

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 16th November, 2000

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Kihara: Mr. Speaker, Sir, before I ask my Question, I would like to make a correction here. The name of the division referred to in the Question is "Longonot", and not "Longoro".

Question No.524

CREATION OF LONGONOT DIVISION

Mr. Kihara asked the Minister of State, Office of the President, when the Government will implement the Nakuru District Development Committee (DDC) recommendations to create Longonot Division out of Naivasha Division.

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

The Nakuru DDC has never recommended the creation of Longonot Division out of Naivasha Division. Therefore, the Government cannot implement the creation of that division.

Mr. Kihara: Mr. Speaker, Sir, I have got a written reply here which makes reference to "Longoro" Division which does not exist anywhere. The creation of Longonot Division was, in fact, recommended by the Naivasha sub-DDC and the Nakuru DDC agreed with those recommendations.

Mr. Speaker: Mr. Minister, are you sure, that this typing error did not mislead you?

Maj. Madoka: Mr. Speaker, Sir, that could be the position but---

Mr. Speaker: Can I give you time to check whether there was any misunderstanding because of this spelling error?

Maj. Madoka: Mr. Speaker, Sir, I am sure in my answer to the next supplementary question, I will be able to satisfy him.

Mr. Speaker: How do I know what question he is going to ask? Mr. Kihara, can you read his mind?

Mr. Kihara: Mr. Speaker, Sir, I am not a psychologist; so, I am not in a position to read the Minister's mind. I would like to assure the Minister that I was at the DDC meeting when the decision to create Longonot Division was made.

Maj. Madoka: Mr. Speaker, Sir, I know that there was a recommendation that Longonot Location should be uplifted to divisional status. The resultant division was to be called Mai Mahiu Division. That is what I am aware of. This recommendation is coming up for approval on 24th November, 2000.

Mr. Kihara: Mr. Speaker, Sir, I think the Minister is indulging in semantics. He knows that we recommended the elevation of Longonot Location into divisional status. But if the Ministry changed the name to Mai Mahiu, that is immaterial. All I wanted to know is when the DDC recommendation is going to be implemented?

Maj. Madoka: Mr. Speaker, Sir, you can see that we are getting very close. All I was trying to say is that the name of the division is not Longonot but Mai Mahiu, and this will come up for consideration by the DDC on 24th November, 2000.

Question No.613

ATTACK ON MESSRS. GEDOW AND CHICHANA

Mr. Speaker: Dr. Ali is not here? We will come back to that Question later. Next Question, Mr. Muchiri!

Question No.680

DISCHARGE OF KASARANI POLICE OFFICERS

Mr. Muchiri asked the Minister of State, Office of the President, why the services of the following officers from Kasarani Police Station were terminated in December, 1999:

No.61685 - PC Bon Kiplang'at Koech

No.44643 - PC Charles Kasimu Ongaya

No.48374 - PC Joseph Ngui Mburu

No.48495 - PC Mutunga Mulatya

No.55422 - PC Dickson Kiboi Chepkuto

No.67504 - PC Nicasion Machaki Kitumbi

No.64535 - PC Charles M. Kariuki; and,

No.50914 - PC Charles M. Iyaya

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, these officers were charged in a court of law for murder. Although they were acquitted, their conduct was considered not conducive to good discipline and, therefore, they were discharged.

Mr. Muchiri: Mr. Speaker, Sir, those officers were discharged from the Police Force on very flimsy grounds. During the time they were in the Police Force, they never earned any promotion or commendation. It is common knowledge that one cannot promote himself. Could the Minister table the reasons as to why each officer was discharged?

Mr. Speaker: Mr. Muchiri, be reasonable! How can one table reasons?

Maj. Madoka: Mr. Speaker, Sir, these officers were charged in court for murder, but they were found not guilty. On the other hand, we found their overall discipline to be lacking and we discharged them.

Mr. Muchiri: Mr. Speaker, Sir, is it within the mandate of the Police Commissioner to sack an officer after one has been acquitted by a court of law?

Maj. Madoka: Mr. Speaker, Sir, although these officers were acquitted, we had already lost faith in them.

Mr. Otula: On a point of order, Mr. Speaker, Sir. Could the Minister state whether these officers were paid their benefits when they were discharged?

Mr. Speaker: That is not a point of order! It is a supplementary question!

Next Question, Mr. Kombe!

Question No.293

MEASURES TO CURB CHILD LABOUR IN MAGARINI

Mr. Speaker: Mr. Kombe is not there? We will come back to that Question later.

Next Question, Mr. Maitha!

Question No.259

FINANCING OF KENYA FERRY SERVICES

Mr. Speaker: Mr. Maitha is not there? We will come back to that Question later.

Next Question, Mr. Kihoro!

Question No.624

SALE OF ADC FARMS

Mr. Kihoro asked the Minister for Agriculture:-

(a) whether he could table the list of all the Agricultural Development Corporation (ADC) farms which have been sold, indicating the size of each farm and what proceeds have been realised from the sale of land, livestock and farm assets respectively;

(b) whether he could list the names of the allottees of the sold farms, the size allotted to each and the

premium paid; and,

(c) whether he could avail the list of the remaining ADC farms, their respective sizes and indicate which ones are earmarked for sale.

The Assistant Minister for Agriculture and Rural Development (Mr. Sumbeiywo): Mr. Speaker, Sir, I beg to reply.

(a) I have already availed a list of all the ADC farms which have been sold, indicating the size of each farm and what proceeds have been realised from the sale of land, livestock and farm assets respectively.

(b) I have also availed a list of all the allottees of the sold farms, the size allocated to each and the premiums paid.

(c) I have also availed a list of the remaining ADC farms, indicating their respective sizes.

Mr. Kihoro: Mr. Speaker, Sir, the answer given should have been read. This answer does not include the value of the farm assets and the livestock. Is it that the farm assets and the livestock were given out for free? Could he also tell the House why it is only the rich who were allocated ADC farms?

Mr. Sumbeiywo: Mr. Speaker, Sir, first of all, it would be very difficult to read out those names because there are 900 of them.

An hon. Member: Read them out!

Mr. Speaker: Order, hon. Members! Mr. Sumbeiywo, just answer the last Question which was put to you.

Mr. Sumbeiywo: Mr. Speaker, Sir, I am not aware that it is only the rich who benefitted from these ADC farms.

Mr. Speaker: Order, Mr. Sumbeiywo! He also asked you what happened to the livestock and the machinery in those farms. Would you like to answer that?

Mr. Sumbeiywo: Mr. Speaker, Sir, the price of land there includes the cost of machinery and all other assets.

Mr. Nderitu: Mr. Speaker, Sir, the ADC farms were given to a number of prominent people like General J.K. Mulinge, Dr. Sally Kosgey and others. Did these prominent people deserve to be given those farms? **Mr.**

Sumbeiywo: Mr. Speaker, Sir, I do not know who those people are. I do not know whether they are rich or poor people.

Mr. Kihoro: On a point of order, Mr. Speaker, Sir. The list I have of the people who have been allotted these farms, which amount to 100,000 acres, is more than 50 pages. The Assistant Minister has not given the value of farm assets and the livestock. He should answer that Question because the list is long enough and he has refused to read it.

Mr. Sumbeiywo: Mr. Speaker, Sir, there is a column which indicates the machinery.

Mr. Ojode: Mr. Speaker, Sir, we would like to know whether the names in the list are of Kenyans who are landless. Could the Assistant Minister read them out, so that we can tell whether they are landless people?

Mr. Speaker: Mr. Ojode, I am informed by Mr. Kihoro that the pages run to 50. I will not allow that. The reason why a document is tabled is to enable Members have access to it, read it and do whatever you feel with it. It has already been tabled, and so it is property of the House.

Dr. Murungaru: Mr. Speaker, Sir, I rise to seek the guidance of the Chair on this important issue which has generated a lot of interest among Members. Could you allow hon. Members to peruse through that list and then have the Question answered next week?

Mr. Speaker: That is unreasonable because last week, I allowed the hon. Member to table the list and deferred the Question to today, to enable Mr. Kihoro and the House to peruse it. It was deferred last time for that specific reason.

Mr. Muchiri: Mr. Speaker, Sir, I have seen the list being circulated in the House, which indicates that some of the allottees are Members of Parliament. Even the Chair has been mentioned. Now, the question is---

Mr. Speaker: Order! Order! Mr. Muchiri, since you have just brought that issue, first of all, the Chair is a Kenyan and he leaves in Kenya and has every right to be considered like everybody else. So, please, that is no big deal; deal with the matter. That does not distract the fact. I am giving you all the chance. If it is possible to nullify for everybody else, please, do not spare me if you can.

Proceed, Mr. Muchiri!

Mr. Muchiri: Mr. Speaker, Sir, I would like the Assistant Minister to inform the House which criteria was used to allocate Members of Parliament, Cabinet Ministers, Major-Generals and the Chair, land while leaving out thousands of Kenyans who are poor?

Mr. Speaker: By the way, if I may make this correction, Mr. Muchiri, the Chair has not been allocated any land; it is a person by a specific name. So, the Chair has nothing to do with this issue.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order! Mr. Muchiri, it is not a big deal, for example, that one Francis ole Kaparo has been given only ten acres. I am sure one Adolf Muchiri, somehow also, could be owning land somewhere in Kenya. But it is not the Member for Mathare. So, please, leave the Chair out of it. It is a person called Francis ole Kaparo.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order! First of all, will you proceed with the question? How many acres did the hon. Kihoro talk about? I think he talked of 100,000 acres of land. If you take ten acres of that, you will still be left with 99,990 acres. So, can we deal with that bit.

Dr. Kulundu: Mr. Speaker, Sir, could the Assistant Minister confirm or deny that the following Kenyans got pieces of land at ADC Ngata?

