:** Even if they share the proceeds, the House should know who exactly bought that particular piece of land.

**Mr. Deputy Speaker:** Yes, Mr. Ojode!

**Mr. Ojode:** Mr. Deputy Speaker, Sir, could the Minister confirm or deny that the following branches are being sold before I tackle that issue of hon. Sifuna? They are as follows: Mashariki Branch, Muindi Mbingu Branch, Harambee Branch and Kehancha Branch. These branches will close down as from 14th April, 2001.

Mr. Deputy Speaker, Sir, the Printing Branch of the KCB is up for sale. The new computer which links the bank with the Nairobi Stock Exchange, and which had just been installed and refurbished at Kshs24 million, is also up for sale.

Mr. Deputy Speaker, Sir, the Savings and Loans Kenya Limited, which the Minister is talking about and which made a profit for the last one year, and was manipulated by the management. However, according to the available records, this company made a profit of Kshs114 million, but the management only declared a profit of Kshs24 million. When they were asked the reason for that anomaly, they alleged that the difference was transferred to the main office expenses account.

**Mr. Ojode:** Mr. Gareth George was brought there by Dr. Leakey who has so far been retired. The main duty of Mr. Gareth George is to loot the KCB assets. Could the Minister confirm or deny---

**Mr. Deputy Speaker:** Order, hon. Ojode! The Standing Orders state very clearly that you must not use the occasion of a question to make a speech. Let me now say that for the last time.

**Mr. Ojode:** (inaudible)

**Mr. Deputy Speaker:** Hon. Ojode, you have not asked any question!

**Mr. Ojode:** You have cut me short, Mr. Deputy Speaker, Sir! Let me ask the Question.

**Mr. Deputy Speaker:** Mr. Raila, proceed. Mr. Ojode, I will come back to you later.

**Mr. Raila:** Mr. Deputy Speaker, Sir, according to the written reply from the Minister, he says: "I am similarly aware that Kencom House has been sold to the KCB Staff Pension Fund." The court issue notwithstanding, is the Minister aware that the KCB management is in the process

of contracting the management of the KCB Pension Fund to the Barclays Fund? We know that the Barclays Bank is in the business of banking, competing with KCB. Is that not a contradiction? Will he confirm or deny that Mr. Gareth George is being paid Kshs5 million per month, and that he came from Barclays Bank?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I am not aware of a lot of these facts. In fact, a lot of valuable information is coming from the hon. Members of the House. I would very much like to share that information with those hon. Members that have it. As far as Kencom House is concerned, the matter is in court and I do not think I will comment on it. However---

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

**Mr. Okemo:** Can you stop being agitated? Can you save me, Mr. Deputy Speaker, Sir?

**Mr. Sambu:** You cannot abuse me!

**Mr. Deputy Speaker:** Order! He is responding to---

**Mr. Sambu:** He cannot abuse me! Who is he? What is wrong with him?

**Mr. Deputy Speaker:** Order! Hon. Sambu, I now require you to withdraw from the precincts of Parliament for the rest of this afternoon's sitting.

*(Mr. Sambu withdrew from the Chamber)*

**Mr. Murungi:** On a point of order, Mr. Deputy Speaker, Sir. I am following up hon. Kombo's question. Hon. Kombo categorically asked this Minister to confirm or deny whether Mr. Gareth George is paid Kshs60 million per month. Can the Minister confirm or deny this fact?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I would like to categorically deny that Mr. Gareth George is getting Kshs60 million per month.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Sifuna had asked hon. Ojode to substantiate the allegation that some hectare of land was going for Ksh900,000. Hon. Ojode had promised that he would do that. Would I be in order to ask that he does so now?

**Mr. Deputy Speaker:** Yes, you are in order.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I would request you to give me time so that I can answer him. This is my response: Mr. Gareth George was paid K£150,000---

**Hon. Members:** Substantiate!

**Mr. Ojode:** I will come to that!

**Mr. Deputy Speaker:** Order! Hon. Ojode, are you in a position to substantiate what you have said or not? What you are saying now is not substantiation by any stretch of the imagination.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I would

request the Chair to allow me time to develop what I wanted to say, and then I will substantiate. I will table everything here; do not worry!

**Mr. Deputy Speaker:** The matter of substantiation should be dealt with now.

**Mr. Ojode:** I want to substantiate, but let me build up what I wanted to say.

**Mr. Deputy Speaker:** Order, hon. Ojode! You will either substantiate or not. You can say other things later, but not now. Now is the question of substantiation.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, Mr. Gareth George is selling this plot to the Karengata Cowboy in Langata. This is an association for Karen and Langata *Wazungu*. Gareth George---

**Mr. Deputy Speaker:** Hon. Ojode, you have been in this House long enough to know what substantiation is all about. Are you in a position to substantiate or not?

**Mr. Ojode:** I will table the document on the question of land, but for now let me develop what I want to say.

**Mr. Deputy Speaker:** Do it now!

**Mr. Ojode:** I will do it now, but not immediately because I have to go out and get the things.

**Mr. Deputy Speaker:** Hon. Members, when you come to the House having decided that you will make certain statements, you ought to know that you will be called upon to substantiate on the spot. That has been the practice in this House and there will be no exception. So, hon. Ojode, stand up and substantiate or withdraw.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, let me first of all finish this one then I will go and bring---

**Mr. Deputy Speaker:** No! Do it now!

**Mr. Ojode:** I withdraw that particular statement if that is the case. You are forcing me---

**Mr. Deputy Speaker:** Order! If you cannot substantiate that allegation, I will move on to the next Question. Lay your documents here on the Table now. I will deal with that first.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, I am requesting the Chair to give me time to pick up the documents then I will lay them on the Table on Tuesday.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. As far as I know, there is no provision in our Standing Orders which says that you must substantiate on the spot. You can request to substantiate tomorrow or the day after. Our Standing Orders do not require that you must do it on the spot. So, Mr. Ojode is right to ask for time to substantiate this one tomorrow, if he has the papers.

**Mr. Deputy Speaker:** Order, Mr. Mwenje! I do not know which Standing Orders you are talking about. They must be from another forum. The Standing Orders are silent on that matter. Where the Standing Orders are silent, as I have had occasion to remind you before, you take recourse to Standing Order No.1. You must not form this habit of arguing even when you do not have the facts.

Hon. Ojode, are you substantiating or not?

**Mr. Ojode:** No, I did ask for time, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** When you have come with a Question and you are going to ask a supplementary question through which you make allegations, it is only fair that you come armed with documents which substantiate those allegations you wish to make. So, are you substantiating or not?

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

**Mr. Deputy Speaker:** I am dealing with this issue first.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, would it be in order for me to bring the documents on Tuesday?

**Mr. Deputy Speaker:** Fair enough. Hon. Members seem to have a lot of interest in this matter. To be fair, if hon. Ojode has documents that will substantiate the allegations he has made because they are also of a very serious nature, the Chair will allow him to table those documents on Tuesday.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, you [Mr. Ojode]

know very well that I had already said I will substantiate on that day; I did state that I would be able to bring the documents here on Tuesday. The Minister has not answered my question. Let me ask my last question. Can the Minister deny or confirm that there is a computer project being undertaken by the Kenya Commercial Bank at a cost of Kshs560 million? This tender has been awarded through single-sourcing to a company which cannot do the work.

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I know that there is computer project that the bank is undertaking now, which involves procurement of computers. I do not have the details that the hon. Ojode has. I would like to carry out thorough investigations and report back to this House on those various allegations. That is important.

**Mr. Deputy Speaker:** How much time do you want?

**Mr. Okemo:** Mr. Deputy Speaker, Sir, if hon. Members really want me to conduct a thorough investigation, they should give me about two weeks.

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

**Mr. Deputy Speaker:** Order! That was the last question. Mr. Minister, I have given you 14 parliamentary days to bring back that statement.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, the Minister has indicated that I should share with him the information that I have. I would want the Minister also to note this before I table that information.

**Mr. Deputy Speaker:** Order! No; that is the end of that Question.

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

(a) Is the Minister aware that the Government de-gazetted Provincial Commissioners, District Commissioners and Divisional Officers from being councillors in all councils in the Republic?

(b) Is he further aware that every council is supposed to have one nominated councillor for every three elected councillors?

(c) When will the Electoral Commission inform parties concerned to nominate councillors to replace the de-gazetted provincial administrators?

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

(a) Yes, I am aware. The Government had de-gazetted provincial administrators as councillors. However, it was later realised that we acted before the law was amended. Consequently, they have been reinstated as councillors, vide Gazette Notice No.1613 of 16th March, 2001.

(b) Yes, I am aware.

(c) This question has already been overtaken by events arising from my answer in "a" above.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, you will now agree that this Government is totally confused. There was a Motion here in 1998, by hon. Obwocha, demanding that provincial administrators be removed from the councils. After one year, the Minister de-gazetted all provincial administrators from being councillors. After another one year now, he is gazetting them again. That is the confusion. When did the Minister know that they had acted before the law was changed? Was it after I had submitted my Question or after?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, this Question is by Private Notice; so it reached us just the other day. We acted when we wrote to the Electoral Commission of Kenya (ECK) to inquire about existence of vacancies as a result of removal of DCs from councils. The ECK replied that there were no vacancies because the law had not been changed. Therefore, we had acted *ultra vires* by de-gazetting the appointment of DCs as councillors in local authorities.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I thought that, normally, the conduct in a civilised society is that if you think that a policy is good, and there is a contradiction between it and a law, this means that the law is bad. You do not change the policy, but you change the bad law. Can the hon. Minister for Local Government jog my mind on which particular part of the law states that the PCs, DCs and DOs shall be councillors? Can he remind this House of this?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, Section 26(b) of the Local Government Act, Cap.265, empowers the Minister to nominate councillors to represent the Government in various councils. This section has not been amended and the Minister is not, therefore, obligated to act

on a Private Member's Motion.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I am the Shadow Minister for Local Government of the Democratic Party of Kenya. The Act the Minister has referred to does not mention anywhere a DO, a DC or even a PC. Which law did he read to this House if it was not Cap.265?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, the point is that when the law talks of a Government officer, this is an open cheque. You can appoint any officer, be he an agricultural officer, an educational officer, an environmental officer or a DO, as a councillor.

**Mr. Ndicho:** Thank you, Mr. Deputy Speaker, Sir. In answer to part "b" of the Question, [Mr. Ndicho] the Minister has said that he is aware that the law provides that for every three elected councillors, there will be one nominated councillor. In Thika Municipal Council, we have 12 elected councillors. This means that a third of the 12 councillors is four councillors. This makes a total of 16 elected and nominated councillors. In Thika Municipal Council, we have 17 councillors instead of the 16 councillors who are provided for by the law. The 17th councillor is the KANU Executive Officer for Thika District, who was appointed by the Minister's predecessor. In view of the contravention of that Section of the law, would I be in order to ask the Minister to conform with the provision of that law and remove that extra councillor, so that his answer to part "b" of the Question will be in conformity with his actions?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I have not conducted any census of the councillors in Thika Municipality. So, I would not know how many councillors it has.

**Mr. Ndicho:** On a point of order, Mr. Deputy Speaker, Sir. I know that the Minister is not charged with the responsibility of conducting census. In any case, when the Government conducts a census in this country, it gives us the wrong figures. For example, it reduced the number of Kikuyus and Luhyas---

**Dr. Kituyi:** Ask your question!

**Mr. Ndicho:** Are you the Deputy Speaker?

**Mr. Deputy Speaker:** Order!

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I am the hon. Member of Parliament for that area. I represent Thika Municipality and I know my councillors. The Minister knows that as much as I do because I have written him a letter to that effect. Is it in order for the Minister to refuse to answer a Question whose answer he knows very well? I have given him the actual figures! There are 17 councillors in Thika Municipality instead of 16 councillors. I am now the *bona fide* hon. Member of Parliament for the area.

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I would like to assure hon. Ndicho that I will verify the allegations he has made. If I find them to be true, I will--



*(A mobile telephone rang in the Chamber)*

**Mr. Deputy Speaker:** Order! Could the owner of that mobile telephone kindly take it and himself out now? You cannot be hon. Members if you are hiding little things like mobile phones in your coat pockets. Please, let this be the last time the Chair is pleading with you not to bring mobile phones into the Chamber. If you do bring them with you, make sure that they are switched off. Otherwise, we will take a more drastic action because of this little gadget called "cell phone", which is really not necessary.

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I said that I am going to verify the allegations made by hon. Ndicho. If I discover the anomaly, I will then act in accordance with the law.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, we know very well that this Government rules by confusion. I have with me here a copy of Kenya Gazette Notice No.1613 of 16th March, 2001, in which the Minister issued the said notice. I wonder whether this notice is legal. It has been signed by the wrong person, namely, Mr. J.J. "Komotho". We do not have a Minister by that name in this House. Could he confirm whether he is the one who signed this gazette notice?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, that is a printing error. I think it will be corrected.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, the other day, the Speaker lectured us about the dignity of the resolutions of this House. This House did resolve that Provincial Commissioners (PCs), District Commissioners (DCs) and District Officers (DOs) would cease to be nominated councillors. Would I be in order to ask the Chair to order the Minister to de-gazette these officers from being councillors throughout the country, so as to restore the dignity of this House?

**Mr. Deputy Speaker:** Hon. Members, all of us are duty-bound to respect the resolutions of this House. I can understand the Minister giving the excuse that the law has not been amended to facilitate the de-gazettement of the said officers from being councillors, but the import of the particular resolution of this House was that he should put in motion the amendment of the relevant Sections of Cap. 265, to conform with the resolution. So, Mr. Minister, that is what you have to do.