Gen. Mulinge	-	682 acres
Gen. Mohammed	-	233 acres
Benjamin Kipkulei	-	80 acres
Wilson Boinet	-	80 acres
Dr. Sally Kosgey	-	49 acres
Mohammed Haji	-	10 acres
Joseph Kaguthi	-	10 acres
John Kaleli	-	50 acres
Francis ole Kaparo	-	10 acres
John Lokorio	-	50 acres
Cyrus Maina---		

Mr. Speaker: Order! It does look like some of the hon. Members think that the person in the Chair ought never to own any land. May I also say this: Mr. Sumbeiywo, if you are aware of the Chair's other lands, will you also make it available to the House because the Chair also has to live somewhere in Kenya?

Mr. Sumbeiywo: Mr. Speaker, Sir, I will not do so unless there is a Question in the House seeking to know whether the Chair has any other land apart from the one he is living on today.

To answer Dr. Kulundu's question, I do not know why he specifically had to pick those names [**Mr. Sumbeiywo**] from the list. They could be among those ones who have benefitted from the allocation of land at Ngata. But there is nothing wrong because they are all Kenyans and they have a right to get those pieces of land.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order! There must be some order, and there will be order, irrespective of the fact that the Chair has ten acres of land.

Mr. Keriri: Mr. Speaker, Sir, I agree that all Kenyans deserve land. Could the Assistant Minister be kind enough and tell us what criteria was used in allocating this land?

Mr. Sumbeiywo: Mr. Speaker, Sir, as the population of Kenya increased, it was found necessary to get some of the ADC farms allocated to Kenyans who had no land. I would like it to be understood very well that one hon. Kaparo is living in Mukogodo area where he cannot find land to till, and that is why he was given the ten acres. Whoever applied and qualified, was given that land.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order! We are not going to spend the whole day on this Question; it will have to come to an end.

Dr. Ali: Mr. Speaker, Sir, the value of the land is stated as Kshs22.8 million while Kshs4.8 million was paid. What about the balance of Kshs18 million. You gave the rich people this land while some of us do not even have an acre of land; why could they not pay?

Mr. Sumbeiywo: Mr. Speaker, Sir, those who were allocated the land and have not paid the full amount for the value of the land are being pursued by the Government for that matter and all the money will be recovered.

Mr. Wanjala: Mr. Speaker, Sir, severally, you have sympathised with me because of the floods in Budalangi which have severally displaced poor Kenyans from that area. Today the Assistant Minister has confirmed that he has

been having land which he has been allocating to people who are considered to be "landless" and there is still more land to be given to other landless people. Could the Chair advise the Assistant Minister to consider the people of Budalangi also, instead of giving land to rich people only?

Mr. Speaker: Mr. Wanjala, I still continue to sympathise with you, but as you know, I have no land to allocate and I am not capable. But the Assistant Minister has heard what you have said and he may consider that.

Mr. Gitonga: On a point of order, Mr. Speaker, Sir. I would like to know from the Assistant Minister the logic in valuation of this land. For example, Dr. Sally Kosgey was given 49 acres and paid Kshs59,719. What was the value per acre, and did it include machineries or any livestock? The other example is hon. Francis ole Kaparo, who was given ten acres and was asked to pay Kshs65,000. How was that land valued *vis-a-vis* the one given to Dr. Kosgey?

Mr. Sumbeiywo: Mr. Speaker, Sir, the value of land depends on the fertility of the land. If the land is rocky, it costs less money, but if the land is arable and fertile, it costs more money.

Mr. Kihoro: Mr. Speaker, Sir, my Question has not been answered in full and I have not got any assistance from the Chair. I wanted to know how much was realised from the total value of the assets that belonged to ADC. That was not answered.

Mr. Speaker: Mr. Kihoro, do you want me to answer on his behalf?

Mr. Kihoro: No, Mr. Speaker, Sir. If he is not able to answer now, he can go and look for the information somewhere. I am sure he has information relating to the cost of the livestock which was part of the Question.

Mr. Sumbeiywo: Mr. Speaker, Sir, the price shown in column six of the document that I tabled includes the value of machinery, livestock and land.

Mr. Wamalwa: Mr. Speaker, Sir, I am given to understand that the Commonwealth Development Corporation had a share in this ADC farm. I wonder whether the Assistant Minister has addressed the repayment of what was due to the Commonwealth Development Corporation in the allocation of this land.

Mr. Sumbeiywo: Mr. Speaker, Sir, that has been taken care of.

Question No.418

EXPLOITATION OF MWALA WOODCARVERS

Mr. Katuku asked the Minister for Tourism, Trade and Industry:-

- (a) whether he is aware that woodcarving is one of the major economic activities in Mwala Constituency and has employed over 50,000 residents;
- (b) whether he is further aware that the carvers are exploited by middlemen who purchase their products cheaply and sell them to tourists and in foreign countries at exorbitant prices; and,
- (c) what measures he has taken, in view of parts "a" and "b" above, to assist the carvers market their products.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): Mr. Speaker, Sir, I beg to reply.

(a) I am aware of the valuable contribution made by woodcarving as an economic activity to the economic growth of Mwala Constituency. This activity has greatly contributed in the creation of employment opportunities, generation of income and, therefore, improvement in the constituency's general standard of living. Although many residents of Mwala Constituency are involved in woodcarving, the Ministry has not tabulated the number of those engaged in this activity. But 50,000 residents is rather on the higher side.

(b) The transaction between producers of woodcarving and middlemen is carried out basically on the principle of willing-seller, willing-buyer. Therefore, the carvings change hands at a negotiated price between the two.

(c) Due to the importance of woodcarving as an economic activity in Mwala Constituency, and for its sustenance, improvement and promotion, the following measures have been taken by various agencies of the Government:

One, courses have been organised for local traders by the Kenya Institute of Business Training (KIBT), during which, producers of woodcarving are advised on the efficient and appropriate methods of costing their products in order to sell them in a profitable way.

Two, the Export Promotion Council (EPC) has taken small-scale traders to trade fairs especially meant for the commercial craft sector. The fairs on commercial craft sector have been held in Germany, Britain, Japan and in many other countries. Some of the small-scale traders or groups of traders which have benefited from this arrangement include Namayani Maasai Women Groups, Isiolo Weavers from Kitui and Machakos Handcraft Association. The purpose of these international fairs is to expose the traders to international markets and to connect them to the possible overseas buyers of their wares. Obviously, not all of them will benefit from this arrangement, but woodcarvers from

Mwala Constituency are encouraged to get in touch with the EPC for assistance in order for them to benefit from similar arrangements.

Mr. Speaker, Sir, there will be a duty-free and quota-free market for carvings from Kenya in the USA markets under the Africa Growth and Opportunities Act (AGOA). This is another opportunity that woodcarvers from Mwala Constituency should seize and export their products. They must, however, organise themselves in large numbers because we anticipate this market to be a large one.

Mr. Speaker, Sir, I would ask the hon. Member to encourage his people to take advantage of this opportunity.

(Mr. Sumbeiywo consulted with the Chair)

Mr. Speaker: Whose Question was it?

Mr. Katuku: It was my Question, Mr. Speaker, Sir. I am sure consultations about the 10 acres are taking place.

Mr. Speaker: Order! Order! Mr. Katuku, will you apologize to the Chair? You are saying that I am inattentive or incapable of doing my job just because of what we have been saying here? Will you, Mr. Katuku, be apologetic? That is insulting the Chair!

Hon. Members: What did he say?

Mr. Speaker: He knows what he said!

Hon. Members: If it was not heard, then there is nothing to be apologetic about!

Mr. Speaker: Order! Order! He knows what he said!

Mr. Katuku: Mr. Speaker, Sir, I do not want hon. Members to hear it, but I will tell them later. I apologize to the Chair.

Mr. Speaker, Sir, the Assistant Minister is asking me to go ahead and encourage my people to take advantage of AGOA and the USA market. In view of the importance of this industry in my Constituency, could he appoint an officer to go to the co-operative societies and to the woodcarvers to give them these specific messages about marketing, trade fairs and all these, rather than telling me to go and tell them? Could the Assistant Minister appoint an officer to go to my constituency and do that?

Mr. Ekirapa: Mr. Speaker, Sir, we have officers on the ground who could do this job and there is no problem about that. I can undertake to do that.

Dr. Omamo: Mr. Speaker, Sir, before the wood can be carved, it must be cut when it is mature. Before the wood can mature, it must be planted. If this wood is very important in Mwala Constituency, could the Assistant Minister assure this House that a deliberate move is being made to ensure that this particular species of timber is being planted because it is hardwood and if it is planted today, it will take years before it matures? What deliberate move is the Ministry making to ensure that the planting of trees also goes side-by-side with the marketing of the products from the mature species?

Mr. Ekirapa: Mr. Speaker, Sir, that does not fall under my Ministry.

Mr. Wamae: Mr. Speaker, Sir, some of these woods for woodcarving in Mwala Constituency come from Mt. Kenya area and my constituency. The depletion of these resources causes quite a serious problem to the water catchment area. What will the Ministry do to ensure that there are alternative methods of producing these woodcarvings instead of getting them from trees which cannot be sustained?

Mr. Ekirapa: Mr. Speaker, Sir, the quantities that are being exported at the present time are not large enough to encourage us to look for alternative methods. But once the market enlarges and there are more export orders, I am sure this is one of the areas we would like to look at and see what we can use as alternative raw materials for carvings.

Mr. Maundu: Thank you, Mr. Speaker, Sir. This is a very important industry in the whole of Ukambani, particularly, for those who are doing this business in Mombasa and Nairobi. Could the Assistant Minister consider putting up an officer in all our trade missions abroad to assist in the marketing and promotion of this particular industry internationally? This will also assist in ensuring that our traders are not exploited the way they are today.

Mr. Ekirapa: Mr. Speaker, Sir, we are trying to encourage the woodcarvers to form associations so that they can export these woodcarvings directly to the overseas markets without going through the middleman. There is no need to have officers in the overseas markets to encourage the traders to contact the people there. We want to organise the people so that they can have direct connections with the people overseas.

Dr. Omamo: On a point of order, Mr. Speaker, Sir. The Chair has heard the Assistant Minister say that when it comes to the question of planting and emphasising the plantation of this particular species of tree, that particular aspect does not belong to his Ministry. Under the Government policy of collective responsibility, could the Assistant Minister assure this House that he is going to consult his colleagues and convey to his colleagues the importance of

planting this particular tree so that the trade can be sustainable, instead of leaving the matter hanging in the air?

Mr. Ekirapa: Mr. Speaker, Sir, I do appreciate the importance of conserving this particular wood and that of not allowing our people to cut down trees. I will undertake to consult with our colleagues to see what action can be taken.

Mr. Katuku: The Assistant Minister has said that his Ministry organises trade fairs for small-scale businessmen to go and benefit from them in other countries like Germany *et cetera*. In my constituency, nobody has ever attended these trade fairs he is talking about. Could he name any specific group or person from Mwala Constituency who has attended these trade fairs? That notwithstanding, could he further tell us what specific programmes he has put in place to assist not only these woodcarvers but also the *kiondo* businesswomen and others who are not assisted at all, to market their products out there? You buy a *kiondo* or a carving at Kshs100 and out there it is sold at Kshs20,000. Could he give us a specific programme within his Ministry which will assist our people to market these products at a profitable margin?

Mr. Ekirapa: Mr. Speaker, Sir, I have already explained that we encourage our small business people to come together in groups and visit trade fairs overseas. We have actually organised such trade fairs to be profitable.

Question No.176

REHABILITATION OF ROADS IN MBOONI

Mr. Kalulu alimuuliza Waziri wa Barabara na Ujenzi:-

(a) kama anaweza kueleza Bunge hili ni barabara ngapi katika sehemu ya uwakilishi Bungeni ya

Mbooni ambazo zilizharibiwa na mvua ya *El Nino*;

(b) ni ngapi kati ya hizo barabara zimerekebishwa; na,

(c) ametenga kiasi gani cha pesa ili kurekebisha zile ambazo zimesalia.

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

Mr. Kalulu: Jambo la nidhamu, Bw. Spika. Tunataka utumie uwezo wako kwa sababu hapa nina jibu kutoka Afisi ya Rais ambalo linahusu Swali hili. Last week, before you deferred this Question to today---

Hon. Members: Ongea Kiswahili!

Mr. Speaker: Wacha aseme ile lugha anataka!

Mr. Kalulu: Bw. Spika, kabla sijarusha Swali hilo kwa jibu la leo, nilikuwa na jibu lingine na leo nimepata jibu lingine kutoka Afisi ya Rais ambayo haitengenezi Mabarabara. Kwa hivyo, ninataka Bunge hili lielewe ni nani ambaye atajibu Swali hilo; ni Afisi ya Rais au ni Wizara ya Barabara na Ujenzi?

Mr. Speaker: Order! How did the Assistant Minister come to answer? From the Order Paper, the Question is addressed to the Minister for Roads and Public Works. How did the Office of the President come to answer it?

Mr. Kalulu: Bw. Spika, si unajua Afisi ya Rais inahusika tu na pesa ndogo za *El Nino* lakini Swali lenyewe linauliza: "Ni barabara ngapi katika uwakilishi?" Afisi ya Rais haihusiki na mambo haya; inahusika na pesa. Haihusiki kujua ni barabara ngapi ambazo hazijatengenezwa.

Mr. Speaker: Mhe. Kalulu, lakini sasa mhe. Mokku si yuko katika Wizara ya Barabara na Ujenzi? Si ni yeye ambaye alikuwa anakujibu?

Mr. Kalulu: Ndio, Bw. Spika, lakini nauliza kwa sababu naona majibu mawili.

Mr. Speaker: Sahau hiyo kwa sababu haiko hapa.

Mr. Kalulu: Bw. Spika, kwa hivyo, nikiambia Bunge hili kwamba Afisi ya Rais ilikuwa inaogopa kujibu Swali hilo, nitakuwa ninatukana Bunge?

Mr. Speaker: Order! Wewe unataka kujibiwa ama unatakaje? Waziri Msaidizi, endelea kujibu swali.

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

(a) The roads damaged by *El Nino* rains in Mbooni Constituency were as follows: Road E713, 25 kilometres, Nduluku-Kalawa; D516, 55 kilometres, Kwa Mutisya-Kiambalazi; E477, 21 kilometres, Mbooni-Migwani; E711, 24 kilometres, Nguluni-Kaiti; D517, 5 kilometres, Tawa-Kalawani and E478, 28 kilometres, Kikima-Nduluku.

(b) During 1998/1999 Financial Year, repair work and grading was carried out on the following roads: D156, 34 kilometres; D517, 5 kilometres; E477, 21 kilometres and E478, 28 kilometres. During the Financial Year 1999/2000, repair works were carried out on the following roads: E477, 18 kilometres, Mbooni-Ianzoni section; D516, 20 kilometres, Kalawani-Utangwa section, and E478, 28 kilometres, Kola-Ikima section.

(c) In 1998/99 Financial Year, Kshs528,000 was spent on repair of the damaged roads in Makueni District. For 1999/2000 financial year, Kshs5,808,739 was spent to repair damaged roads in Makueni District.

Mr. Kalulu: Bw. Spika, nafikiri Waziri Msaidizi ametegemea maandishi kujibu Swali hilo. Hajategemea

kuwa kule ambako tuko kama waakilishi wa wananchi, kwamba njia ambazo ametaja nitaeleza Bunge jinsi zimetengenezwa. E477, kutoka Kwa-Mutisya mpaka Kalawa, hiyo ni sisi wananchi tulitoa mafuta na tukatengeneza mwaka uliopita.

Mr. Speaker: Uliza swali sasa!

Mr. Kalulu: Barabara D516 haijaguswa tangu mvua ya *El Nino*. Je, Waziri Msaidizi anaweza kusema ukweli kwa sababu anategemea maandishi na sisi tunategemea "kukaa" huko?

Mr. Mokku: Mr. Speaker, Sir, the information I have is that for Road D516, a distance of 55 kilometers, Kwa-Mutisya-Kiambalazi, has been graded.

Mr. Maundu: Mr. Speaker, Sir, it is unfortunate that the Assistant Minister is relying on incorrect information. No road in the last financial year has been done in Makueni except on Harambee basis. Could he guarantee that roads, particularly in Mbooni are done? Hon. Kalulu will not reach Mbooni this season because of the rains. He has been marooned in Machakos for one month. Could he move expeditiously and make sure that roads in Mbooni particularly, have been graded to enable the hon. Member reach his constituency properly?

Mr. Mokku: Mr. Speaker, Sir, I said the information I have is that those roads were done and if the hon. Member insists that the information I have is incorrect, I can countercheck and also give further information in the next sitting.

Mr. Speaker: Bw. Kalulu, uliza swali lako la mwisho!

Mr. Kalulu: Bw. Spika, ningepitisha Swali hilo lipelekwe katika kamati ambayo inahusika na barabara ili ijaribu kuchunguza kwa sababu mwenzangu alivyojibu Swali hilo ni kwamba, katika maeneo matano za uwakilishi Bungeni katika Wilaya ya Makueni, hakuna barabara ambayo imetengenezwa kwa pesa za *El Nino* na huo ni ukweli mtupu. Kwa hivyo, ningepitisha utumie uwezo wako ili Swali hilo lirudishwe katika kamati inayohusika na barabara kuchunguza vizuri na kuhakikisha wananchi wamesaidiwa.

Mr. Speaker: That is contrary to the Standing Orders!

Mr. Katuku: Mr. Speaker, Sir, I am also surprised in the same way as my colleague, about the answer given by the Assistant Minister. There is no road which has been done in that constituency. I have a lot of interests there and hon. Kalulu knows that. Can he undertake to go with the Member of Parliament for that area to prove his officers wrong? If they are wrong, he should come and confirm to this House since nothing has been done.

Mr. Mokku: Mr. Speaker, Sir, hon. Katuku is asking the same question asked by hon. Maundu. I will countercheck this information and give further guidelines.

Mr. Speaker: Next Question, Mr. Otula.

Question No.243

PROVISION OF FACILITIES TO OYUGIS HEALTH CENTRE

Mr. Otula asked the Minister for Medical Services what he is doing to provide such facilities as X-ray, theatre, mortuary and wards to the Oyugis Health Centre, which was upgraded to a district hospital status in 1997.

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply.

Oyugis District Hospital will be provided with modern X-rays, theatre and other equipment under the Spanish assistance. However, a mortuary and wards will be provided once the financial situation in the Ministry improves.

Mr. Otula: Mr. Speaker, Sir, when we are discussing this Question, we are actually discussing the lives of Rachuonyo people. The Oyugis District Hospital cares for over 200,000 people. It is very sad that there is no X-ray, a mortuary and a theatre. Could the Minister tell this House the estimated cost of those facilities which this Government cannot raise?

Dr. Anangwe: Mr. Speaker, Sir, currently, Oyugis District Hospital has in its proximity Sindo, Homa Bay, Kuria and Kisii district hospitals. These hospitals can complement the services which Oyugis District Hospital is offering. Under the Spanish assistance, the money will be used to provide theatre, dental, X-ray equipment as well as beds for the wards. This particular sum will cover other districts. I am not able as of now to say the amount of money which will be required to equip this particular hospital. Once we have concluded negotiations with the Spanish Government, we shall send out a team to survey and determine the needs of Oyugis District Hospital.