*(Applause)*

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I think hon. Members of this House are already aware that we are in the process of overhauling the Local Government Act. I have assured Kenyans that the Bill by which the Act is going to be reviewed will be ready for debate by this House before the end of August, 2001. So, the particular resolution of this House will be taken care of then.

**Mr. Mbela:** Mr. Deputy Speaker, Sir, in view of

the fact that the Statute Law (Miscellaneous Amendments) Bill is going to be brought to this House again, could the said amendment be incorporated into that Bill? The particular resolution will be taken care of much faster that way.

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, we have already written to the Attorney-General about [Mr. Kamotho] the matter. So, the question of incorporating the particular bit of the Local Government Act into the Statute Law (Miscellaneous Amendments) Bill should be directed to the Office of the Attorney-General.

**Mr. Maitha:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to pass the buck to the Office of the Attorney-General? He knows that he is the one who is supposed to ask the Attorney-General to do the job for him.

**Mr. Deputy Speaker:** Hon. Maitha, the Statute Law (Miscellaneous Amendments) Bill also provides hon. Members with a chance to propose amendments to it. The House can amend the Bill. So, really, you are not saying anything new to the Minister.

**Mr. Munyasia:** Mr. Deputy Speaker, Sir, the Minister adopts a very liberal interpretation of Section 26(b) of the Local Government Act. But could he tell us why in Sirisia Constituency, which has two town councils, he has been appointing one DO to be a nominated councillor in both Sirisia and Malakisi Town Councils? He should have appointed another public officer to be a nominated councillor in one of the town councils. Why did he zero down on a DO?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, that is our practice. When more than one local authority fall within the same administrative unit, the officer in charge of administration in that area is automatically appointed a nominated councillor in those local authorities.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, is the Minister saying that it is legal for one Member of Parliament to represent two constituencies simultaneously? Nominating a DO to represent the Government in two local authorities simultaneously implies that, that DO is a councillor in two local authorities at the same time. Is that legal?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, I do not think there is anything wrong with that. Even an individual can be a member of the boards of directors of 10 or 20 companies. In any case, such a person attends the meetings of those companies when they are called. He tries as much as possible to avoid conflict in the days of the meetings for the various companies.

**Mr. Deputy Speaker:** Could you ask your last question, Mr. Sifuna?

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, now that the Minister admits having made a mistake, could he tell the House the specific reasons for his decision to de-gazette the Provincial Administration officers from

being nominated councillors in the first place?

**Mr. Kamotho:** Mr. Deputy Speaker, Sir, when I acted to de-gazette PCs, DCs and DOs from being nominated councillors, I did so on the basis of some legal advice by the Law Reform Commission and the Attorney-General's Chambers. But when we wrote to the Electoral Commission of Kenya (ECK), the ECK raised questions on the legality of my action. So, I had to rescind it.

**Mr. Deputy Speaker:** Very well. Let us proceed to Mr. Maitha's Question.

#### ALLOCATION OF MAJORENI DISPENSARY LAND

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that a private developer was allocated land belonging to Majoreni Dispensary in Pongwe/Kidimu in Kwale District?

(b) Is he also aware that the same developer borrowed money from the Kenya Commercial Bank (KCB) and since he is now unable to pay the money, auctioneers have moved in to sell the said land?

(c) What urgent measures is the Minister taking to save the residents from losing this piece of land?

**The Minister for Lands and Settlement** (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, first of all, I wish to apologise to the House because my Ministry did not reply to this Question when it was called out yesterday!

**Mr. Deputy Speaker:** It might be interesting to know why!

**The Minister for Lands and Settlement** (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, there was some internal confusion which led to the situation. But I can assure you that it will not happen again! Having said that, I beg to reply.

(a) I am aware that plot LR No. Kwale/Majoreni/1499 was adjudicated in favour of a Mr. Karagania, and has a freehold title deed.

(b) I am also aware that Mr. David Karanja Kamau, who is the current owner, secured a loan of Kshs70,000 from the KCB. However, the Ministry is not aware that the land is being sold.

(c) The land is a private property and the Ministry cannot interfere with registered proprietor's right of enjoyment!

**Mr. Maitha:** Mr. Deputy Speaker, Sir, in 1979, Pongwe/Kidimu Location residents accepted a Government request to allocate land to build a community dispensary with funds from the UNICEF. The Government used Kshs3.5 million to build a dispensary and five staff houses. There is a clinical officer and five nurses in that dispensary. The dispensary is fully owned by the Government. In 1981, the Government adjudicated that area and allocated the dispensary plot to a Government officer, who resold it to a private developer. The private developer took a loan from

the KCB---

**Mr. Deputy Speaker:** Order!

**Mr. Maitha:** I am asking the question, Mr. Deputy Speaker, Sir!

**Mr. Deputy Speaker:** No! You are making a statement!

**Mr. Maitha:** Mr. Deputy Speaker, Sir, my question is: The Ministry of Lands and Settlement and the Ministry of Health are both Government Ministries. Could the Minister tell us how the Ministry of Lands and Settlement could allow somebody to sell a plot with Government facilities, like the dispensary at Pongwe/Kidimu?

**Mr. Nyagah:** Mr. Deputy Speaker, Sir, my understanding is that the local community requested for a dispensary to be put up. Unfortunately, they chose a property that belonged to an individual! I think that is where the confusion arises. They proceeded to construct--- From the information that the hon. Member has given, it appears that the land on which the dispensary was built belongs to an individual, and not the Government!

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, hon. Maitha has said that the Government advanced the local community Kshs3.5 million to build a dispensary on that piece of land. How on earth could the Government spend some money to develop a community-based health centre on a private property? How could that happen? How could the Government make such a fatal mistake!

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, from the advice that I have got from the Member of Parliament from that area, that is the gracious Lady next to me, and hon. Maitha, it appears that there is some confusion which requires to be clarified. It appears to me that one of our officers gave the land to himself, "on top of a dispensary!" It requires that I investigate the matter further. I did not have that information before I came here!

**Mr. Deputy Speaker:** That is fair enough! I will defer the Question to Thursday next week to give the Ministry some time.

*(Question deferred)*

Let us move on to the next Order. Could you proceed, Maj. Madoka?

#### MINISTERIAL STATEMENT

SHOOTING OF MOTORISTS BY  
ADMINISTRATION POLICEMEN

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, on the 27th of March, 2001, hon. Ngenye Kariuki

requested for a Ministerial Statement in connection with the incident in which a motorist was shot dead, and another one injured along Kiambere Road in Nairobi.

Mr. Deputy Speaker, Sir, on the night of the 25th and 26th March, two motorists namely; Mr. Francis Kihara Kibugi, driving a motor vehicle registration number KAG 160E, a Mercedes Benz 200; and Mr. George Thaburi, driving a motor vehicle, registration number KAN 587B, were involved in a minor accident along Bunyala Road. Following that accident, it is alleged that Mr. Kibugi sped off and did not stop. As a result, Mr. Thaburi decided to follow him along Bunyala Road into Kiambere Road with a view to sorting out that accident matter. It is reported that Mr. Thaburi caught up with Mr. Kibugi on Kiambere Road, next to the gate of hon. Maalim Mohamed's residence. He then drove in front of Mr. Kibugi's car and stopped. The two got out, and they are said to have engaged in an argument before one was shot dead and the other one wounded.

Mr. Deputy Speaker, Sir, acting on a call from the Control Room from the Nairobi Area, police officers from Kilimani Division visited the scene of the incident and found Mr. Kibugi lying on the road with a bullet wound on his back. He was taken to hospital, where he was pronounced dead on arrival. The policemen involved allege that they thought it was a carjacking incident, and that was why they shot at the two people!

Mr. Deputy Speaker, Sir, at the scene of the incident, five spent cartridges of 7.62 millimetre calibre were recovered. Following that incident, the two administration police officers have been charged with murder, and they have already appeared in court. Since the matter is in court, it is not considered appropriate to divulge any more details on the issue.

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Munyao:** Mr. Temporary Deputy Speaker, Sir, the Minister in charge of internal security has really tried to give evidence. But we do not want to pursue that issue further because of the reason that he has given. But in this country, we trust the police. They are trained to identify people. Is the Minister convinced that the police officers in question, who were just across the road, could have mistaken the people who were shot? If they have been guarding there for some time, they must have known the neighbour. Could it have been mistaken identify? They knew the person and the car that he drove! Could it have been genuine mistaken identify?

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, all I can say is that we feel the shooting was, definitely, unwarranted. Therefore, that is why those police officers

have been arrested and charged in court. We have just to wait for the verdict.

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, this person, who happens to be my constituent, is a prominent businessman in town. But that notwithstanding---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Consult quietly. You are in the Chamber.

Proceed, Mr. Kariuki.

**Mr. Kariuki:** Mr. Temporary Deputy Speaker, Sir, there is no reason why the APs should resort to killing a very innocent person when he is on a highway. They were supposed to be guarding houses. The APs were wrong to condemn him as a carjacker, whereas they had no details. They never asked those people to stop. Can the Minister confirm or refute the fact that the APs are low-calibre security officers without adequate education and proper training? They are trigger-mad and happy killing people, rather than maiming them. What is the Minister doing to stop this type of occurrence in this country?

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, we train administration police officers very well. But these incidents do occur. As I said, the incident is regrettable, and we will wait for the outcome.

**Mr. Wamae:** Mr. Temporary Deputy Speaker, Sir, the Minister said that they thought it was a carjacking incident. If that was an incident of carjacking, do the police officers kill both of them; the carjacker and the victim of carjacking? How can it be so?

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, I have said that, that was the most unfortunate incident, and we certainly feel that they did not act properly. I cannot comment on that any further.

**Mr. Ngure:** Mr. Temporary Deputy Speaker, Sir, this started--- (inaudible). For a long time, Mr. Kibugi was working with the Old East African Trading Company, and he was somebody who was noticeable because of his long beard. So, the APs could not have mistaken him for a carjacker, being a neighbour. But one thing does not come clear: When you station APs at residences of Ministers and senior Government officials, who becomes the commandant so that he or she orders the shooting? Is it the Minister or they decide arbitrarily to use firearms?

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, I think the police officers acted independently.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! I think if it is a matter of clarification, we have given the Minister a chance and anything more than that should involve a Motion or

something else.

So, next Order!

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

**The Temporary Deputy Speaker** (Mr. Poghismo): On what?

### POINT OF ORDER

#### MINISTERIAL STATEMENT ON EXCISION OF FORESTS

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the Speaker ruled on Tuesday that the Attorney-General should make a Ministerial Statement today, on the issue of defiance by the Government of court orders stopping further excision of forests. The surveyors worked the whole day last Sunday. So, this is an urgent matter. The Speaker urged the Front Bench to ensure that, that message gets to the Attorney-General. We have got the Leader of Government Business and the Deputy Leader of Government Business in this House, and the rulings of the Speaker should be respected by the Government. At least, even if the Attorney-General is not available, the Leader of Government Business should be here to explain to the House why the Attorney-General is not here and when he is going to be here.

**Hon. Members:** Hon. Khaniri, tell us!

**The Temporary Deputy Speaker** (Mr. Poghismo): Point taken.

Next Order!

### MOTION

#### THANKS FOR THE PRESIDENTIAL ADDRESS

*(The Vice-President on 21.3.01)*

*(Resumption of Debate interrupted on 28.3.01)*

Yes, Mr. Ojode.

**Mr. Ojode:** Thank you, Mr. Temporary Deputy Speaker, Sir. I am grateful that you have recognised me, so that I can contribute to this very important Presidential Speech debate. I would want to start by appealing to the Ministry of Agriculture, Livestock and Rural Development to, at least, do something on the collapse of the sugar factories in Western Kenya. I am saying that because the majority of the sugar factories are covering a bigger area in terms of development. If they are closed, our farmers will not get something worthwhile to do, in **[Mr. Ojode]** order to solve their economic problems.

I also wanted to contribute a bit on the issue of the Kenya Commercial Bank. Maybe, you were not in the House when I was raising this Question, but there was a ruling sometime back by Mr. Slade that---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, hon. Members! You know that we want the hon. Member on the Floor to be heard. So, I would request those of you who are withdrawing to do so slowly and quietly; and those who of you who are consulting, please, consult in low tones so that we can follow him.

**Mr. Ojode:** Thank you, Mr. Temporary Deputy Speaker, Sir. There was a ruling by Mr. Slade that substantiation alone does not necessarily mean bringing documents. He said that you can hear, see or read. But it does not have to be that you have to bring the documents. In any case, the documents will be here on Tuesday. But having said that, I want the Minister to note that when Mr. Gareth George was brought to the Kenya Commercial Bank, there was a contract agreement which was signed. Apparently, that contract was not even seen by the Minister himself. He has not seen the contract to date. The contract says, among other things, that should Mr. Gareth be fired, the KCB will pay him Sterling Pounds 600,000.

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, Mr. Ojode! Are you dealing with facts that you can substantiate here?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if you want, you can order for the contract agreement. You are allowed to do that.

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, Mr. Ojode! You may be treading on not-so-safe ground because I remember that the Speaker's ruling from here gave you a chance to substantiate some time later. If you are not prepared to do that, you can comment on the Presidential Speech from a different direction. Avoid those things that you cannot substantiate.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, on the computerisation project, they wanted to do it through single-sourcing. They found a company by the name of M/S Info-system from India, and this company was brought by Mr. Sadik who is the Information Technology Director.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ojode is making so many allegations about the going-ons at the KCB. Could we ask him to substantiate his claims regarding this computer project at KCB?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I will substantiate. I do not normally stand here and make allegations. This time round, I will not substantiate it on Tuesday; I will substantiate it now. But let me say this---

**Mr. Achola:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think that it is enough for hon. Ojode to say that he will substantiate.

Hon. Munyasia has requested the Speaker to order him to substantiate now before he continues. Could he do that, or could he withdraw and apologise?

**The Temporary Deputy Speaker** (Mr. Poghisio): If Mr. Ojode is not prepared to substantiate--- I have already advised him. So, if he is going to say the next thing, he must substantiate.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, these people think that I am just talking for the sake of it. I hereby table the computerisation project. But let me go on because my time is going.

I am saying that this computerisation project---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Mr. Ojode, you know what it means to substantiate or to table documents.

*(Mr. Ojode laid the documents on the Table)*

Mr. Ojode, if those documents are unacceptable, we will---

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, let me give some history on what I have tabled. This was a computerisation project of Kenya Commercial Bank branches. There was one company which was brought by Mr. Siddiqui, the IT Director of Kenya Commercial Bank. This company was sourced from India but it was the lowest in terms of rating. He quoted US\$7.1 million. The other two which came in later, after they had realised that they were doing it through single-sourcing, also quoted some amount as follows: Compliance to functional requirement software, Bankmaster RS; the vendor was Kindle Banking System. The percentage per score on rating was 89.70. The second one was Flexcube Iflex Solutions. It was rated at 82.14 per cent. The third one was Pinnacle Infosys System which was brought from India. It was rated at 80.18 per cent. It was the least. On the actual amount, Iflex Solutions quoted US\$2.9 million; Bankmaster RS quoted US\$4.9 million and Infosys System quoted US\$7.166 million and it was the least rated. It was rated at 61.33 per cent. What is the justification of giving the tender to somebody [**Mr. Ojode**] who quoted highest and who has been rated lowest? Is that not direct theft?

Mr. Temporary Deputy Speaker, Sir, this letter is written by the staff of KCB to the Managing Director, Gareth George, and copied to one person known as Leakey. For the benefit of my colleagues, the letter says in part:

"Gareth George,

Date: 23rd February 2001

Computerisation Project

You will recall on 7th November 2000, we wrote to you and drew your attention

to what we thought were shoddy dealings by your IT Director" This is Mr. Siddiqui."

Mr. Siddiqui was brought from Commercial Bank of Africa (CBA) by Mr. Gareth, where he was earning Kshs250,000, but here, he is earning Kshs750,000. The letter goes on to say:-

"After that, we think you did not supervise him well and as usual, the Mhindi endeared himself to you and you went to sleep. You will have to wake up to a rude shock. We are now forced to ask this question: Is Siddiqui fit and the proper person to adjudicate in the choice of which is the best software system for KCB? We think that Siddiqui---"

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While we are all concerned with the activities of this colonialist at the KCB, I recall the Chair ruled here that hon. Ojode will substantiate his allegations next Tuesday. It is hard to take this opportunity to attempt to substantiate what he is supposed to substantiate on Tuesday, next week. Is he in order to do that?

**Mr. Ojode:** That is a frivolous point of order, Mr. Temporary Deputy Speaker, Sir. Can I go on?

**Mr. Wamunyinyi:** Is he in order?

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

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, then they say:

"Mr. Gareth, you are going to find yourself buying a Mahindra from India like the police did, and have since lived to regret."

This is the KCB staff writing this letter and not Ojode or even Parliamentarians. For how long are we going to have something like this? This is direct theft.

**The Temporary Deputy Speaker** (Mr. Poghisio): Time up!

**Mr. Ojode:** It is over. I thought you were going to give me more time?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! There is a request by the two new Members of Parliament who are here and we would like to give them a chance to make their maiden speeches. When I saw the Member of Parliament for Kapenguria stand up, I thought, maybe, we should give them the earliest opportunity to make their maiden speeches. I would like to remind hon. Members that maiden speeches should not be interrupted.

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ojode had been asked to substantiate his allegations. Although

we have time limits, when a Member is asked to substantiate his allegations, the time does not lapse before he completes his substantiation. He was not contributing to this debate; he was substantiating. Could he be allowed to complete substantiation?

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, hon. Members! Substantiation means you try to give validity to what you are saying. But if you go on reading something forever, we will not wait for that to end. I know that all you needed to say, you could have said it in that time that you had. I believe you could have done it within that time. So, it is the Chair's ruling; knowing that there was adequate time given to Mr. Ojode to substantiate.

Proceed, Mr. Moroto.

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am Samuel Chumel Moroto, Member of Parliament for Kapenguria. I am standing here, first, to clear the air because some people have mistaken me. Before coming here, I was a teacher---

**The Temporary Deputy Speaker** (Mr. Poghismo): Order! Order, Members! I would ask that the Member introduces himself and his constituency before he proceeds with what he has to say.

**Hon. Members:** He has done that!

**The Temporary Deputy Speaker** (Mr. Poghismo): He did not say it.

**Hon. Members:** Hongera!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): I am Samuel Chumel Moroto, Member of Parliament for Kapenguria.

**An hon. Member:** He is a Pokot!

**The Temporary Deputy Speaker** (Mr. Poghismo): Order, Members!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Kapenguria is a place where the [**The Member for Kapenguria** (Mr. Samuel Chumel Moroto)] 42 tribes in Kenya are living. I was elected by these 42 tribes and I am now thanking them. If anybody was elected by his or her community, that is not Moroto. I am here by the blessings of the 42 tribes and even beyond. If you go to Kapenguria, you will find that we have got people from other countries like Sudan, Uganda and other places living there peacefully.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, before I came here, I was a teacher for 20 years, teaching Kenyans. I would like to say that during that period, everybody enjoyed my activities there. That is the reason why, later on, I was elected as the Chairman of the Kenya National Union of Teachers (KNUT). I stayed there for five years before being elected again as the Executive Secretary of the KNUT---

**An hon. Member:** Kapenguria Branch!

**The Member for Kapenguria** (Mr. Samuel

Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, I was elected the Executive Secretary of the KNUT, West Pokot Branch and not Kapenguria. I would like to inform hon. Members that West Pokot is a district. In that case, these teachers come from all over the country. I enjoyed their support for another five years. During the by-election, these teachers and the entire community supported me. When I talk about the "entire community", I mean the people who live there.

I would like to take this opportunity to thank those good people of Kapenguria Constituency because they have made me come this "good" House.

**Mr. Munyasia:** August House!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, "August House" is the right phrase. I am happy to get those "good" terms from him.

**The Temporary Deputy Speaker** (Mr. Poghismo): Order! Address the Chair.

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, I would like to introduce myself to all Kenyans. When I was a teacher, and at the same time the Executive Secretary of the KNUT, West Pokot Branch, I also performed other duties. I would like to inform this House that I am a Christian and I became the Secretary of the National Council of Churches of Kenya (NCCCK), where we preached peace. We were initiating peace among Kenyans who lived there; that is, both in West Pokot and Trans Nzoia Districts. I would like to say this here so that the few people who run here and there, maybe, for their own benefit, to understand that this is a different man and not the one they are talking about.

*(Applause)*

At the same time, my home - Kanyarikwai - borders Trans Nzoia and West Pokot Districts. Even now, I support Kenyan citizens. I support three Luhya students.

**An hon. Member:** Name them!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, one is in Alliance Boys High School; another one in Mangu High School, and the last one in Starehe Boys Centre. My brothers, hon. Dr. Wekesa and hon. Wamalwa, are my witnesses. The two hon. Members know this and they have seen these students.

**An hon. Member:** These people have intermarried---

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Yes, I also have girlfriends from Bukusuland and so forth!

*(Laughter)*

I also support a Kikuyu girl who is now in Nasokol Girls' Secondary School. She is in Form Three.

*(Applause)*

Now, if somebody says that hon. Moroto is a tribalist---

**An hon. Member:** Why should you suspect that?

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, I just want you people to get that.

Now, may I also thank our friends who came and supported me in the last by-election. I would like to thank the Chairman of my party, who is also the President of this Republic; he came and supported me.

May I also thank hon. Raila and the NDP team, who came and supported me.

**Hon. Members:** Co-operation!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, may I also thank FORD(K) Members because they were there. I would like to say that as they were campaigning, they went to other places and told people, especially, hon. Dr. Wekesa and hon. Wamalwa because they know me, to vote for Moroto and not for Mr. Sindano. That is why I am here!

*(Applause)*

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

*(Mr. Wamunyinyi and Mr. Munyasia stood up in their places)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Wamunyinyi! Order, hon. Members! When I say that there should be no interruption, I just mean that.

**Hon. Members:** Endelea!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, even hon. Wamunyinyi was there supporting me. I do not know what is wrong here.

*(Applause)*

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

**An hon. Member:** Kaa chini. That is why he won! Continue, Mr. Moroto!

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Sit down, hon. Wamunyinyi!

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

Order, Mr. Wamunyinyi! Mr. Wamunyinyi, did you ever make a maiden speech?

*(Loud consultations)*

Order! Order, everybody! Allow the new hon. Member of Parliament to finish his speech. This is a maiden speech!

Proceed, hon. Moroto!

**Hon. Members:** Wewe, kaa chini!

**The Member for Kapenguria** (Mr. Samuel Chumel Moroto): Mr. Temporary Deputy Speaker, Sir, may I now turn to my area, after thanking those people for the good support they gave me. I just want to say that there are some things that happen and it is said that the Pokot community is involved in cattle rustling activities, while, we, the Pokot, as I said earlier on, live with the 42 tribes, plus others, in that district peacefully. These things are done by thugs like the ones we have in Nairobi and other parts of the country. I would like to say that it is a total lie to say that the whole community is involved in cattle rustling. As I stand and speak here, already, the Turkanas have entered into West Pokot and taken away 500 head of cattle. They have also killed people. The Minister concerned and other officers have been informed about it. We cannot say that it is all the Turkanas who have raided West Pokot, and we cannot blame our colleagues who are here. I would like to say that the people who have raided West Pokot are just thugs and they must be pursued and stern measures taken against them.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, may I end my contribution by thanking the people of West Pokot and everybody else.

**Mr. Wamunyinyi:** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. Members! Order, Mr. Wamunyinyi!

Hon. Members, I will also give this opportunity to our new Member of Parliament, hon. Magara, to make his maiden speech.

*(Applause)*

**The Member for South Mugirango** (Mr. James Omingo Magara): Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank you most sincerely for giving me a chance to contribute to the Presidential Address. But first, before I say anything about the Presidential Address, there are a few issues I would like to highlight in this House.

**An hon. Member:** Tell us your names!

**The Member for South Mugirango** (Mr. James Omingo Magara): Mr. Temporary Deputy Speaker, Sir, my names are James Omingo Magara,

Member of Parliament for South Mugirango Constituency. I was elected on 12th January, this year on FORD(K) ticket.

*(Applause)*

First and foremost, I would like to take this opportunity, again, to thank most sincerely my constituents of South Mugirango for having given me a chance to serve in this august House. Secondly, I would like to say that my constituency attracted national attention, and thus it was called "a National Constituency". All those Kenyans who stood by me during the trying time, to a point of almost losing my life, I thank you most sincerely.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, for the people of South Mugirango and, indeed, Kenyans, this was the right thing to do. Despite the fact that we were working against all odds, the people of South Mugirango displayed integrity. They refused to be compromised by material things. We should do the right things with our taxes. There should be discipline in the way we use our taxes. My people did what was supposed to be done. They refused to prostitute their political stand and aspirations.

**[The Member for South Mugirango (Mr. James Omingo Magara)]**

Through their integrity, I am challenged here in this House to represent them. I am honourably serving this House on behalf of South Mugirango people and, indeed, I made my pledge.

True to my words, when I look into the aspirations of Kenyans and those of South Mugirango people, it gives me a reason to believe that there was a cause worth dying for. You know as much as I do that I almost lost my hands and head under the tyranny of the current regime. I am prepared today, regardless of whatever happened then, to fight for the liberation of this country, even if it means having one other hand chopped off. Indeed, it is true to say that when you intimidate somebody through pressure, you only make them hard and even more determined. It is pressure that makes diamond harder than stone. Indeed, I am harder than stone today.

*(Applause)*

Mr. Temporary Deputy Speaker, on the economy of this country, I believe the Head of State, in his wisdom, gave an inspiring Speech in this House. For the first time, I was touched by the Presidential Speech. For the first time, there was reconciliation in this House. Unfortunately, the implementors of the same, the Government as it were, are actually not serious. Challenge me there, you hon. Ministers; instead of sitting in your offices and formulating policies for this country and implementing what the President has actually outlined, most of your time is spent running after

the President, to such an extent that the flags on your vehicles have to be replaced almost every week. For example, if the Head of State is going to open an agricultural show, the entire Cabinet follows the President simply because of seeking favours or to earn allowances on that particular day. Most of them, perhaps, are following the President for purposes of allowances and imprests. How do you expect to revitalise this economy if you cannot control your spending? It is only unfortunate that the Ministers know as much I do, that it is important that we control our expenditure, given the dire circumstances we are currently experiencing.

Mr. Temporary Deputy Speaker, Sir, for the last 24 years, our economy has gone down the drain. It is like this Government has been on a holiday for the last 24 years and only realised recently that the economy is going down the drain and registering a negative growth rate. This is excusable for a Government that has just come back from a holiday. Unfortunately, we have been sitting here watching things happen. Even when decisions are supposed to be made by Ministers in their offices, they wait until the Head of State forms a commission. You wonder whether they are in control of the Ministries. Yesterday, we all heard the Minister for Education saying that things will now happen because the President has set up a commission. If he had not set it up, nothing would have happened.