Mr. Otula: Mr. Speaker, Sir, because of the importance of these particular facilities, could the Minister arrange to visit the hospital, so that he can see the urgent need for these particular facilities?

Dr. Anangwe: Mr. Speaker, Sir, I readily accept the invitation. I will talk with the hon. Member and arrange

how we will visit the hospital together.

Mr. Nguni: Mr. Speaker, Sir, this hospital was upgraded to a district hospital status in 1997. Could the Minister tell us the minimum requirements which a hospital must meet before it is upgraded to a district hospital? Are X-ray, theatre, mortuary and wards not part of these minimum requirements?

Dr. Anangwe: Mr. Speaker, Sir, this particular hospital was upgraded to a district hospital status following the creation of Rachuonyo District. This is the normal practice; when new districts are created, new district hospitals are also created. It takes a bit of time to put the infrastructure in place. Previously, this hospital used to be a health centre. A health centre has its own minimum requirements. Currently, the policy of the Government is to improve existing facilities and not to construct new ones. In respect of this particular district hospital, I have already assured the House that under the Spanish assistance, we shall be able to provide X-ray, theatre and other related equipment.

Question No.627

COST OF HOMA BAY MAYOR'S OVERSEAS TRIPS

Dr. Ochuodho asked the Minister for Local Government:-

(a) if he is aware that Homa Bay Municipal Council recently awarded a contract to a company belonging to the Town Mayor, contrary to the law;

(b) whether the Ministry approved the recent trips made to Uganda and Namibia by His Worship the Mayor; and,

(c) how much money these trips cost the Council.

Mr. Speaker: Is there anyone here from the Ministry of Local Government? We will come back to that Question later. For the second time, Dr. Ali's Question

Dr. Ali: Mr. Speaker, Sir, I apologise to the House for coming late.

Question No.613

ATTACK ON MESSRS. GEDOW AND CHICHANA

Dr. Ali asked the Minister of State, Office of the President:-

(a) if he is aware that Chief Abdikadir Gedow and an elder Mr. Yarrow Chichana, were injured at Gurar township in 1998;

(b) if he is further aware that names of the attackers were availed to the District Security Committee, Wajir; and,

(c) what action the Government has taken concerning this issue.

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

(a) I am aware.

(b) I am also aware.

(c) We have not taken any action yet because these suspected attackers have crossed into a neighbouring country. We have been trying to get them back with the assistance of the authorities there, so that we can take the appropriate action.

Dr. Ali: Mr. Speaker, Sir, it is sad that this incident happened in 1998 and no action has been taken to date. Is the Minister telling this House that they have not got any response from the Ethiopian Government or are they still waiting for a response from that Government? If after two years there is no action, then we should be told whether something will happen or not. By now, the Minister should know what will happen

Maj. Madoka: Mr. Speaker, Sir, we have not got any response from the neighbouring country. Since we have no extradition agreement with that country, we are just trying to plead with them.

Mr. Speaker: Very well. The next Question by Mr. Kombe is deferred.

Question No.293

MEASURES TO CURB CHILD LABOUR IN MAGARINI

(Question deferred)

Mr. Speaker: For the second time, Mr. Maitha's Question.

Mr. Maitha: Mr. Speaker, Sir, I am sorry for coming late.

Question No.259

FINANCING OF KENYA FERRY SERVICES

Mr. Maitha asked the Minister for Information, Transport and Communications:-

(a) if he is aware that Kenya Ferry Services is facing operational problems due to inadequate funds;

and,

(b) what plans he has to adequately fund the corporation's operations.

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

(a) The Minister is aware that the Kenya Ferry Services (KFS) has been facing operational problems due to inadequate funds. However, these problems have been addressed and to date the Government has released over Kshs1.6 billion as a subsidy to the corporation, either directly or by way of refund for advances taken from the Kenya Ports Authority. These arrangements enable the corporation to cater for its major recurrent expenditure needs such as insurance, maintenance, wages and other administrative costs.

(b) The Government has now allocated KFS Kshs600 million spread over three years. That is 2000/2001, Kshs200 million, 2001/2002, Kshs200 million and 2002/2003, Kshs200 million. This allocation is payable as a subsidy by the Treasury, channelled through my Ministry. The Government is taking cognisance of the existing problems and it has now included KFS in its annual budget in order to allow for

a smooth flow of funds from the Treasury.

Mr. Maitha: Mr. Speaker, Sir, a few years ago, many people died in a ferry disaster in Mtongwe and Mombasa. At the moment, only one ferry is operational between Mombasa Island and Likoni. Two days ago, the ferry broke down and people were left stranded for more than three hours. Could the Assistant Minister tell us whether all this money given to KFS will be ever refunded to KPA because most of the ferries are now not operational?

Mr. Keah: Mr. Speaker, Sir, the refunds for the past advances have been made to the Kenya Ports Authority (KPA). Currently, the Kenya Ferry Services (KFS) is getting money and even this month, Kshs50 million was dispatched to the company in order to pay for its operational expenses. If over the last one or two days, there has been those problems, it is not because the Government has not made the funds available. Like any other vessel or transportation machinery, breakages are normal and I am sure they are being attended to right now.

Mr. Maitha: Mr. Speaker, Sir, I am aware that the KFS has a debt accumulating to Kshs2.4 billion. The Kshs50 million which was paid by the Government was swallowed up by the creditors who were threatening to sell the ferries. Could the Assistant Minister assure this House that the KFS has received this money? The information I have is that all the money was paid to the creditors and they are still awaiting for other monies. There is no money for the maintenance of the ferries.

Mr. Keah: Mr. Speaker, Sir, I want to assure this House that in my Ministry's Vote 440, Item 281, funds have been voted by this Parliament for the servicing of the ferries. When it comes to the past debts, arrangements have been made to ensure that every creditor is duly paid. But the funds that have been allocated under the MTEF must of necessity be utilised for the maintenance of the ferries leaving the creditors to be paid out of arrangements that are in place between the Ministry of Finance and the respective creditors.

Mr. Speaker: For the second time, Dr. Ochuodho's Question?

Dr. Ochuodho: Mr. Speaker, Sir, let me ask the last supplementary question.

Mr. Speaker: Order! Order! It is already past Question Time. You may be very generous, Dr. Ochuodho, to forego your own Question.

Dr. Ochuodho: Thank you, Mr. Speaker, Sir. In view of the problems and the mishaps the ferries have been facing---

Mr. Speaker: Order! I have given you permission to ask your own Question!

Question No.627

COST OF HOMA BAY MAYOR'S OVERSEAS TRIPS

Dr. Ochuodho asked the Minister for Local Government:-

- (a) if he is aware that Homa Bay Municipal Council recently awarded a contract to a company belonging to the Town Mayor, contrary to the law;
- (b) if the Ministry approved the recent trips made to Uganda and Namibia by His Worship the Mayor; and,
- (c) how much money those trips cost the Council.

Mr. Speaker: There is nobody from the Ministry of Local Government? The Question is deferred.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

PROVISION OF ELECTRICITY TO KENDU BAY POLICE STATION

(Dr. Awiti) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that the Police Station at Kendu Bay is being provided with electricity by a prominent businessman in the town?
- (b) Is he further aware that the security of the station is now left in the hands of the businessman?
- (c) What measures is the Minister taking to correct this anomaly?

Mr. Speaker: Is Dr. Awiti not here? I will defer his Question.

(Question deferred)

EXPENDITURE ON POVERTY ERADICATION SEMINARS

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

- (a) Could the Minister justify the spending of Kshs149 million for organising workshops and seminars purportedly for poverty eradication?
- (b) Could he table a list indicating expenditure earmarked for each district covered by this programme?
- (c) In view of the serious famine and drought in the country, could the Minister spend this money on such projects as provision of food, water and health services?

The Minister for Planning (Mr. Ndambuki): Mr. Speaker, Sir, I beg to reply.

(a) The PRSP is the basis for the economic programme we have established with the IMF and World Bank and the renewal of economic support. Due to lack of time, we prepared an interim PRSP which formed the basis of reopening our programme. We also agreed that we would prepare a full PRSP based on a more comprehensive and consultative process all the way to the community level. During the National Stakeholders Workshop held in March 2000 and in the Interim Poverty Reduction Strategy Paper, the Government committed itself to consult as widely as possible when financing the preparation of the PRSP. This was because the National Stakeholders Workshop held in March did not incorporate the participation of Kenyans at the grassroots level.

The purpose of the National Consultative Process on the PRSP is to ensure that the views of Kenyans are taken into account in the preparation of the national plan, strategy and priorities. In other words, the consultations are to allow Kenyans to express their views on how this money would be spent. Workshops and seminars are being organised in the provinces, districts, divisions and at the grassroots level to give Kenyans this opportunity. As hon. Members may be aware, in the Printed Estimates, the Government did not budget for these consultations. Consequently, this amount has been raised through voluntary contributions by our development partners. This amount is being managed by them through the UNDP. It is not being managed by the Government.

(b) The budget of Kshs140 million has been arrived at on the basis of the activities identified which include national and regional workshops, district and community level consultations, training and so on. The breakdown of the full amount per district covered by this consultation process will only be known after the provincial consultations and after each district has drawn up its own workplan. The amount to be spent in each district will therefore, depend on the workplan that the districts themselves will provide.

(c) I wish to inform hon. Members that there are other programmes being implemented by my Ministry, Office of the President, and other Ministries, NGOs and private organisations in handling the effect of famine and drought in the country.

Mr. Kombo: Mr. Speaker, Sir, from that answer, it is very obvious that the Government has sunk so low that we have no pride at all other than to sing to the tune of the donors. They are just "the master's voice" as it were. How can you have a budget of Kshs140 million and, at the same time, say that you do not know until the PCs have said it? How did you arrive at that budget? Where is the financial discipline that we have been talking about?