Mr. Temporary Deputy Speaker, Sir, on the policy issues, we are now talking about reduction of poverty. Pathetic as it may be, the people who are struggling to revamp this economy, are the same people who have ruined the economy by "strangling" the agricultural sector which is the backbone of this economy. You wonder what will happen next. A case in point is KCC. We are now selling shares to people who already own the company. The sugar industry has collapsed because of cheap imported sugar. We all know the people who import this sugar, but nobody touches them. The Minister comes here to say that we do not have enough sugar in the country. However, two days down the line, sugar from Brazil docks at the port. Does it take two days for a ship to sail from Brazil and dock at the port of Mombasa? Such policies are made to allow the fat cats to import sugar. However, such fat cats should know that their time is up.

Mr. Temporary Deputy Speaker, Sir, we keep grumbling that the donors are shifting goal posts. Unfortunately, just like in a game of football, you cannot score an own goal and expect the referee to take the blame. Why are we not implementing policies and guidelines we put in these beautiful Papers laid on the Table of this House? Unfortunately, implementation is an issue which is not being taken seriously.

Mr. Temporary Deputy Speaker, Sir, some Ministers have abdicated their responsibility. I



sympathise with His Excellency the President of this Republic. There was a meeting which the Minister for Finance was supposed to chair, but because, unfortunately, something went amiss, he did not appear in the meeting. The President is really running up and down doing what the Ministers really ought to have done. No wonder he has no confidence in all of them. The other day, he said he cannot give them power because they are incapable and they all clapped.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, on the issue of insecurity, it is unfortunate that we are watching this country go to the dogs. When the security system in this country eventually collapses, we will all suffer. Nobody will be spared, not even the Ministers. When thugs walk into buildings, they may not even know that a Minister lives in that

**[The Member for South Mugirango (Mr. James Omingo Magara)]**

building. If we are Kenyans of goodwill, we must be serious about some of these things. A few years ago, Nairobi was referred to as "the City in the Sun". Now, tourists cannot come to Nairobi because their necklaces will be snatched and their women raped. How do you expect them to bring in money from their countries to a country full of insecurity?.

Mr. Temporary Deputy Speaker, Sir, it takes so little to correct a situation. But I am telling you that it will take us colossal sums of money to bring back the lost glory of this Republic. I am disappointed that we do not take the leadership of this House seriously. We have to re-focus our objectives. It does not matter whether you are in the Opposition or the Government; when we talk about national issues, let us collectively sit and reason together because the President said in his Speech that we need to be tolerant.

**An hon. Member:** He did not mean it!

**The Member for South Mugirango (Mr. James Omingo Magara):** I believe he did. Hon. Ministers should get serious and bring issues in this House that will help the nation. The Government has the key to correct the situation and bring back Kenya to where it is supposed to be. Unfortunately, our seriousness as hon. Members of this august House is in question. No matter how long it takes, we must understand one factor; that if we are not prepared to sacrifice the comfort of our houses for the sake of urchins in the streets, they will walk into our bedrooms and things will be worse. True to my words, it is important to realise that a wrong will always be a wrong even if everybody does it. Similarly, a right will remain right, even if nobody thinks about it. If you are serious as hon. Members in terms of directing the destiny of this nation, it is important that we really focus our attention to national issues. Let us forget about partyism because parties will come and go, but the country will remain. I believe we all must now reason with

our brains and not our stomachs. All hon. Ministers and hon. Members have an obligation to this nation, and history will judge us very harshly. If you cannot die for a cause, then you are not even worth living for anything. If you cannot make sacrifices in order to fight corruption in this system, then you are not worth living.

Mr. Temporary Deputy Speaker, Sir, painful as it is to admit it, I have worked with the Government and I know that this country is actually a wealthy nation. We meet our tax targets, but nobody knows where the money goes. I believe we can do something to make our country better if only we are serious.

Thank you, Mr. Temporary Deputy Speaker.

**Mr. Mbela:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me the opportunity to add my voice in thanking the President for his Speech on Tuesday last week. To me, this was an honest and sincere Speech. I would like to direct myself to a section where he said that there has been a slow growth of the economy. I particularly would like to quote that part and it states:-

"When I addressed the House last year, I highlighted some of the problems facing our country. Principal among them is the slow growth of the economy".

I agree with that very honest statement and feel that when there is a shortage, it should be shared equitably. I am a little disturbed at the way the Ministries are run. You will find that most of the Ministers would rather look after their own areas. I am privileged by this House to chair the Committee on Energy, Communications and Public Works. I once did a study and found that, in the last 15 years, 85 per cent of the money for roads has been spent west of Nairobi. One wonders: Is there no Kenya to the east of Nairobi to be given only 15 per cent? Again, if you study it further, you will find that out of that 85 per cent, most of the money is spent east of Kericho.

*(Applause)*

We have had problems recently, particularly because of the gross irresponsibility in spending the money collected as Fuel Levy. Unfortunately, we heard untrue allegations which were made that the Kenya Roads Board Act, which we passed in December 1999, was against the Constitution. Even if you study the judgement that was given by the judge, he came out with nothing unconstitutional about that Act. In any case, if Mr. Mwau had no *locus standi* just a little earlier on, how did he suddenly become "a friend of the court" and given the opportunity to challenge that legislation enacted by this Parliament? Above all, he was eventually given costs to be paid from an institution which the judge had earlier said did not have to exist

legally. I am not a lawyer, but I am sure those who have followed various judgements know that when there is an issue affecting the Constitution, we normally have a bench of three judges to be able to give an opinion that can last. However, suddenly, a very curious decision was made which, according to what the Committee has studied, was completely wrong and certainly unlawful.

Mr. Temporary Deputy Speaker, Sir, we believe that the Fuel Levy collected up to now amounts to Kshs5.6 billion and has been delivered to the Ministry of Roads and Public Works. Out of that amount, only Kshs210 million has been given to the 210 constituencies. If each constituency had been [Mr. Mbela]

given its Kshs5 million share, only Kshs1 billion could have been consumed, and yet the Ministry refuses to part with the money which is more than Kshs5 billion and legally they are not supposed to do so. When this House passed the law amending the Finance Bill and directing that the money should be paid direct to the Kenya Roads Board, there was no other system where the Ministry could be given money to spend on roads that affect mainly one district. I will give you an example. A road called Eldama Ravine-Makutano-Lessos Road was given Kshs899 million without any tender being advertised. Another road in the same area called Muchongoi-Marmanet-Marigat was given Kshs900 million with a mobilisation fee of Kshs300 million being paid, and yet it is against Government policy at present to pay mobilisation fees, certainly not as much as Kshs300 million for no works done and no security being given.

Mr. Temporary Deputy Speaker, Sir, I speak knowing that I have been ordered by my colleagues to be Chairman of the Coast Parliamentary Group. We feel very disheartened because we have been treated like "*mtoto wa kambo*". We feel that there are a lot of projects which have been in existence for the last 30 years but they have been ignored. I was reading in the Press the other day where the Coast Province was quoted as having gone into partnership with some other provinces to vote for some Presidential candidates when eventually there is a change. We will vote, but we will only vote for those who are actually going to realise that in the Coast Province, live some people who deserve some respect.

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

**The Temporary Deputy Speaker** (Mr. Poghiso): Will you take his information?

**Mr. Mbela:** Yes, I will take his information.

**Mr. Munyasia:** Mr. Temporary Deputy Speaker, Sir, I would like to inform hon. Mbela that his "natural and traditional allies" are his friends from Western Kenya and when the time comes, he should consider us!

(Laughter)

**Mr. Mbela:** Thank you very much Mr. Munyasia for that reminder, but do not forget that even if we come

from grass-thatched houses, we still deserve a bit of respect. When I see some of the roads being tarmacked, I am reminded of Taveta roads which were put in the Government Estimates in 1972 and they have never been tarmacked. The Malindi Airport expansion which takes in a lot of tourists and which caters for 60 per cent of Kenya's tourism has been ignored in preference for Eldoret International Airport. The Kenya Cashewnuts Factory was looted and those who carried out that criminal act have been allowed to go scot-free and the Attorney-General has refused to prosecute them. On Ramisi Sugar Factory, in fact, I have realised that a lot of my colleagues are very tribalistic. They did not raise a lot of noise about Ramisi Sugar Factory, but now you hear a lot about other sugar factories like Muhoroni and everybody wants to riot on the streets. They forget that the closure of all the sugar factories upcountry was propagated from the Coast Province, and yet they quickly swallowed the idea that Coast Province does not produce sweet sugar. I can go on and on. However, one of the biggest land grabbers we have come across in this country is called Kenya Wildlife Service (KWS). I noticed that they had gone to Tana River to take over the wetlands. I am very proud of the 300 women who decided to demonstrate naked to show that they disapproved of such acts.

Mr. Temporary Deputy Speaker, finally, we are very disappointed that nothing has been done about the squatters at the Coast Province. We have the land but, unfortunately, whenever the opportunity arises for any settlement scheme, these pieces of land are allocated to squatters from upcountry. How much can you do for one community? We would like to join hands with Western Kenya. Thank you very much for the invitation, but I would also invite you to come and vote for the Presidential candidate from the Coast Province.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I am also interested in what His Excellency the President noted about the improvement of the weather conditions. We would like all the diesel generators, which were contracted until the end of June this year, to be returned as soon as the contract expires. Otherwise, the situation was man-made and the country has paid very heavily for that big mistake.

With those remarks, I beg to support.

**Mr. Ndicho:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words concerning the Presidential Address. I would like to touch on two areas.

The first one is about my constituency, Juja, and the second one is on national issue.

I will start with Thika. The Presidential Speech touched on the Poverty Eradication Programme in this

country and revamping the economy. We cannot eradicate poverty neither can the Government do it when it is ignoring the plight of hawkers; people who have got no formal employment. These are people who have come from [Mr. Ndicho]

school and have no formal employment. Some of those people are those who have been retrenched. They are so many as a result of the population explosion. The majority of Kenyans today are in the unemployment bracket and yet there is a tendency by the Provincial Administration to harass them under the guise that they are operating along road reserves.

Mr. Temporary Deputy Speaker, Sir, currently there is an ultimatum which has been given to the people at Githurai, Thika and Ruiru by the District Officer (DO) Ruiru, to remove their wares from the areas where they are operating. I confronted the DO, Ruiru, and told him that it was not going to be possible for him to remove those people from those areas without giving them alternative sites to move to. These people have gone out there after being retrenched while others are there due to the population explosion, unemployment or after having dropped out of school *et cetera*.

Mr. Temporary Deputy Speaker, Sir, I told the DO the following:

"If your Government has exhausted the usefulness of these people and it wants to do what Idd Amin did by putting all the people who he felt were unnecessary in his Government in a tipper and dumping them in Lake Victoria, we are going to resist that."

I am telling the DO to leave those people alone. The same trend is happening in Nairobi. He is saying that it is the policy of the Government to remove people who are encroaching on road reserves.

Mr. Temporary Deputy Speaker, Sir, as you go towards Thika, at the roundabout near Kasarani Police Station, there is an Asian who has built a very strong building called Roy Transporters and he has put all his petrol tankers there. The building stands on a piece of land next to the junction of one of the roads leading to Kahawa West. However, this person is not being told to remove his structures from the road reserve. However, the Africans who are running their small-scale businesses like selling sofa sets, beds and chairs are the ones who are being targeted. We are going to resist this move in the strongest terms possible.

Mr. Temporary Deputy Speaker, Sir, if you move from Mombasa to the western part of this country, you will find the same trend everywhere. So, it is upon the Government to either show the young people in this country what to do or leave them alone because the Government has failed to provide employment for them. When they look for informal employment for themselves, the Government wants to interfere with them. If they do that they will be creating a very dangerous trend because these people will

join the crime world and, therefore, the crime graph will go up.

Mr. Temporary Deputy Speaker, Sir, Thika Municipal Council has increased rates and rents for houses and charges in bus parks and for the matatu operators by 500 per cent. If President Moi's Government is unable to pay teachers and civil servants their salary increments, where will these individuals get money from when charges at the bus parks and those paid by matatu operators have been increased by 500 per cent? I have told them to stop that exercise. I will tell those people not to pay a single cent. So, they had better take what they have been taking. However, if they insist on taking 500 per cent, we are going to say no.

Mr. Temporary Deputy Speaker, Sir, I would like to come to the other issue of the constitutional review process. The current Constitution of this country was written in the United Kingdom by the hitman. After it was written in London; Mzee Jomo Kenyatta, Jaramogi Oginga Odinga, Tom Mboya, Mbiyu Koinange, Martin Shikuku, Daniel arap Moi and Masinde Muliro, were all invited to go to London and view the new Constitution that had been written by the whiteman. When they saw it, they found that it was only transferring power from the whiteman to the blackman. They did not raise a finger or object it because it was favouring them. The current Constitution is not what the liberators or the Mau Mau fighters wanted because it left out a very fundamental matter and this is the issue of land.

**Mr. Munyasia:** On point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Ndicho in order to falsify history and say that the Independence Constitution was only written by the whiteman and our people were asked only to sign it, when we know that the Independence Constitution was negotiated before it was put in practice.

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I wish to treat that with the contempt it deserves. I will continue. I was saying that the current Constitution---

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

**The Temporary Deputy Speaker (Mr. Poghisio):** Proceed, Mr. Ndicho!

**Mr. Ndicho:** Than you, Mr. Temporary Deputy Speaker, Sir. You were in the Parliamentary Select Committee that came out with nothing!

**The Temporary Deputy Speaker (Mr. Poghisio):** Order, Mr. Ndicho! Address the Chair!

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I am talking about a fundamental issue that was left out of the Constitution and this is the issue of land.