Mr. Ndambuki: Mr. Speaker, Sir, just to take the hon. Member a bit back; we have 69 districts in Kenya. When we did estimates to visit each district in this process, it was going to cost us more than Kshs430 million. When we consulted with our development partners, they declined to assist us. We went back and started looking for ways and means of cutting down this expenditure. For us to arrive at the Kshs140 million, some few districts were sampled out where the money was going to be spent. As I have said, we did not have money to budget for this process during our financial year. So, we had to look for ways of getting that money. We had committed ourselves that we were going to consult as widely as possible to reach almost every Kenyan so that we could hear their views. That is what is going to be done. About the estimates, we cannot say that the Kshs140 million is totally going to be used. It will depend on how the districts would like to collect their information. Some of the districts might decide not to go all the way to the grassroots level. This will vary. It is not going to be a uniform cost.

Mr. Kibaki: Mr. Speaker, Sir, the Minister is telling us that the Government does not know where poverty has struck in this country and what should be done to eradicate it. Could he own up that the way this money will be spent will not assist us to eradicate poverty? The bulk of the money will go to facilitators and other fictitious people, who are deemed more knowledgeable than us. Some foreigners have been hired to tell us stories about how to eradicate poverty when you and I know what is required in every corner of this nation. Why do we not, for example, give money to farmers to buy seeds to eradicate poverty immediately now that rains have come?

(Applause)

Mr. Ndambuki: Mr. Speaker, Sir, I do not agree with the hon. Member that the Government does not know where poverty has struck and what should be done to eradicate it. Indeed, we do know that. The issue is that we committed ourselves when we began this new process of budgeting. Our partners insist that we should consult widely before implementing the poverty eradication programme, which is exactly what we are doing. However, right now, I am not in a position to answer the question on whether the poverty eradication seminars money will benefit the facilitators; that issue will be determined when the various districts present their requirements.

Mr. Michuki: Mr. Speaker, Sir, maybe, the Minister is too young to know that at Independence, the Government of Kenya committed itself to eradicating poverty, ignorance and disease. A development commission was set up under the chairmanship of hon. Kibaki. When the recommendations of that commission were implemented, the country realised economic growth of between 6 and 8 per cent. What are we studying that requires Kshs140 million? We know that the Government's effort in this exercise is merely to be directed to the three things I have mentioned. So, as hon. Kibaki has asked, could the Minister own up that the Government does not know what it is supposed to do, and that it is waiting for Kenyans to tell it what to do? It is going to spend a lot of money for nothing!

Mr. Ndambuki: Mr. Speaker, Sir, the issue of being young or old does not arise here. I could be young, but defeat older people in certain tasks. To be very precise, some of the people raising these concerns are the very ones who initiated the debate that led to these policies. They told donors then that the Government was not consulting other stakeholders before implementing such programmes. Now that we have agreed to consult a wide cross-section of Kenyans, they have turned against us. Kenyans are the ones going to determine ways of eradicating poverty in this country, and not the Government; they should tell us exactly what they want done. I am aware that the seminars will create a lot of curiosity, but it is better for the people to tell us what they want done, and the Government will take the cue from that point.

Mr. Speaker: Hon. Members, before Mr. Kombo asks the last question, I will take a question from Mr. Katuku.

Mr. Katuku: Mr. Speaker, Sir, Kenyans are tired of promises. I have a letter here by which I am invited to a seminar scheduled for tomorrow, 16th to 19th November, 2000, at Embu Town, to discuss poverty and related matters. Hon. Ndicho, hon. Murathe, and everybody else here, have been invited to such seminars. I am told in this letter that my travel expenses will be reimbursed to the tune of thousands of Kenya shillings. Instead of conducting seminars, could the Minister give us the money to implement poverty eradication projects in our respective constituencies? I am not interested in that seminar, and I will not attend it. Could he give me my share of that money, so that I can drill boreholes and buy seeds for my constituents?

Mr. Ndambuki: Mr. Speaker, Sir, I am not aware of the letters referred to by the hon. Member. I am also invited to a seminar, but I have not received any letter

indicating that my travel expenses will be reimbursed.

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

Mr. Speaker: Order! Order, hon. Members! Every time we talk about money, we all get very excited, but let us also be excited about time. It is said that time is money, so, we should also get excited about time.

An hon. Member: But we are raising genuine points of order!

Mr. Speaker: Order! Order, all of you!

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

Mr. Speaker: Mr. Katuku, I have just given you the Floor.

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

Mr. Speaker: Order, Mr. Ndicho! I will take the last question from Mr. Kombo.

Mrs. Mugo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Overruled!

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

Mr. Speaker: Order! Order! Mr. Kombo, proceed!

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

Mr. Speaker: What is it?

Mr. Ojode: Is it in order for the Minister to say that hon. Members have not been invited to the poverty eradication seminars, and yet I have a letter that is inviting me to a similar seminar in Kisumu? Kshs140 million is too much money to be spent only for information collection. Why can the Minister not buy tractors for farmers? If that amount is divided by the 210 constituencies that we represent here, each will afford to buy three tractors for the promotion of the agricultural sector.

Mrs. Mugo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Ojode: Mr. Speaker, Sir, I am still on the Floor.

Mr. Speaker: You have finished!

Mr. Ojode: No, I have not yet, Mr. Speaker, Sir.

(Laughter)

Mr. Speaker: My order is that you have finished!

Mrs. Mugo: Mr. Speaker, Sir, is it in order for the Minister to say that he is not aware of any invitation letters to hon. Members indicating that travel expenses will be reimbursed when, today, I received a cheque for Kshs6,000 for attending a poverty eradication seminar for Nairobi on Monday and Tuesday? Where does the cheque I have come from? I intend to donate this money to the education bursary fund for my area, so that it can be spent on the education of my constituents' children. Is the Minister in order to mislead this House?

Mr. Ndambuki: Mr. Speaker, Sir, I said right at the beginning that the poverty eradication money is not being managed by the Ministry of Finance and Planning.

Hon. Members: Who is managing it?

Mr. Ndambuki: Hon. Members did not listen to what I said earlier. I said that the money is being managed by the United Nations Development Programme (UNDP). I do not know the criteria being used to pay the money.

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

Mr. Speaker: Order! Order! For the first time, I find receiving money being very unpopular in this House.

An hon. Member: But what is Kshs6,000? Hon. Members have more money than that!

Mr. Speaker: Order! It looks as if hon. Members do not want to receive money. I do not think they should be forced to do so.

Mr. Minister, maybe, you should revisit this issue with whoever is concerned. Hon. Members, now that we pay you money to meet your transport expenses between here and your constituencies, maybe, you should not claim travel expenses for attending the said seminars.

(Applause)

Order! Order! Hon. Members, we are not going to dwell on this issue for long. Those of you who have received cheques and think they do not need the money, please, send it to the nearest charity; it will be very nice. Or, return it to the sender!

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

Mr. Speaker: Order! Order! Let us proceed to the next Question by Private Notice.

*(Messrs. Ndicho and Katuku
stood up in their places)*

Order! Order, Messrs. Katuku and Ndicho!

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

Mr. Speaker: Order, hon. Members!

(Messrs. Katuku and Ndicho remained on their feet)

Order, Messrs. Katuku and Ndicho! There is no way I can help Kenyans by prolonging your questions - which are not questions but pretended points of order! They are not points of order! So, if you want to help Kenyans, do as I say; return the money!

Yes, Mr. Kombo!

Mr. Kombo: Mr. Speaker, Sir, I had given my chance to hon. Wamalwa to ask his question.

Mr. Speaker: Yes, Mr. Wamalwa!

Mr. Wamalwa: Thank you, Mr. Kombo. But this question of poverty eradication is a very serious matter, and the points that have been raised on the Floor of the House should convince the Government that it is not necessary to spend money on seminars. Instead, that money should go towards substantive eradication of poverty. If I undertook, before this House, to provide this Government with all the data on poverty countrywide, will they be willing to go to the UNDP and tell them: "We do not need seminars; we have the information and we would like to spend this money as part of the substantive poverty eradication?"

(Applause)

Mr. Ndambuki: Mr. Speaker, Sir, we are not doing that because we do not have data on poverty or anything like that!

Hon. Members: No!

Mr. Ndambuki: Mr. Speaker, Sir, the explanation is very clear. We committed ourselves in March and, even if we do not use this money in this way, we cannot convert or divert that money to other activities. The money has been given purely for this process and it cannot be diverted. It is a grant which has been contributed by a co-operating partner and you cannot take it elsewhere. The only thing that I can do is to ask and urge all the hon. Members who have been invited, and who will continue to be invited, to go and give their views during the seminar. This is how the Budget for the year 2001/2002 is going to be constituted.

Hon. Members: No!

Mr. Speaker: Order! Mr. Minister, it does appear to me that what the hon. Members seem to be saying is: If they attend those seminars, can they do it for free? Can those consultants do it for free?

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

Mr. Speaker: Order! With this kind of thing, nobody, then, seems to know what it is that you want!

Hon. Members: No! No!

Mr. Speaker: Order! If that is how you want to do it; if all of you want to tell him your views at the same time, what is it that you want? Mr. Minister, would you like to come and tell the hon. Members - by way of a Ministerial Statement - what you think is the way forward?

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

Mr. Speaker: Order! Your points of order are overruled!

Next Question, Mr. Kiunjuri.

INSTALLATION OF HIGH VOLTAGE
GENERATORS IN HOSPITALS

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

(a) Is the Minister aware that hospitals are facing severe crisis in dealing with emergencies such as theatre operation and incubation of babies due to power rationing and that to date 15 incubated infants have so far died in Iten

District Hospital alone?

(b) What urgent measures is the Minister taking to instal high voltage generators in all district hospitals?

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply. (a) I am aware that hospitals are facing a severe crisis in dealing with emergencies due to the on-going power rationing which has not exempted them from power cuts. It is, however, not true that 15 incubated infants have died in Iten District Hospital. In fact, only one infant death has occurred during the blackout.