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the [Mr. Angwenyi]

hon. Member for Juja to mislead this House that the founding fathers of this nation never negotiated our Constitution; which we have used for 40 years?

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Mr. Angwenyi, you are taking Mr. Ndicho's time!

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, this man is a heckler!

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Ndicho! Proceed!

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, I wish to talk about the issue that was left out in that constitution which I have read quite adequately.

Mr. Temporary Deputy Speaker, Sir, the issue of land was left out of the Constitution because the whiteman never wanted the issue of the land to be touched because he owned all the land. Now, we are in the process of writing another Constitution. I do not know whether to support the merger of the Ufangamano and the Parliamentary Select Committee or not. I am at a loss because the constitution of a country does not favour the rulers. That is why the current Constitution is not favouring President Moi because it is giving him a limitation of time. So, I was really hurt to hear that some Pokots, Samburus and Tugens have sued a Whitewoman called Karku Gariman, who owns 98,000 acres of land there. When these pastoralists went to graze their cattle there---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! There should be silence there at the back! Order, Mr. Kanyauchi!

**Mr. Ndicho:** Mr. Temporary Deputy Speaker, Sir, after suing the whitewoman, it is impossible for those people to come to hear their case here in Nairobi.

Mr. Temporary Deputy Speaker, Sir, we are sitting on a time bomb. The Government has appointed Mr. Charles Njonjo to be the Chairman of the Land Commission. But we know that Mr. Njonjo will not come up with anything of any substance in so far as land matters are concerned because he is a beneficiary. Subsequently, I have decided to launch what I am calling "Kenya Land Claim Commission" because we need a commission here in Kenya to know who owns which land and how much land it is. Possibly, before we invade that land, we must have a Commission to identify that land. That commission has to be launched and Dennis Akumu will be the Secretary-General of that Commission.

Mr. Temporary Deputy Speaker, Sir, we are serious about this because we cannot talk of Kenyans who are landless while others own large tracts of land which they do not use.

Mr. Temporary Deputy Speaker, Sir, leaving the issue of the Constitution aside, I know that you cannot play a game with President Moi and win it. These people are playing a game with President Moi and they are not going to win the game; be it soccer, poker, drafts or chess.

President Moi is a master of all these games! If these people are now playing that game with President they will not win. The Ufungamano Initiative will not win that game. The Constitution should be written by other people and the Government should be very far from where the Constitution is being written. It is an exercise in futility for them to say that they want to write it with the Government.

Yesterday some people were sacked from the Government, one of them being Dr. Richard Leakey. I am very happy that Dr. Leakey is gone. The next person to go should be Mr. Gareth George and the woman he brought from Zimbabwe to take over the job of the wife of Minister Chris Okemo. Four women were also promoted yesterday and they are all Kalenjins. Is there no other person who can be elevated?

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in congratulating---

*(A mobile telephone rang)*

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! There is a mobile telephone ringing in the House!

**Hon. Members:** It is hon. Angwenyi's!

**The Temporary Deputy Speaker** (Mr. Poghiso): Mr. Angwenyi, is that your telephone?

**Mr. Angwenyi:** They just like saying: "Angwenyi"!

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Hon. Members, you know that a ruling was made by the Chair that you should make sure that before you enter the Chamber, mobiles telephones are switched off.

**Mr. Musila:** Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute---

*(Mr. Munyasia walked across the Floor without bowing to the Chair)*

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to draw your attention to what hon. Munyasia has just done. He has moved across the Floor from that side and sat down without bowing to the Chair. Is that in order?

**The Temporary Deputy Speaker** (Mr. Poghiso): No, it is not in order. Mr. Munyasia, you can correct that.

*(Mr. Munyasia bowed to the Chair)*

Proceed, Mr. Musila.

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to associate myself with the sentiments expressed by my colleagues in congratulating his Excellency the President for the excellent Speech that he delivered from the Chair. The President did touch on very important matters affecting our nation. We all acknowledge that there are very serious economic problems which need to be addressed.

There is the issue of unemployment which has caused untold suffering to our people. As you walk through the streets you notice that there is a high rate of unemployment. There are many school-leavers out there, even in the rural, areas who are unemployed. The state of the economy of our country has caused very serious problems to the extent that the services that the Government offers to our people have continued to deteriorate. I would like to touch on three of the services that I think have deteriorated very much. First I would like to touch on health. I would like to take this opportunity to commend the many health workers out there; doctors, nurses and others who are working tirelessly to save lives. Some of my colleagues and I witnessed this in Kenyatta National Hospital yesterday when we went to see the patients there, particularly, the children from Kyanguli School who were burnt. We should appreciate the hospital staff over there because they work very hard, even those in the rural areas. I am sure you will agree with me that the state of the health of our nation has continued to deteriorate. Hundreds of AIDS victims die every day and there are over 2.2 million people who are infected with the HIV virus.

We have laid a lot of emphasis, with very good reasons, on AIDS. However, we seem to have overlooked some other very serious diseases which are affecting our people and are killing them in their thousands. I am talking about malaria which continues to be one of the major killers of our people. One of the reasons why malaria has continued to be a major killer is because the bacteria have become resistant. This has been so because our people out there are not able to afford medicines that are required to treat malaria. Most people die because they are infected by the resistant strain of malaria. In a nutshell, health services have become inaccessible to our people because they have become very expensive. Since the introduction of cost sharing in our hospitals, a lot of people out there are suffering and they are unable to be treated for their diseases. I am, therefore, calling upon the Government to ensure that they increase the resources for hospitals so that our people, who up to now cannot afford this high cost of treatment, are able to access treatment of all types of diseases, including malaria.

The second service that I am concerned about is education. Increased poverty in this country has had a very negative effect on our education system. Every day students drop out of secondary schools because their parents are unable to pay school fees. For example, In the year 2000, over 200 students dropped out of school in Mwingi District

for lack of fees. This is due to the high fees that are being charged. For example, Kshs20,000 and above is beyond the reach of many parents. How does the Ministry of Education expect poor parents, some of whom are living on famine relief to afford Kshs20,000 or more in school fees? Even in primary schools now we have dropouts, and this is as a result of the various levies being imposed on parents. Some of these levies like activity fees and building fund are unauthorised. Something must be done if we are to maintain a high standard of education in this country.

Indeed, I would like to remind the House that in the year 2000, the Ministry of Education did not release even a cent in form of bursaries to secondary schools. The standard of education has continued to deteriorate because of this. Students are dropping out of secondary and primary schools and if this trend is not checked we may end up reversing the gains that this nation has already achieved in education. I call upon the Government to increase the bursaries that can be given to students particularly for parents who cannot afford to pay school fees.

The third service that is of much concern to me is provision of water. One of the most serious problems facing this country is non-availability of water, particularly, in those areas which are arid and semi-arid.

Up to now there are people in Mwingi District who have to travel for over ten kilometres in search of water.

Mr. Temporary Deputy Speaker, Sir, we will be very unfair to our people if we allow them to travel ten to 20 kilometres in search of water. How do we expect a woman who has walked for 20 kilometres to come back and engage herself in nation building? It is very serious and we cannot allow it to continue. If we allow it to continue, we will be doing a great disservice to our country.

I would like to appeal to the Government to put more resources in water development projects. We would like to see every village having a borehole. We would like to see every one or two villages having a dam, so that these dams can be [Mr. Musila] used even by our livestock. I am not saying anything new. We have continued to lament about lack of water in this House. It appears to me that no one listens to this because it has been talked about many times. If, by any chance someone listened, no action has been taken so far. I am appealing, on behalf of the people of this country, that the Government should put all resources into provision of water. Even if we will have to stop other development projects to ensure that we make provision of water the first priority in our development projects, we will be improving the quality of life for our people, particularly those in arid and semi-arid districts.

When we talk about lack of water, a lot of people do not appreciate the problem. A masterplan on

water development should be put in place, particularly in arid and semi-arid areas, my district being one of them. This will be a great service to the people of this country.

With those few remarks, I beg to support.

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, Sir, any person who writes a speech for the President in a country like Kenya, will not fail to pick on the constitution, the economy and security. We on this side, are taking issue with the Presidential Address because when he talked about the Constitution, he did not tell us what the Government, or the ruling party, feels should be put in the new constitution. We are dealing with a very dangerous situation. The President came here and said that he was very happy that there was a merger between the parliamentary-appointed Commission for Constitution Review and the Ufungamano Initiative, which was okay. However, this Government has not involved Kenyans in deciding the type of constitution Kenya should have. When you go to the countryside, you find leaders talking about a new constitution, but they are not asking Kenyans what kind of a constitution they would like to have.

We have been ruled through a constitution which was borrowed from the colonial system. This is why we have had chiefs, District Officers, District Commissioners, and the Provincial Commissioners. These are people who exercise authority over our people even though they are not elected by the people. Even in Great Britain, from where our Constitution was borrowed, nobody is allowed to rule over another one, unless he has been elected by the people. We are now going through a transitional period and after a year or two we expect to have another President and a new constitution in place. Since the Government is not asking us the type of constitution we want in place, we shall have a piece of paper defining the powers of the President, and dealing with the overlap in the powers of the Judiciary and Executive. That is not adequate. I would have expected that even before this constitution-making process starts, this Government would prepare Kenyans to engage in a debate and out of that debate decide the type of constitution they would want to have. I would have expected this Government, even before we pass the Bill on constitutional review, to have exposed Kenyans to other constitutions such as those of India, South Africa and Great Britain for comparison purposes. We are cheating our people and giving them propaganda, that we will change the Constitution, without educating them on the type of constitution we want to have.

Mr. Temporary Deputy Speaker, Sir, with regard to our economy, Kenya has been developed from the proceeds from the sale of coffee. Coffee was introduced in Kenya by the settlers. All over the world, there is no single country which does not have a commodity which it depends on for the growth of its economy. For example, if you go to South Africa, its people will tell you that they do not play around with their gold or wine. If you go to Botswana, its people will tell you that diamond is very important to them.

If you came to Kenya during the late Mzee Kenyatta's era or during the colonial times, we would have told you that coffee was our gold. This is the same coffee which is now going to waste. If you go to areas where there is large-scale coffee farming, you will see that the farmers have neglected it. Is this Government serious about reducing poverty? It does not take care of coffee farmers. The STABEX funds should be used to save this crop. Those who are in power think that this money should go to the so-called "marginalised" areas. For 20 years they have been talking about marginalisation and they cannot change their policy. If we continue with this policy, then we should forget about reduction of poverty in this country. If what drives us in this country is ego and the belief that we must marginalise some communities, I must say that, that is the wrong approach.

If you look at Kenya, you will see that it is only the tea sector which is performing. Tea is now being grown on a small part of the country; it is not as widely grown in the country as coffee. I am appealing to this Government to save the coffee industry in order for this country to succeed in economic recovery.

Mr. Temporary Deputy Speaker, Sir, the Presidential Address did not offer any policy which can save our agricultural sector. When will the Government realise that the coffee sector is performing very badly? The President did not even tell us whether we will have the Coffee Act amended during this Session. This is very sad. If the coffee industry is to be saved, this Government will have to take some steps such as reduction in taxes. Taxes that were imposed on the coffee crop when it was doing well are still there. These taxes do not **Mr. Kibicho]** depend on coffee prices in the market. There is a 15 per cent levy which goes to the Coffee Board of Kenya. If these taxes and expenses are reduced, coffee will yield returns, which will encourage farmers to cultivate the crop. But what we are doing right now is to ruin this country's economy completely.

Mr. Temporary Deputy Speaker, Sir, we notice that this country's roads are concentrated in one area. That is bad economic planning. Why do we not accept that even if a road is built in, say, the Northern Frontier Districts, it is for Kenya, so that we can salvage this country?

On security, this Government must be more serious than it is now. We cannot talk of security when all indicators show that there has been no improvement. Ten years ago, one would walk from the City Centre to Lavington without any worry. Today, as you take a drink in a bar, if you see strange people enter, you tend to think that they will order you to lie down and search your pockets for money. What policies has the Government put in place to bring confidence back to our people?

What is lacking are clear policies or positive steps in implementing the policies that may have been put in place. What we have witnessing in the last days in office of President Moi is very dangerous. Unless something is done about it with immediate effect, we will have a very serious crisis when President Moi's term of office comes to an end. While presenting his Address, the President talked very freely and told us, as leaders, to think of this country's welfare as he exits from office. However, as leaders, instead of pondering on what the President told us, so as to have security and continuity, some of us are planning on how to persuade him to seek a third term of office. We are thinking of bringing Motions here to facilitate the extension of the President's term of office, something which the Constitution cannot allow.

*(Several hon. Members stood up in their places to catch the Speaker's eye)*

**The Temporary Deputy Speaker** (Mr. Poghiso): Proceed, Mr. Haji!

**Mr. Kibicho:** Mr. Temporary Deputy Speaker, Sir, why are you giving part of my time to the hon. Member?

**The Temporary Deputy Speaker** (Mr. Poghiso): Your time is up, Mr. Kibicho!

**Mr. Kibicho:** No, it is not, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Order! Mr. Kibicho, you kept quiet when hon. Members sought to catch the Speaker's eye, prompting the Chair to give the Floor to the hon. Member.

Proceed, Mr. Haji!

**The Assistant Minister, Office of the President** (Mr. Haji): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important debate.

First of all, I would like to send my condolences and sympathy to the bereaved families of Kyanguli Secondary School fire tragedy victims. Those children lost their lives in a very sad way. As parents, we all feel hurt. We pray to the Almighty God to console the families that lost their children in that tragedy.

Mr. Temporary Deputy Speaker, Sir, I would like to congratulate His Excellency the President for the very excellent Address he presented to this House. I think that was a very well thought-out policy statement, which also set the pace for us as Members of Parliament. The most important of all that he said was his call for us to be tolerant of each other and work as a team irrespective of our political ideologies and parties. It is true that this country is going through a very difficult time, particularly on the economic front. This has contributed to a very high level of poverty.

Mr. Temporary Deputy Speaker, Sir, as I reflect on all these problems, particularly the dilapidated infrastructure following the ravaging *El Nino* weather phenomenon of 1997, I recall an incident in 1983 when I led a delegation of

17 District Commissioners to the United Kingdom (UK) to observe the way that country used to carry out its road construction works. The equivalent of our Roads Department in the UK is called "Road Laboratory Unit". One of the persons who addressed us said: "In Kenya, you do not need tarmac because, in ten years to come, you will not be able to maintain those roads." His argument was that, because we do not have hills, mountains and snow, earth roads would serve us well. We were very annoyed. We thought that we were being insulted or belittled by the white people. But I now realise that what that white man said was, indeed, the truth.

Mr. Temporary Deputy Speaker, Sir, in order for us to achieve our objectives of delivering services to our people, there is need for us to have good infrastructure. We know that many countries go through economic difficulties. We know that ten years ago, Russia was one of the big nations of the world. Today, it is as poor as any other country. Japan is now facing a similar problem. The United States of America, which is supposed to be policing the world, is also being threatened by economic crisis. We cannot say that all this came about as a result of poor leadership.

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

What we know is that these are some of the things that are bound to happen once in a while. Kenyans are known to be very hardworking people. Even in the 1970s, when we had the oil crisis, we managed to overcome that crisis because of our unity and hard work. I would, therefore, like to appeal to Kenyans, particularly to the leaders in this House and leaders of the various religious denominations, that we strive to hold Kenya together. God willing, we will overcome some of the problems we are facing today.

Mr. Temporary Deputy Speaker, Sir, I come from a new district called Ijara. As we all know, a new district is just like a new-born baby, whose needs are always numerous. I would like to register my appreciation to the Office of the President, through the Drought Recovery Programme, for the excellent programmes they have put in place to assist the people of that area. I will further register my thanks for the on-going activities of clearing bushes and grading of some of the roads that were destroyed by the *El Nino* rains of 1997 and subsequent rains.

I will further register my appreciation for the programmes put in place by the Ministry of Water Development and appeal for further assistance by ensuring that the District Headquarters, at Masalani Township, is supplied with water. The township is seven kilometres away from River Tana. That river is the only source of water for Masalani residents. Whenever the pumping station breaks down, people waste a lot of time fetching water seven kilometres away, not to mention the fact that patients in hospitals cannot do without

water. We will not mind any type of water that we get. Even if we get raw water, we will accept it. So, I appeal to the Ministry to do something.

With regard to the Ministry of Agriculture, Livestock and Rural Development, I am pleased that the Deputy Permanent Secretary has been promoted to a Permanent Secretary. He has been given a key Ministry. Ijara produces more than 70 per cent of the livestock in North Eastern Province. But we have been invaded by tse-tse flies because of the *El Nino* rains. There are a lot of bushes. But the Permanent Secretary is doing something and we really appreciate his efforts. He should strive to cover all the affected areas.

Mr. Temporary Deputy Speaker, Sir, I cannot forget the assistance that has been given to the district by the Permanent Secretary, Ministry of Health, by upgrading the Masalani Health Centre to a sub-district hospital. The services have now improved and with the new 4WD vehicle, patients can be moved from any place to Masalani for treatment.

Mr. Temporary Deputy Speaker, Sir, people should not concern themselves very much with when President Moi will retire.

**An hon. Member:** Why?

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

(Mr. Haji): I will give you the reason! You cannot force somebody to retire! It is through the ballot that one can be retired. We should concern ourselves with the economic recovery of this country. We should concern ourselves with the unity of this nation. To me, that is the priority. It is wrong and undemocratic to force somebody to retire. We are practising a parliamentary system that was borrowed from Britain. In Britain, people---

**Mr. O.K. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that it is undemocratic to talk about the retirement of the President, when the Constitution is very clear as to how and when a serving President should retire?

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

(Mr. Haji): Mr. Temporary Deputy Speaker, Sir, it is true that the Constitution stipulates that. But the Constitution is in the process of being reviewed. We will launch a popular demand that President Moi should continue beyond the year, 2002. If the House will insist that he must retire, then all Members of Parliament should not seek re-election. That is because if they have the right to be elected, the President also has the right to be elected. It is not you people who will decide! I heard my brother, hon. Ndicho say that he will appoint a commission to look into the land issue in this country. I want to say today that, we will appoint people for the re-election of President Moi, come the year, 2002.

Mr. Temporary Deputy Speaker, Sir, the other point that I would like to raise relates to Somalia. Somalia is our neighbour and it has been forsaken by the world community. My time is up, but I have made my point!

**Mr. Kanyauchi:** Thank you, Mr. Temporary

Deputy Speaker, Sir. I wish to start from the point where my colleague has just stopped; on the issue of the Presidential retirement. I wish to touch on a few issues that were not categorically covered by the Presidential Speech. One of them is the retirement of the President. I think it is extremely absurd for anybody to argue that, a Constitution that is still existing, should be flouted. As far as we are all concerned, President Moi is supposed to retire in the year, 2002. Anybody who imagines otherwise is---

**The Assistant Minister, Office of the President** (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member admit that in the year, 2002, he will also retire?

**Mr. Kanyauchi:** Mr. Temporary Deputy Speaker, Sir, I am not President Moi! The

**[Mr. Kanyauchi]**

Constitution stipulates clearly that President should serve for two terms. In any event, I have only served one term. So, really, the issue of my retirement does not arise.

Now, having said that, I do not want to anticipate debate on that issue. I am told that a Motion has been brought before this House---

**An hon. Member:** By a mad person!

**Mr. Kanyauchi:** Somebody says "by a mad person", but I do not know. I think it is an hon. Member who has brought it. We will wait and see the pros and cons of that Motion. But I just want to say that, the extension of the presidential term is the joke of the 21st Century!

Now, the second point that I would like to mention is that the President should have been categorical on the life of this Parliament. It appears that this country is ruled through rumours. For months, we have been hearing rumours about the exit of Dr. Leakey. It became a reality just the other day. For months, we have been hearing rumours that this Parliament will be dissolved in November. The President should have been categorical and told the House that this will not be the final Session of Parliament, and that the House will run its full term. But he did not say so. He ought to have said so.

Having said that, I would like to add that the President was not categorical on how he will tackle the economic slump that this country is experiencing. A country like Kenya is just like a company. If a company does not perform well economically, and makes losses year in, year out, it is put under receivership. In the case of a government, it resigns if it cannot manage its economy, its hospitals, schools and other institutions. The worst example is the Muhoroni Sugar Company, which is 100 per cent owned by the Government. How can you put such a company under receivership, without directly touching on the economic integrity of the whole Government? It means that the



Government has lost its economic direction. It is unable to know where it is heading. Without a proper economy, which is the heartbeat of any country, no government can move on.

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

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

Mr. Temporary Deputy Speaker, Sir, we have held several seminars in hotels, with a view to eradicating poverty. But poverty eradication is not something that can be discussed in seminars and five-star hotels. It does not make any sense. What are they trying to eradicate? Certainly, not poverty! If anything, they are just increasing poverty. We should go to the root cause of poverty. We should provide basic infrastructure. Let me give an example of my own constituency. It is a fishing constituency. All we need are proper roads to move the fish from landing beaches to the markets. The other facility we need in my constituency is electricity, so that we can keep fish without rotting. Those would be practical solutions of eradicating poverty. But if we are going to have seminars in five-star hotels and pay huge bills, I do not think that we know what we are trying to do. We are certainly not trying to eradicate poverty, whereas the Presidential Speech was talking about the problem. But he did not put much weight on it or offer solutions, as to how we are going to eradicate poverty.

With those few remarks, I beg to support.

**The Assistant Minister for Roads and Public Works** (Mr. Mwakalu): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the Presidential Speech. I am confounded many times when we talk about poverty, as if it is a passing phenomenon or seasonal concept. Poverty is the relationship in every historical epoch, and it is the relationship that we have or we do not have. You are poor or you are not. You have much or you have less. That less is defined by the parameters of the time we are talking about poverty; poverty and slavery is not the same thing as poverty under colonialism, and it is not the same thing as poverty after colonialism. Therefore, again, poverty takes the range of being historical, develops and diminishes as you create the opportunities, incentives or disincentives, for it to mature. So, to come up in 2001, and declare poverty a major enemy, is, probably, to overlook some historical lessons. Poverty has been with us and will always be with us, depending on the human hunt for property and wealth for self-aggrandisement. You can attach poverty in economic categories, social values and philosophical aspects. Wherever you are, you will discover that poverty exists even in the so-called wealthy countries today.

Today in Kenya, we have economic conditions that

promote the development of poverty or diminish poverty among the ranks of certain people who are well placed. If you do not have enough control of the factors that produce poverty, then, you will be poor indeed. You may be poor in Northern Kenya, but not in terms of how many livestock you have and what you can generate, if you had equivalent exchange for that commodity. But in Northern Kenya, in relation to other areas, you can have poverty that is geographical in a sense. **[The Assistant Minister for Roads and Public Works]**

Pastoralism, which is a socio-economic formation of its own and has its own rules and values to obey, cannot be compared, but can be contrasted with a non-pastoral economy. An economic formation of agriculture has its own rules and parameters and can be measured, but again, among the pastoralists and the agriculturalists, you still find the differences. So, what produces poverty is not only the historical factor, but there are relationships between the various forces of production. You can produce because you have a basic resource in an area, but the distribution and exchange of that resource can propagate poverty. Consumption can also be another factor.

Today, in this world, we have a major problem that emanates from a non-equivalent exchange. We produce enough sisal, but at one time, that sisal could give us a tractor if we sold four sisal bundles in four lorries than today, when you need 60 sisal bundles to fill one lorry. They are non-equivalent. You produce very dearly and you earn very cheaply. You produce today the same barrel of oil which, tomorrow, you will demand more money for. So, there is no equivalent exchange. The discrepancy between what you produce and what you get, in fact, produces and makes poverty very problematic.

Here in Kenya, you can take the example of land among the other economic factors. How land is distributed and exchanged, determines what is also grown on it and how much is earned from it. The equivalent is that you either have land which is productive or land that is non-productive or you produce less commodities which have high prices and more products that cost less. So, overall, we have an economic condition that is not synonymous with development; unemployment is not synonymous with development. That is poverty because in our modern economy, production and land are intertwined. You cannot take one and divorce the other, in the absence of industrialisation. You have yet to over-grow the stage of development where we cannot rely on agriculture.

In a political dimension, we also have the crisis of infrastructure. The crisis of infrastructure, in the political sense, can be summarised in the Constitution that we have. The Constitution that we have, if it is not the Constitution that we want, must be changed. But which direction does a constitution take? Whether we

admit it or not, historically, a constitution reflects the voting block power of the ruling class. In this country, I do not think that we are going to promulgate a Constitution for the poor because unless the poor can do it for themselves, somebody will have to do it for them. It is us who do not want to be poor. How can we promulgate a Constitution that addresses the problem of the poor?

We have a very great contradiction that is also very anti-democratic. The same privileges that we want, as a growing class, may not be the same for the majority of Kenyans in the countryside. Therefore, we are going to promulgate ideas and contradict ourselves, but within the State, we are going to cover-up by having a Constitution and an infrastructure with super structure for carrying through our policy. The basic question that we can ask today in confronting the crises of our times - social, economic, and the Constitution - is whether poverty has been growing or decreasing over the years.

On the problem of landlessness, has it been increasing or decreasing in our country over the years? How do we critique one area of Kenya versus another? This is an uneven development. Is it narrowing or widening? If we were careful, clear and honest about development, we would probably not have taken a path like we have done, that in the end would have raised more questions than answers. When we have a crescendo, then, we are about to forget that, for a country to develop, you need stability. Once that credibility is challenged by the world parameters that deny the very essence of stability, that is when you have a country in anarchy; a country that has to strive to get one part of humanity reconcile with another; that is when one is poor and the other one rich. Such a country cannot thrive in a society such as this, which has few resources to distribute among its population.

Mr. Temporary Deputy Speaker, Sir, the President exposed a policy that is public in essence, and which to some extent, discloses why the "potholes" are likely to derail the development of this country---

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Musila):  
Your time is up!

**Mr. Khamasi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to comment on the Speech by the President. One of the things that came out very clearly in the Presidential Speech was tolerance. The President was very clear about it that we have got to be tolerant of one another, so that we can be able to create unity and lead this country well. I think tolerance has got to start from the people who govern. The Government must show tolerance in the first place. In this country, we have got a constitutional right of assembly. The Government has demonstrated very clearly that it has been intolerant about people constitutionally assembling and selling their political ideologies. What we have witnessed in the recent past has no semblance to what the President is preaching in terms of tolerance. We have seen legal

gatherings being broken up by **[Mr. Khamasi]** the police and the Provincial Administration for no apparent reason. We have seen legitimately convened *Harambees* and political rallies being broken up by the security agencies without any special reasons. Indeed, if the President is preaching tolerance, then we expect the same Government to be tolerant. We are told by none other than the Head of State that they know that the Members of the *Mageuzi* group are organising to break into police stations and steal armoury and actually commit crime and yet, with the available resources, these people cannot be arrested and charged in a court of law. We cannot understand the reasons for that.