(b) The Ministry has secured Kshs150 million, under the Drought Recovery Programme, to purchase generators for our hospitals. The process of acquiring the generators is, therefore, under way.

Mr. Kiunjuri: Mr. Speaker, Sir, it is true that the Ministry is not willing to spend Kshs150 million and they are waiting for the rains to fall so that the dams will be filled, and, therefore, there will be no emergency need to buy the generators. The money is expected to line the pockets of a few individuals. That is why they are not advertising for the tenders. We even do not know who is purchasing the generators, and how much they are going to spend on them. Could the Minister tell this House what each generator is going to cost and how many district hospitals are going to benefit?

Dr. Anangwe: Mr. Speaker, Sir, as I have already indicated, the overall figure is Kshs150 million. We are in the process of surveying our health institutions. Some of them had old generators and we do not know their status. Some are new district hospitals and we want to know the capacities that they may need, and, therefore, it is not possible for me to say, right away, the kind of hospitals, the number of generators and their capacities. But I have given an indicative figure of the amount of resources that will be spent.

Mr. Ndwiga: Mr. Speaker, Sir, now that the rains have fallen, and I can confirm that the dams are now full, could we be told by this Government when the rationing of power is going to stop?

Hon. Members: He comes from the dams area!

Dr. Anangwe: Mr. Speaker, Sir, could Mr. Ndwiga repeat his question?

Mr. Ndwiga: Mr. Speaker, Sir, now that the problem in hospitals is power rationing and we were told that it was as a result of lack of water in the dams, and I can now confirm that the dams are full, why are we experiencing power rationing today?

Dr. Anangwe: Mr. Speaker, Sir, obviously, that is not my question. It is not under my docket for me to answer why power rationing still continues. I am the Minister for Medical Services and not the Minister for Energy.

Mr. Maitha: Mr. Speaker, Sir, recently, on a tour to Lamu, I came to know that Faza Health Centre had been given, a generator by an NGO, which the Ministry had failed to service. If the Minister is talking about areas where people need help, Faza Health Centre is one of them. Is the Minister aware that Faza Health Centre has a generator which was donated by an NGO but the Ministry has failed to service it and people are dying in that area because the generator is not functioning? The Health Centre has a maternity ward and the patients cannot be ferried to a district hospital due to the inability of the Ministry to buy a speedboat.

Dr. Anangwe: Mr. Speaker, Sir, I undertake to look into the particular case in respect of Faza Health Centre.

Mr. Angwenyi: Mr. Speaker, Sir, is the Minister in order to tell this House that he is going to look into the case and yet, he has been told by an hon. Member that the generator is not working? Why can he not provide one straightaway?

Mr. Speaker: Order, Mr. Angwenyi! That is a question as you have said!

Mr. Murathe: Mr. Speaker, Sir, you have heard the Minister say, just like his colleague in the Ministry of Finance and Planning, that they have Kshs150 million and they are surveying the modalities of its application. Fifteen children have died in incubators because of lack of power. The issue raised by Mr. Ndwiga on power rationing is relevant because the dams are full, and very soon, probably, there will be no rationing of power. When will the Kshs150 million be applied as a matter of emergency and to which districts? It should not be a matter of surveying, which can take six months!

Dr. Anangwe: Mr. Speaker, Sir, I have already responded to the issues which hon. Murathe has raised.

Mr. Ndicho: Mr. Speaker, Sir, ever since the power rationing started, many children placed in incubators in hospitals have died, including 15 from Iten. Could the Minister tell us whether his Ministry will compensate the parents whose children have died due to this power rationing? You can imagine the big fight between the mother and father to produce one child! Are you going to compensate them?

Dr. Anangwe: Mr. Speaker, Sir, that is very amusing; a fight to produce a baby! I would like to say that it is not true that 15 incubated infants died at Iten; only one died. The question of compensation for 15 infants does not arise.

Mr. Kiunjuri: Now that you have confirmed that there is money and you are not telling us when you will install generators, and now that I am informing you that we do not have a generator in Nanyuki District Hospital, could you now assure me that you will install one without carrying out the surveys that you are talking about?

Dr. Anangwe: I assure you that Laikipia District Hospital, along with the others, will have a standby

generator.

Mr. Speaker: Very well. Time is up.
Next Order!

MINISTERIAL STATEMENT

SHOOTING OF MR. NG'ANG'A NJUGI

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, on Tuesday, I undertook to make a Ministerial Statement as requested by hon. O.K. Mwangi. I beg to ask that I be given further time because the inquest has not yet been completed and it is only through it that we will be able to establish the possible causes of death and the people involved. I request that we be given time until the inquest is completed.

Mr. Speaker: Until when?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I cannot say because I do not know when the inquest will be completed.

Mr. Speaker: Mr. O.K. Mwangi, what is your reaction?

Mr. O.K. Mwangi: Mr. Speaker, Sir, the Question was not about the inquest. The Minister said that he was not satisfied with the report that he was given by the police and he promised to come back to this House with a proper report. If you look at the HANSARD, you will realise that I requested for inquiries when the Minister promised an inquest. There was no question of going for an inquest before the report was tabled in this House.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, as I said, I was not satisfied with the report I got from the police and that is why I was waiting to get the inquest completed which would then have enabled me to report appropriately.

Mr. Speaker: I will look into this matter and communicate to the two of you.
Mr. Mwiraria!

POINT OF ORDER

REMOVAL OF PASTORALISTS FROM RWARERA LOCATION

Mr. Mwiraria: Mr. Speaker, Sir, I rise on a point of order to ask the Minister in charge of internal security, in the Office of the President, what action his Ministry is taking to remove pastoralists who started coming into Rwarera Location in North Imenti from Thursday last week, and who have continued to stream in, bringing in camels, goats and cattle.

Hon. Member: And women!

Mr. Mwiraria: Of course, they are bringing all brands of people including women, but the women are not causing damage. The camels, goats, sheep and cattle are causing havoc on the crops which are growing. The rains have just started and our people have worked hard and planted, but now the crops are being destroyed. How soon can the Minister take appropriate action to get rid of this menace?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, the hon. Member mentioned this to me yesterday afternoon and I have spoken to the administration in that area. I was hoping to get information before coming to the House, but I am sure we will take appropriate action immediately.

Mr. Speaker: Would you like to respond to him on Tuesday?

The Minister of State, Office of the President (Maj. Madoka): That will be okay, Mr. Speaker, Sir.

Mr. Speaker: I will expect a response to Mr. Mwiraria's question.
Next Order!

COMMUNICATION FROM THE CHAIR

Deferment of Committee Stage of Finance Bill

Mr. Speaker: Order! Can I suspend Order No.7 while I consult?

Hon. Members: Yes!

Mr. Speaker: Order! I rescind the previous call for Committee of the Whole House. I am informed by the Minister that they are not ready for the Committee of the Whole House because they have just received some notifications from some Members who want to place some amendments. I think it is the right of hon. Members to place amendments and the right of the Minister, also to consider the amendments placed by the Members. I, therefore, will order that we will not take the business in the order in which it appears. We will skip Order No.7 and defer it to next week. We will now take Order No.8.

BILL*Second Reading*

THE PARLIAMENTARY SERVICE BILL

*(The Attorney-General on 15.11.2000)**(Resumption of Debate interrupted on 15.11.2000)*

Mr. Oloo-Aringo: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this very important Bill; the Parliamentary Service Bill, 2000. First of all, may I congratulate the Attorney-General for the very able manner in which he moved this Bill yesterday. He spent a lot of time giving the philosophical basis for the autonomy of Parliament and dwelt at length on the concept of separation of powers between Parliament, the Executive Government and the Judiciary. So, I will not spend time on that one. Let me also thank the Attorney-General for the manner in which he has worked on this Bill, to bring it to this House on time. The Attorney-General's office is the largest law firm in the country which services the Government. I am very pleased, indeed, that this Bill which has emanated from the Parliamentary Service Commission, has been facilitated by the support of the Attorney-General. Now, it must be understood that the Attorney-General services the Government as a whole and it is important that he recognizes that this Parliament is part and parcel of the Government of Kenya. While I congratulate the Attorney-General for bringing this Bill, which emanated from the Parliamentary Service Commission, I want to ask him to continue to work co-operatively with the Commission.

Yesterday, hon. Orengo spent a lot of time on this Bill and I will not repeat some of the things he said, but I would like to go back to the historical perspective. This Parliament and the Executive Government, are part and parcel of the colonial legacy. It was in 1906 that the Governor published an Order in Council which provided for the creation of the Executive Council and the Legislative Council, to form the Colonial Government of Kenya. The first Legislative Council met on 7th August, 1907, and it was attended by seven members who had been appointed by the Governor. Therefore, the Governor was the Chairman of the first Legislative Council and the Executive Council. The Colonial Government was a highly centralised dictatorship, because the Governor was appointed by the Queen and not by the people of Kenya. Both the Executive and the Legislative Council were dominated by Europeans. Therefore, the Legislative Council was a forum which represented 1,500 *Wazungus* in Kenya. These *Wazungus* were mainly missionaries, the White Settlers, as well as the civil servants.

Mr. Speaker, Sir, the first priority of the Colonial Government was the conquest and subjugation of the African people of Kenya. Their second priority was to promote European settlement and exploit the country to serve the worldwide interests of British imperialism. The European domination was imposed on Kenya through conquest, violence and instrumentalism of the British Parliament and the Legislative Council. The Europeans used their monopoly of State power and control of the Legislature and the Executive Council to oppress our people, who were Africans and this created confrontation. It was out of this confrontation that our people resisted the imposition of foreign rule throughout the colonial history, culminating in the *Mau Mau* Revolution, which again forced the British Government to call the Lancaster House Conference, so that there could be a settlement to the constitutional problems of Kenya.

The Lancaster House Constitution in 1963 brought to an end the colonial system of government and ushered in the parliamentary system of government, which we have today in this country. The Constitution, therefore, vested the executive authority on the Queen, executed on her behalf by the Governor-General, who was advised by the Prime Minister. Our first Prime Minister, as you know, was the late Mzee Jomo Kenyatta. The Prime Minister was the leader of the majority party in the House, but like now, and we are still partly operating the Lancaster House Constitution, this Government sits in the House. The Ministers and the President are Members of this House. That is the parliamentary feature of our Constitution. But at the same time, we have the President in the place of the Queen, and so, we have a hybrid system of both parliamentary system of government as well as the presidential system of government.

Mr. Speaker, Sir, the Lancaster House Constitution provided for the Senate and the House of Representatives. It also created regional governments and legislatures, so that we had seven regional assemblies and seven regional governments. But the Constitution also provided for an independent Judiciary, a Civil Service controlled by the Public Service Commission and, therefore, the Lancaster House Constitution was a quasi-federal system of government in which power was shared between the Central Government, regional governments and the local authorities. Some of the provisions of the Constitution were safeguarded in the Constitution.

[Mr. Speaker left the Chair]

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

The late Mzee Jomo Kenyatta and KANU came to power under the *Majimbo* Constitution, but he left no doubt at all that he did not support this Constitution. Therefore, once he ascended to power, he embarked on a programme of dismantling the *Majimbo* Constitution and fortified the Presidency. His intention, therefore, was that a strong Executive President would promote rapid socio-economic development and would also solve the problem of ethnic division in the country. This was a very noble objective because, basically, the late Mzee Jomo Kenyatta was saying that you need a benevolent dictator to solve the problem of ethnic division and socio-economic development. Therefore, the late Mzee Jomo Kenyatta and KANU embarked on a series of constitutional amendments. The first one was to create the Office of the President, to replace the Queen as the Head of State and the Head of Government. This is very significant, because it is this combination, of being both the Head of State and Head of Government, that puts great powers in the hands of the Presidency. I will not go to all subsequent amendments of the Constitution, which abolished the Senate and removed the powers which were vested in some of the constitutional offices. But more important, the late Mzee Jomo Kenyatta revived the Provincial Administration. He appointed Provincial Commissioners (PCs), District Commissioners (DCs), District Officers (DOs) and chiefs to be his direct representatives in the areas of their jurisdiction. Now, by reviving the Provincial Administration and appointing the provincial officers, like the chiefs, the DCs and the DOs, we actually decentralised the Presidential powers to the DCs, PCs and the chiefs. So, we did not, therefore, decentralise the decision-making process. We simply decentralised the powers of the President, so that the PC became the representative of the President in his area of jurisdiction, and so was the DC, the DO and the chief. This is our problem today.

Mr. Temporary Deputy Speaker, Sir, if you look at the responsibilities of the Provincial Administration, such as the maintenance of law and order - sometimes ignoring the police and the Police Act, the mobilisation of the people to support the President and the Government--- Even today, when the President visits any area in Kenya, the role of the Provincial Administration is to mobilise the people, including our children who are in school, to sing and dance for the President. Parliament was sidelined, emasculated and became the rubber-stamp of the President and the Executive Government. This marked the origin of the imperial Presidency in Kenya, and it was achieved through the manipulation of Parliament and the Constitution.

President Moi succeeded President Jomo Kenyatta and his rallying call was "Nyayo". Now, what the late Mzee Jomo Kenyatta had left incomplete, Nyayo perfected. He perfected what the late Mzee Jomo Kenyatta had started; to consolidate Government control over Parliament and the Judiciary. During the late Mzee Jomo Kenyatta's era, Kenya was a *de facto* one-party State. Under President Moi, it was made a *de jure* one-party State. By that very act, KANU became the supreme institution in our land. The party was then used to monitor, defend and punish dissidents.

Expulsion from the party terminated the tenure of any Member of Parliament. It also ended the life of a Minister. With a lot of respect, I would like to say this: The late Lotodo was one victim when, as a result of being called a dissident, he was locked out and imprisoned. At that time, it was the party that was reigning high! Expulsion from the party, therefore, ended your political life. That undermined Parliament. You could be punished for what you said in Parliament. Yesterday, hon. Orengo gave an example of how a former Deputy Speaker and Mr. Shikuku were detained because of what they had said in Parliament. We also know how, when one was called to the disciplinary committee of KANU, was frightened stiff! I know the late hon. Okondo was summoned for what he had said elsewhere. That is where Parliament lost out. We must know when the rain started to "beat" us, in order to correct it! It was the dictatorship of the party which was used and manipulated, in order to undermine Parliament. That is why some of us are frightened when we see trends of party dictatorship. Party dictatorship can destroy the small achievement that we have already made. We have examples during the days of one-party State. Civil servants were compelled to be members of KANU. The queue-voting system was used to undermine the electoral process. I know that Mr. Temporary Deputy Speaker served as a provincial commissioner. He had enormous powers as a provincial commissioner. He was the representative of the President in his area. He could decide to rig elections. Indeed, provincial administrators were fanatical in terms of competing on who would rig the elections best! That was the culture of Kenya!

It is against that background, therefore, that President Moi prevailed upon the Sixth Parliament to amend the Constitution and remove the security of tenure of the Attorney-General, Chief Justice, Judges of the High Court and the Controller and Auditor-General. I was in this House when the former Attorney-General, Mr. Muli, without blinking an eye, removed his own powers! He removed his security of tenure! That was the terrorism of party

dictatorship. The Lancaster House Constitution provided checks and balances. But various amendments removed those checks and created personal power. The various amendments to the Constitution are the cause of the constitutional crisis in our country today. That is what we must address as Parliament. We must begin to reclaim the ground that we lost. Parliament abandoned the people! It abandoned its role as the watchdog of the Constitution and the custodian of public will! The steps we are taking today are aimed at re-inventing Parliament. They are aimed at placing Parliament at the centre of our national life, and make it play and exercise its constitutional powers. That is why this Bill is important. Parliament has been part of a conspiracy against the sovereign people of Kenya.

Mr. Temporary Deputy Speaker, Sir, the rise of the Presidential monarchy, therefore, undermined the doctrine of the separation of powers. But yesterday, hon. Orenge, and the Attorney-General, spent a lot of time explaining the importance of separation of powers. They explained the philosophical basis of the theory and the jurisprudence behind it. So, I will not dwell on that at length. But the adage that "power corrupts and absolute power corrupts absolutely", was manifested in our story in Kenya. Political immorality collapsed. It was followed by institutional decay, starting with Parliament, followed by the Judiciary, bureaucracy, corporations, private and public institutions. We retained in our statute books the draconian laws which were used by the colonial government to oppress the Africans. We can only mention the Chiefs' Authority Act, which was recently amended under the IPPG. But Kenyatta, being the benevolent dictator that he wanted to be, realised the importance of those statutes and retained them in the statute books. We can go on to talk about the Preservation of Public Security Act; the Societies Act and several others which have so far been amended. The laws which we retained in the statute books were used effectively to oppress the people. I would like to suggest that Parliament was part and parcel of that conspiracy. The steps that we are taking today will re-arrange the institutions of this country, so that each one of them can play its role.

Mr. Temporary Deputy Speaker, Sir, the whole colonial system was based on violence and fraud. The oppressive laws in our statute books, the blatant violation of human rights, the brute use of force by the police against leaders and the citizens of Kenya, is the order of the day. It is only last week that hon. Kirwa reported to us that live bullets were used to disperse his own people in his constituency, who had assembled for a peaceful Harambee. Similarly, we have just heard the report from Eldoret, that brute force was used against leaders and the people. Any autocratic system can only survive through brute force. We have examples everywhere. If you have any doubts, just ask hon. ole Ntimama. He is a very good friend of mine and an open-minded person. But as soon as he was out of favour, a small little chief barred him from addressing his own people! Sometimes I wonder that we have departmental committees in this House! One of the functions of the departmental committees, in a case such as the use of violence by the police, is to summon the Minister. I have asked the Committee on Public Administration and Legal Affairs why we should continue to ask Questions here, when the Committee can actually summon the Minister in the Office of the President, the Permanent Secretary and the Commissioner of Police? They should come to Parliament and tell the representatives of the people why they are using force against innocent citizens of Kenya; and why they are harassing Members of Parliament. They should lay reports in this House, so that we can tell our people that we can help them. We can protect them. If we throw our hands in the air, and Members of Parliament are being beaten up by cops, what next? We ask Questions here and get the usual answers. I am asking Parliament that Committees of Parliament must be in a position to protect our people. They should summon the Ministers and ask them questions in this House. They should be asked why they are not implementing the laws in accordance with the intentions of Parliament. At no time did we tell our people that we will harass them. It is Parliament that must ensure that there is good Government manifested by transparency and accountability. The Constitution gives Parliament the power to control how taxes are raised, and how revenues are expended. Taxes are paid by every citizen, so that all persons can share in the governance of this country. But in this again, we abdicated our responsibility. If you look at the Reports of the Public Accounts Committee and Public Investments Committee, they are a litany of corruption, theft, wastefulness and mismanagement.

Mr. Temporary Deputy Speaker, Sir, one speaker said yesterday that Parliament has no teeth. This Bill and the autonomy of Parliament will now give it teeth. Therefore, I am urging hon. Members to support the amendment which we have proposed, and also the Bill which we have brought here, in order to give Parliament teeth.

Everybody knows about the Reports of the Public Accounts Committee. I want to congratulate hon. Kombo and his Committee for producing a Report which they brought to this House. To me, that Report is a watershed because, after that Report, the Government has timidly accepted to bring the Anti-Corruption Bill and the Code of Ethics Bill to this House. That is the role of Parliament; to put enough pressure so that the Executive can listen to the problems of the people of this country. Problem number one of this country is corruption.