Mr. Temporary Deputy Speaker, Sir, I think it is necessary to give Kenyans alternatives on how they can access news. The Kenya Broadcasting Corporation (KBC) has become a monotony to Kenyans. All we hear is actually KANU manifestos and policies being sold on the national television. I urge this Government to free the airwaves countrywide. Let us not confine radio and television stations to Nairobi and its environs. We would like to see a situation whereby the Nation Television, for example, can extend its coverage to the remotest parts of this country. We want to see KTN, *Kameme* FM and others doing the same, so that Kenyans can get an opportunity to judge what is going on in the country. There is no point in the present day and age to confine radio and television stations to Nairobi. Our neighbouring countries have gone countrywide for many of the television and radio stations that operate in their countries. I urge the Government to free the airwaves to all corners of this country.

Mr. Temporary Deputy Speaker, Sir, in the Presidential Speech there was a lot of emphasis on the economy of this country. Indeed, the President was very clear that unless we can strengthen our relationship with our development partners, we cannot achieve the revival of our economy. True to the letter. Why does the Government not do exactly that? We must stop blaming the donor community when it is us who have failed to implement the policies that we have made with our development partners. Simple examples show why our economy is in a mess. For example, the Nyayo Tea Zones; a substantial part of it is in Kakamega District and it has been left to go to waste. Part of it, which is in use, is leased out to multinationals like the George Williamson who mint a lot of money in those parts which are useful. All this money is taken back to their respective countries. Why can the Nyayo Tea Zones not be given to the local county councils in the areas in which they are, so that our indigenous people can benefit from them?

There is mention, in the Presidential Speech, of benefits from the textiles in terms of exports to USA under the African Growth and Opportunities Act (AGO). Already, we have been told that unless there

is proper governance, we shall not benefit from this. What is the Government doing to make sure that there is proper governance in order for Kenyans who deal in textiles to be able to benefit from that?

Mr. Temporary Deputy Speaker, Sir, the oil industry is another big source of revenue in this country. Where does all that money go to? Every day, oil prices are being increased and oil companies are making a lot of money. We do not encourage our people to play a substantial role in this business. The oil companies have formed cartels that go on fleecing money out of the ordinary mwananchi and yet, the Government is there as if nothing can be done to save the situation.

Mr. Temporary Deputy Speaker, Sir, I want to talk about regional integration. The East African Co-operation (EAC) situation is a welcome move but let the Government assure our partners that we shall be straightforward when dealing with them. We have heard in the past that there is doubt on the part of our partners within the Community about our dealings with them. It is necessary for the Government to assure our partners within the EAC that they will be straight and that they will do the right things to make sure that the Community will continue to exist. I am a little bit sceptical about the COMESA business. I come from a region which produces sugar and what we have seen of late is pathetic. Two companies have already gone under, the classic example being Muhoroni and Miwani. Too much sugar is being brought in from the COMESA countries and the Government is sitting there doing almost nothing to protect the business of the indigenous people as if it is not their responsibility. A lot of jobs have been lost and very many families do not have a livelihood just because we have agreed that the sugar comes in from the COMESA countries and we are very badly hit.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the environment. Our forests must be left intact. We must face reality. There is no time when every Kenyan on the Kenyan soil will have land for himself. Time has come when we must teach Kenyans that each and everybody cannot have land. The question of forests being encroached on and then being degazetted has got to stop. It will not help this country. For how long shall we do this? Today, it is being done and in the next ten years or so, other people will encroach on the forests and excise them in the name of providing land for the indigenous people. That must stop. Harvesting in those forests is very discriminative, and our people must benefit from the harvesting of our forests. At the moment, I have got in mind Raiply and Elgeyo Saw Mills, who still go to the forest to do logging, and yet, there is a Presidential ban on it. Where do [Mr. Khamasi] they get the licences to carry out this activity? Who authorises them to do logging? We must have a proper policy.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I want to hesitantly support this Motion.

**The Assistant Minister for Roads and Public**

**Works** (Mr. Mokku): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to join my colleagues in contributing to the Presidential Address. I would like to start by saying that the Speech was balanced, full of wisdom and it is my advice that we borrow a leaf from it. Under the sub-heading "The Social-Economic and Political---" I think it urges us to be united as Kenyans and Parliamentarians so that Kenya can move ahead.

I would like to say something about the Kenya planners. This country has enough resources, and it is our duty to utilise them. I would like to say that we are not a poor country. We are also a very hardworking society. It is our planners who should plan how we should use our resources in a better way, so that they can reach every part of this country. It is my appeal that the planners initiate right or viable projects in specific areas. I have examples of the northern, some parts of eastern Kenya and the Rift Valley Province, which are 100 per cent arid. While we have authorities like the Kenya Sugar Authority (KSA), the Coffee Board of Kenya (CBK), the Pyrethrum Board of Kenya (PBK) and others, those regions that I have named above have resources which are appropriate and require good planning. These resources are livestock. I would like to say that most of the meat that is consumed in this country comes from these regions. What these regions lack is proper planning. I would like to inform this House that, today, there is no proper planning for livestock marketing in this country. If we have authorities for the crops I have just mentioned, why can this single resource, found in the regions I have named above, not have a proper marketing system, so that wananchi can get returns for the sale of livestock?

We used to have the Kenya Meat Commission which was the only factory in the country that---

*(Loud consultations)*

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot hear the hon. Member who is contributing, because of hon. Moroto's team here which is consulting loudly. Is it in order for them to consult loudly?

**The Temporary Deputy Speaker** (Mr. Musila): May I request the hon. Members at that corner to consult quietly?

**The Assistant Minister for Roads and Public Works** (Mr. Mokku): Mr. Temporary Deputy Speaker, Sir, I was saying that we used to have the only factory which processed meat in this Republic, and it closed down many years back. I would like to point out that, today, livestock farmers are at the mercy of the butchers. These butchers can either buy or refuse to buy livestock as they wish. Leaders are making an appeal to the Government to open the Kenya Meat Commission

to assist livestock farmers in this country. While I still support the opening of the KMC, it is high time that we decentralised the KMC abattoir in this country. For example, we need an abattoir in the northern part of Kenya, especially in Garissa District, which will serve Wajir, Mandera and Ijara. We also need another abattoir in Isiolo District, which will serve this district, Marsabit and Samburu. We also need another abattoir in Turkana District which will serve this district, Pokot and Marakwet, while the one located at the KMC, Athi River, can serve the people of Kajiado, Narok and Ukambani.

If our planners can view that from that angle, we, as Kenyans will be self-sufficient in basic needs and especially livestock products from those regions. As of now, people from those areas are really suffering. I would like to point out that a farmer transports five to six cows in a lorry from Moyale to Dagoretti and three-quarters of these animals will die on the way and the remaining animals will reach here when they are so weak or dehydrated. I would also like to say that the charges made by the owner of the lorry are almost half the price the animals will fetch. So, that farmer always makes a loss. It is high time that priority was given to those people, so that they can also look like any other Kenyan.

Mr. Temporary Deputy Speaker, Sir, briefly, I would like to say something about the Ministry of Health. While I support one of the hon. Members who said earlier on that the field officers we have are currently doing what they can, it is high time that we posted enough medical personnel, namely; the clinical officers, nurses and doctors to every part of this Republic.

At Independence, we talked of fighting three big enemies, namely; ignorance, disease and poverty. I think we are not achieving that target and we are not even getting closer. It is high time we looked at our policies, so that we have enough medical personnel, at least, in every region.

As I speak here, there is an outbreak of measles and typhoid in Isiolo District. There is also an outbreak of malaria, which has become a killer disease, killing more people than the HIV/AIDS. Without qualified medical personnel and the right drugs, wananchi will continue to die. It is my appeal that we actually post enough medical personnel to **[The Assistant Minister for Roads and Public Works]**

the area. The advertisement that has been made for recruitment of more medical personnel in the Ministry of Health is welcome. Let us consider every part of this Republic, so that we can get a share of the limited staff who will be recruited.

On livestock farming, may I again say that there was a proposal that was made by the Livestock Marketing Council, which has been put in place. It is my appeal that, that Council is given enough support by the Government and funding from the Exchequer, so that they can actually market the livestock in this Republic.

My last appeal is to the Ministry of Agriculture,

Livestock and Rural Development. It is high time this Ministry looked at the water resources in this Republic. There was a lot of water in 1997 when we experienced *El Nino* rains and a few months later, there was an outcry due to lack of water in this Republic. Why can the Government not utilise this water, and especially the water from River Ewaso Nyiro, Tana River and Athi River? If we can conserve and use that water properly, it can be used for domestic, livestock and irrigation purposes. It is high time we utilised the natural resources that we have carefully so that they can benefit our people.

I would like to make a special appeal to the Minister for Rural Development that River Ewaso Nyiro, which can flow up to Habaswein, can serve Nyandarua, Samburu, Isiolo, Wajir, Marsabit and some parts of Garissa. I would like to make a special appeal to the Minister to ensure that the water from River Ewaso Nyiro is utilised properly so that wananchi can benefit from that natural gift.

Lastly, there was a seminar on poverty eradication which was held the other day, and good proposals were written down. It is high time we looked at those proposals and implemented them. In Isiolo District, where I come from, we have minerals which have never been exploited. It is high time the Government availed information regarding those minerals so that wananchi can exploit them. There are gemstones and other minerals in that region. We keep complaining of poverty and yet we are sitting on wealth. If we are serious about poverty eradication in this country, then we must explore minerals. It is high time the Ministry of Mineral Exploration started exploring minerals in North Eastern Province, so that we improve the living standards of our people. The Ministry should also avail necessary facilities to our people to explore minerals in that region.

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

**Mrs. Ngilu:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Presidential Speech which he delivered a week ago. Since it is only 18 months before President Moi departs from politics, I expected him, in his Speech, to talk about his achievements on all pledges he made during the 1997 General Election. He would have told us exactly what he had achieved. Unfortunately, three years down the road, he has achieved nothing and his Government has done nothing except making Kenyans poorer than they were.

Mr. Temporary Deputy Speaker, Sir, we had hoped to help the President to make Kenya a better country through the Bills that we introduced in this House and which the President deliberately ignored. He did not talk about the Affirmative Action Bill and the Equality Bill.

Mr. Temporary Deputy Speaker, Sir, because of the existing regional integration, the President advised young educated Kenyans to seek employment outside this country. To me, it appears as if the President has given up and that is why he encouraged Kenyans to seek employment elsewhere. It is sad that our President does not realise it is the responsibility of the Government to provide employment to Kenyans so that they can develop this country. The youth of this country are very much frustrated because they cannot get jobs in their country.

### QUORUM

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Mrs. Ngilu is talking very well, but there is no quorum in the House.

**The Temporary Deputy Speaker (Mr. Musila):** Yes, you are right. We do not have a quorum. Ring the Division Bell.

*(The Division Bell was rung)*

**The Temporary Deputy Speaker (Mr. Musila):** Order! Hon. Members, we have a quorum now. You may proceed, Mrs. Ngilu.

**Mrs. Ngilu:** Mr. Temporary Deputy Speaker, I was saying that Kenyans and, especially the youth who form 62 per cent of our population, really wondered about the President's announcement that they seek employment elsewhere. It appears as if the President is not aware that getting an American or a British visa is a nightmare. As a country, we have been blacklisted and you can hardly get a visa from these two countries. I hope the President can be made aware of the hardships Kenyans have to undergo when they apply for visas.

Mr. Temporary Deputy Speaker, Sir, I noted with great concern that the President, in his Speech, deliberately chose not to talk about the Affirmative **[Mrs. Ngilu]** Action Bill and the Equality Bill. Worse still, you can remember his remarks two weeks ago during a conference he officially opened for women where he said that women are of "little minds". This shows the kind of a Head of State we have; arrogant and ignorant of women's rights. This is what we call male chauvinism. I believe that he needs to be informed that Kenyan women are not about to take this kind of insult; we will not take it. We will continue to educate women in this country on who to elect as the President.

*(Loud consultation)*

**The Temporary Deputy Speaker (Mr. Musila):** Order! Hon. Members, consult in low tones so that we listen to what the gracious lady is saying.

**Mrs. Ngilu:** Mr. Temporary Deputy Speaker, Sir, as I said, the President ignored all the pledges he made

during the 1997 campaign. He made a pledge to provide Kenyans with clean water. But in Ukambani, women draw dirty water 20 kilometres away from their homes. Because of drinking dirty water, our people continuously suffer from typhoid and other water-borne diseases. At the moment, the people of Ukambani have rain water. Therefore, it would be wise for the Government to spend relief food funds on water programmes and projects.

Mr. Temporary Deputy Speaker, Sir, I want to talk about problems facing parents in the area of education. There are no books in most schools in Ukambani. Parents cannot afford books because they are too expensive. I believe the Ministry has to find a way of subsidizing the cost of books.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about insecurity in this country. On many occasions we have witnessed police exchanging fire with criminals in this country. In the process, civilians are hurt. I would like to make an appeal to both the police and the criminals, wherever they are, that if police have to attack, let them attack those criminals who are armed.

**The Temporary Deputy Speaker (Mr. Musila):** Order! May I request Messrs. Lotodo, Ethuro, Ojode and Acholla to please consult in low tones.

**Mr. Wamunyinyi:** Yes, we have kept quiet, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker (Mr. Musila):** Order, Mr. Wamunyinyi! I can see and hear! Proceed, Mrs. Ngilu!

**Mrs. Ngilu:** Mr. Temporary Deputy Speaker, Sir, we have witnessed innocent civilians getting shot in crossfire between the police and thugs. I really want to appeal to both the police and the criminals and more so to the latter, if they can hear me wherever they are, if they have to break into families homes and steal--- Could they do it decently? Could they break into the houses and steal but leave the families intact? Could they stop using firearms and raping women and girls? Could they just do it decently? We know this is as a result of the decay that has occurred in this country and, as a result, Kenyans are suffering all these injustices in the hands of a very rotten Government that has not put right programmes in place. This is to the extent that two armed security officers from a Minister's house can go out and kill an innocent person. You can see how rotten the security forces in this country are!

Mr. Temporary Deputy Speaker, Sir, I want to talk about the Poverty Reduction Strategy Paper. I believe this is an area where, if we all put our efforts, we can get a way out of the problems that we are in. This country does not suffer from poverty and other problems simply because we have no resources. This country has plenty of resources. The resources are totally mismanaged, not properly allocated, inequitably

distributed and not properly utilised. If only women were to be involved in this venture, I believe we could make a difference. We know that in every activity that takes place at the grassroots level women are involved, but when it comes to the policy level, that is decision making positions, that is where women's experience, expertise and perspective is missing. I do believe that, before Dr. Leakey and his team left, they had already started involving women at that level. This Poverty Reduction Strategy Paper that has already been put in place had a lot of input from women from all walks of life from this country and they came from every province to give their own input. I believe that this is where we have to go back to the drawing board and know that women's experience is important.

Mr. Temporary Deputy Speaker, Sir, as I speak today, and I say this because 80 per cent of this country's agricultural land and food coming from this land is used and produced by women--- It is for this reason that I believe that women should be given an opportunity to be able to be part and parcel of the decisions that are being made for them. They should be able to also say what the priorities in a home are and what programmes should be put in place for them. This is because recently when I was having a meeting---

Thank you, Mr. Temporary Deputy Speaker Sir.

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this chance to support the Presidential Speech. In my opinion, the Speech was good. It touched on essential areas which affect the ordinary mwananchi. However, the problem here is that no matter how good the Speech was--- Who is going to implement [Col. Kiluta]

the directives, recommendations or the suggestions given by the President? We have got a society here which is morally rotten. It is a wreck! Everybody is rotten and unless we all pull up our socks and live up to what we are supposed to do, this country will go to the dogs. All people, including the church leaders, have abandoned their responsibilities. The church leaders have left their work and gone into politics. The sheikhs cannot be spared either since they have left their field of---

**Mr. Shidiye:** No! What are you saying about the sheikhs?

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, can you protect me from this young man here?

**The Temporary Deputy Speaker** (Mr. Musila): Mr. Shidiye, calm down!

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, the church leaders have left preaching the word of God and---

**Mr. Wamunyinyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Col. Kiluta in order to make reference to hon. Shidiye as a young man?

**Mr. Munyasia:** Yes, and he is his Chief Whip!

**The Temporary Deputy Speaker** (Mr. Musila): He is certainly not. Proceed, Col. Kiluta!

**Col. Kiluta:** Mr. Temporary Deputy Speaker,

Sir, can you protect me from this hon. Member of Parliament? I was rudely interrupted before I could say what I was trying to say. I will repeat by saying that people have abandoned their careers like church leaders who have left preaching and joined politics. That is why we have problems with this constitutional review process, because we have all gone in there and abandoned our careers. There is also this problem of moral decay because those who are supposed to intercede on our behalf and communicate with the Almighty God, have abandoned that work and left it to us. It is not possible for me to do all this work; that is to be in politics and also preach the word of God in the church. I can go to church and pray but not really to go interceding on behalf of everybody. I will kindly request that those who are given this chance to go back and do their work.

Secondly, because of this moral decay, you will find we have got problems in every field. Every year we vote money here for development. Ideally, this money we vote here---

*(A mobile phone rang)*

**The Temporary Deputy Speaker** (Mr. Musila): Order!

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. A mobile phone has rung here in the NDP court!

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Musila): Order! Hon. Members, I think this is the fourth time that the Chair has to intervene in the matter of cell phones. May I again appeal to hon. Members to ensure that the cell phones are left outside or switched off. I know it is not deliberate since it has happened but let me hope that this is going to be the last time. Continue, Col. Kiluta!

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, due to these interruptions, I am sure you will consider adding me extra minutes. If you look at the existing on-going development projects, they seem to be all concentrated in one area. I am sorry to say this. The Opposition seems to be getting a better share than the KANU people. This is simply because most of the Permanent Secretaries favour the Opposition. Is it possible, if this is the case, to be allowed to cross over so that at least we have development projects in our areas?

**Hon. Members:** Yes, you can defect!

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, if we cannot be considered while in KANU, then we can as well join them because development projects are concentrated in Western,

Central and Nyanza provinces because of the co-operation. If that is the case, then I think I should go to that side!

**Mrs. Ngilu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Let me help you, hon. Kiluta. May I ask hon. Kiluta to join my party?

**The Temporary Deputy Speaker** (Mr. Musila): But that is not a point of order, hon. Ngilu!

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, I have a lot of respect for this lady. However, what I was saying is that---

**Mr. Koskei:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to ask hon. Ngilu to inform us which party she belongs to. This is because as far as I am concerned SDP has been showing her the way---

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! Hon. Koskei, you stood on a point of order. Do you have a point of order to raise? You do not have a point of order to raise. So, Col. Kiluta, you can proceed!

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, I was saying that there should be equal sharing of the money we vote here. The money should not be taken to one area at the expense of other areas which have already supported this Government. At times I feel hurt when I hear of this co-operation. I laboured to win votes for KANU through my seat here in this Parliament. Having [**Col. Kiluta**] brought those votes through my seat, nobody seems to recognise me.

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

**The Temporary Deputy Speaker** (Mr. Musila): Overruled! Hon. Members, let us be fair to Col. Kiluta and give him time to contribute and finish his speech.

**Col. Kiluta:** Mr. Temporary Deputy Speaker, Sir, I seem to be running short of time.

The other point that I would like to touch on is education. Every hon. Member in this House agrees with me that we value education and everybody would like to see the education system run properly. I wonder how we expect students to perform well when we have eight classes manned by three teachers, as it is in my place. It is not possible to have pupils perform very well when we have three teachers serving eight classes.

We have graduates from teacher training colleges who have been trained, but have been dumped in the villages. These teachers have been trained, qualified and have been abandoned. On top of that, we are told that we are going for retrenchment. Why should we retrench people in the Ministry of Education when we have a shortage of teachers? Any right-thinking person will not do that. We should go and look for teachers who have been trained and employ them so that we can off-load this burden which we have given to the parents.

If you go to Masinga, you will find that in every school there are not less than five teachers who are employed by the parents. On top of famine, I hear that we should go for seminars on poverty eradication. What is this

that we are eradicating? We know how to eradicate poverty. Why can we not use this money, which we are spending in hotels, to employ teachers?

Secondly, we agreed that there should be no activity money required to be paid by parents, but parents are still being forced to pay activity fees! What are these activities that parents are forced to pay fees for? Those good old days when I went to school, I used to run ten miles to school and back every morning and evening. That is enough activity, and I do not need to pay money to run to school in the morning and back in the evening. The payment of this money should be stopped and I am urging the Minister in charge to look into this matter, especially employment of teachers, and this money which parents are being levied by force.

Mr. Temporary Deputy Speaker, Sir, I said that our society is rotten and I want to point at one area which is rotten. Recently, we had police recruitment and for one to be recruited as a police constable, one had to part with Kshs30,000. If you did not have Kshs30,000, you were never considered. To be an inspector, you had to pay Kshs60,000. I can substantiate this point because I have got enough evidence. If we allow people who are in high positions in the Government to go on collecting bribes openly, and we leave the Commissioner of Police in the office, then I think we are failing. The Commissioner of Police should investigate this matter and if he finds it to be true, he should be the first person to resign or sack the whole lot.

Mr. Temporary Deputy Speaker, Sir, the same thing goes on in the Ministry of Health. To qualify as a nurse, you have to part with Kshs30,000. For how long shall we continue this way? For how long shall we live with this rot in our society? Are we saying that we are not conscious of this? It is eating in our society's morals and unless something is done quickly, there will be no Kenya. It will be rotten and gone.

The Ministry of Energy is supposed to implement the Rural Electrification Programme. We were told that there would be power in every home by the year 2020. These projects have all been centred in one area. Western Province is the only beneficiary. Central and Rift Valley Provinces have also not been left out. What about the other areas?

**An hon. Member:** What about North Eastern Province?

**Col. Kiluta:** North Eastern Province is not known. Most of this power is from Masinga Dam and yet we do not get anything. When shall we ever be considered as a community? Or are we only considered during elections?

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

**The Temporary Deputy Speaker** (Mr. Musila): Overruled, Mr. Shidiye!

**Col. Kiluta:** With those few words, I beg to

support.

**Eng. Muriuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. On the Presidential Speech, a lot was said about the state of the economy and poverty eradication. I would like to say a few words about the pretence to eradicate poverty in this country through seminars, workshops and other meetings through which we purport to collect views from wananchi. Nothing new is being said in those seminars and workshops that has not been said before by these leaders. I already know about the poverty level in Ol Kalou, which I represent. I also know what we require to do and we have said that many times in many meetings. I would like to call upon those who have money to be practical and put it to good use instead of spending it on meetings.

Mr. Temporary Deputy Speaker, Sir, we are using the word "liberalisation" to mess about with our economy. All countries do have regulations to run their economies, but in this country we are using the word "liberalisation" to stop the activities which [Eng. Muriuki] wananchi are already doing. We must accept the fact that we will not eradicate poverty unless we, first and foremost, work out ways of eradicating unemployment. You cannot eradicate poverty from people who are not working. By far, the biggest employer we have in this country is the agricultural sector. The manufacturing sector employs only about 200,000 people. The agricultural sector employs millions of people and this is where we need to direct our efforts towards eradicating unemployment first and foremost and, eventually, poverty.

Mr. Temporary Deputy Speaker, Sir, at the moment, it appears that some sectors of the Government are very serious in ensuring that the sugar industry is completely kaput. If you look at other countries that have as good a climate as we do and which favours the production of sugar, they encourage their farmers and ensure that the sugar industry is fully protected. Some years ago, we did the same to the textile industry. Despite cries from this House and leaders all over, we tried to say: "Let us protect our textile industry--" It is now completely finished because we allowed everybody to bring in whatever they could and we are doing the same thing to the sugar industry. We have seen other sub-sectors within the agricultural sector go completely kaput. After we had made sure that the textile industry had collapsed, we also worked very hard to ensure that cotton farmers have nowhere to go. They have nowhere to sell their cotton and as a result, the cotton industry is completely finished.

Mr. Temporary Deputy Speaker, Sir, recently, we had an announcement from the US Government that they will now allow some textiles to be imported from our country. The fact that they admitted that they are allowing this, means that they had regulated the importation before. This is what we require to do for our country so that even if we liberalise the economy, we must regulate imports for the purpose of supporting our own citizens. We are already

starting work towards getting rid of the very effective--

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**The Temporary Deputy Speaker** (Mr. Musila): Order, hon. Muriuki! Your time is not up, but looking at the clock, we cannot proceed beyond that. So, you will continue on Tuesday. Hon. Members, today being a Thursday, I have two requests for statements under Standing Order No.20A. May I call upon hon. Mkalla?

## MEMBERS' HALF-HOUR STATEMENTS

### REPORT ON BOMBOLULU TRAGEDY

**Mr. Mkalla:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to make the following statement, pursuant to Standing Order No.20A, directed to the Minister for Education. The Bombolulu Secondary School fire tragedy occurred on 25th March, 1999. Parents had their 3rd anniversary at the school last Sunday the 25th of March, 2001. They bitterly complained that no official report had been made public to date, more than two years since the date of the calamity. A total of 26 students died during the fire tragedy. I demand that the Minister for Education makes a Ministerial Statement on the findings of the Commission of Inquiry on the fire tragedy at Bombolulu Girls Secondary School in Mazeras, Kwale District. I am sure that such a public disclosure of the findings will send a positive message to the parents of the students involved in the recent similar incident at Kyanguli Secondary School where the Minister is involved in setting up a similar commission.

**The Temporary Deputy Speaker** (Mr. Musila): The Minister for Education is not here and, therefore, I will ask the Assistant Minister, Dr. Wamukoya to respond.

**The Assistant Minister for Education, Science and Technology** (Dr. Wamukoya): Mr. Temporary Deputy Speaker, Sir, a notice for request for the Statement reached my office this morning and I seek your indulgence that you allow me to make a thorough Statement next week on Thursday.

**The Temporary Deputy Speaker** (Mr. Musila): Very well. Mr. Muchiri?

### EVICTON OF POLICE OFFICERS

**Mr. Muchiri:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Office of the President. I would like the Minister concerned to explain the reason why the Commanding Officer of National Youth Service, Nairobi has issued eviction notices to police officers of all ranks. He says that they will be evicted tomorrow 30th March, 2001, if they will not have vacated the



houses by today. I am requesting that you protect them until the Statement is made.

**The Temporary Deputy Speaker** (Mr. Musila): Again I do not see the Minister in the Office of the President here. May I ask the Deputy Leader of Government Business to comment on this?

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): I will ask the Minister responsible to give a Statement next week.

**The Temporary Deputy Speaker** (Mr. Musila): There is an urgent request that you protect them before the Statement is issued. Can you do something about that?

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): I will relay this message and the urgency of it to my colleague.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Members, that brings us to the end of our Business

for today. The House is, therefore, adjourned until Tuesday, 3rd April, 2001, at 2.30 p.m.

The House rose at 6.35 p.m.