Mr. Temporary Deputy Speaker, Sir, the solution to our problems does not lie in the "Dream Team" because the "Dream Team" is limited in what it can do. It is all right, so long as the "Dream Team" touches the small fellows. But should it touch one of the "big fishes", then you will know the problem. The "Dream Team" cannot go to those who have taken sanctuary in State House, for example; those who have made billions using their positions. I am yet to

hear that somebody who is in State House, the informal executive in State House, has been charged. Everybody knows the Kuleis of this world! They are trillionaires now - they are even beyond being billionaires - through public resources. I wish Dr. Leakey could now have the courage to go behind into State House and bring those people to book. We have a system where a Minister, who has been charged with a criminal offence, arrives in court with a Government flag. He drives a Government vehicle with a flag to face a criminal charge in court!

Mr. Temporary Deputy Speaker, Sir, Parliament and the Parliamentarians must confront and bring to an end the propaganda which distorts the function of Parliament and Parliamentarians. When the Government accuses Members of Parliament of failing to implement projects in their constituencies, the Government is maliciously shifting the blame for its own failures. Quite frankly, the people of Kenya do not pay taxes to Members of Parliament. We do not pay taxes to Members of Parliament but to the Government of Kenya! Why do we pay our taxes to the Government of Kenya? We pay our taxes to the Government of Kenya so that it can then manage the economy prudently. When the Government says that some Members are development conscious, while others are not, it is distorting the role of Parliament because people do not pay taxes to Members of Parliament but to the Government of Kenya. Therefore, the first function of a Member of Parliament is to make laws and to remove bad laws from our statute books. The second role here is that of oversight. Parliament must ensure that the policies which we have promised our people are implemented by the Government. It is our sacred duty, also as Parliament, to end corruption, looting and theft of public funds.

Mr. Temporary Deputy Speaker, Sir, I am not against the Harambee movement. It is a worthy movement and it has assisted this country in its development. But it does not replace planned development based on taxation and revenue collection. Unfortunately, the Government portrays Members of Parliament as people whose primary function is to give out handouts. Consequently, we are associated with handouts. We are encouraging this image of a Member of Parliament giving out handouts. For example, when a Member of Parliament contributes money which is 100,000 times more than his income, where does he get it from? We must ask and address that question. Because we are projecting that image; that our main role is to collect and distribute money, we are forgetting our more important role of ensuring that public funds, through taxation and revenue collection from the public, are properly expended.

Mr. Temporary Deputy Speaker, Sir, my statement is as follows: Parliament is a key institution in a democratic society because it defends and promotes freedom of citizens. In the writing of our new Constitution, I hope we shall put freedom at the centre instead of restriction. This is because under the old colonial system and our system of Government, we are spending more time on restricting the people rather than promoting their freedom.

Mr. Temporary Deputy Speaker, Sir, I want to thank this House because around this time last year, we took the first step and amended the Constitution, to create the autonomy of Parliament. As a result, we have created the government of Parliament. This Bill is to further that progress and to implement the provisions of the Constitution. It is for that reason, therefore, that the Commission is now planning on how best Parliament can use the resources which are put at its disposal. It is for that reason that the Commission is now planning that Parliament must have a Parliamentary Service whose purpose is to facilitate the work of Members of Parliament. This will make us have direct access to the Consolidated Fund. It will also make it possible for us to negotiate with donors on how to support Parliament. This is because one way of controlling Parliament is to control the money that goes to Parliament. It is for this reason, therefore, that we are saying that this step is very important in the liberation of Parliament. But, as you know, this very House has given permission that we proceed and take charge of our calendar. That Bill is in preparation and will be available soon before this Parliament.

Mr. Temporary Deputy Speaker, Sir, it is my sincere hope again that the Commission will own this Bill and bring it to the House, just as it has owned the Parliamentary Service Bill. It does not have to be an Oloo-Aringo Bill. It is not an Oloo-Aringo Bill once the House has made its verdict. It is a resolution of the House; that the House would like to see a Bill for the control of the calendar. It is neither a Bill to undermine the President nor to take away the powers of the President; rather it is a Bill to restore to Parliament what belongs rightly to Parliament. We should determine our agenda and our calendar. Therefore, we should move in this reform process starting with the institution of Parliament.

Mr. Temporary Deputy Speaker, Sir, we have seen how inadequate we are to handle the Budget. Parliamentarians come to the House, the budget is read and it is effective from midnight that day, without any participation of Members of Parliament. We want to change this by creating a Budget Committee, which will be involved right from the word "go" in the Budget making, with the Executive Government. There is no secrecy about the Budget because this money belongs to the people of Kenya. Therefore, they should be involved in the making of their own Budget. These reforms will give Parliament its strength and its teeth. I am convinced that we are on the right course.

I want to say this to those few people who go round spreading rumours that we want to finish the President. We are not finishing anybody! We are reclaiming our central role in our national life. I am urging hon. Members that,

let us pass this Bill and give this Parliament teeth and give this country the democratic institutions which were destroyed because of emasculation of Parliament and other institutions.

With those few remarks, I beg to support.

Mr. Murathe: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to say two things, particularly because of the misconception that has been in the Press and other media about what it is that Parliament is trying to do. By passing this Bill, we are strengthening the institution of Parliament, not necessarily for this generation of the current Members of Parliament, but for posterity. We are making an independent and autonomous institution - the institution of Parliament which has the fundamental role of making the laws of this country for the Judiciary to interpret and for the Executive to implement. I hope that the Press has a copy of this Parliamentary Service Bill and hope they will thoroughly go through it, so that the sort of opinions and editorials that they write, sometimes either deliberately or out of ignorance, this time round can be put in proper perspective. The need for an independent and autonomous Parliament can never be overemphasised.

Mr. Temporary Deputy Speaker, Sir, I wish to make an appeal that we should also have a public relations arm of the Parliamentary Service Commission. This arm should be open to members of the Press and public and which can be interactive in explaining the philosophy and some of the actions that are coming out of this Parliament. It is incumbent on all of us and particularly the opinion shapers, the members of the Fourth Estate, to be able to participate in some of these processes. For example, it is not just about remuneration. We want Kenyans also to be involved in determining or deciding how much, for example, they think a Member of Parliament ought to receive, in order to effectively and efficiently run the business of being a Member of Parliament.

Mr. Temporary Deputy Speaker, Sir, Clause 23, states:-

"This Bill provides for an independent body of experts to review the terms and conditions of service of Members and employees of the Assembly to which we will expect Kenyans to pass on their views in relation to the market place and demands for an effective and efficient Member of Parliament".

Some of the misconceptions that have arisen in the sections of the Press are that, Members of Parliament are a selfish lot, or have got schemes which are not explained conclusively. The Press should tell Kenyans how group schemes, for example, on medicare and insurance which are contributory, are available even to other Kenyans at affordable rates. It appears as if by the establishment of the Parliamentary Service Commission, all of a sudden, Members of Parliament were entitled from the taxpayers' money to a scheme of Kshs10 million without telling the public that these are schemes that are available for organised groups and that, people can negotiate packages with insurance companies. It would save many Members of Parliament a lot of trouble if Kenyans took out insurance medicover. Most of us spend our time raising funds amounting to Kshs100,000 to Kshs600,000 for people who have hospital bills. If Kenyans can be educated that you can take out insurance cover for as little as about Kshs1,000 a month, they can get even overseas treatment with some of these schemes that Members of Parliament enjoy.

Mr. Temporary Deputy Speaker, Sir, I want to emphasise, once again, that this is a process of making institutions and it is not for the benefit of the current Parliament but it is going to serve posterity.

With those few remarks, I beg to support.

Mr. Kathangu: Bw. Naibu Spika wa Muda, nashukuru sana. Kwanza, ningetaka kusema kwamba labda nchi hii haijajua Bunge inamaanisha nini. Bunge katika maisha yetu ni Bunge jipya na mpangilio mpya. Kwa hivyo, tutachukua miaka mingi sana kutambua kazi ya Wabunge. Tangu zamani, labda mpaka 1955, hakuna moja wetu katika nchi hii ambaye alifikiria kwamba kuna kazi yoyote ambayo inaweza kufanywa katika Bunge. Kwanza, yule mzee kijijini anangojea majibu na uamuzi wa wazee, ili aweze kujua ni nini atafanya na shamba lake ambalo labda anataka kuuza. Pia ni nini atafanya na mifugo yake na watoto watasimamiwa kwa njia gani. Pia kama kuna shida ambayo inahusiana na mambo ya Mungu, pia kuna wazee ambao wanazungumzia mambo hayo. Kwa hivyo, Bunge imeanza juzi tu.

Bw, Naibu Spika wa Muda, kwa hivyo, wale ambao walianza kuongoza nchi hii walijua tamaduni za Mwafrika na kwa hivyo, walikuwa wanatungoza kufuatana na maagizo ama fikira ambazo zilikuwa zinafuatwa na wazee. Hawakujua kwamba Bunge linatakiwa isimamie fedha za nchi, kuangalia mambo ya kutunga sheria za nchi na kwamba Bunge linatakiwa kuangalia uongozi wa nchi. Wakati huu, mambo mengi yanaenda kombo kwa sababu sheria zote ambazo zililetwa hapa, nyingi zililetwa kutoka Uingereza. Zile ambazo zilikuwa zinatumiwa India, Nigeria, Ghana na Uganda ndizo zililetwa hapa, bila kufikiria sheria hizi zinaambatana kwa njia gani na utamaduni wa Mwafrika hapa Kenya.

Bw. Naibu Spika wa Muda, jukumu ambalo tuko nalo sisi hapa ni kwamba, ni lazima mambo hayo matatu ambayo tumepatiwa na wananchi, mambo ya sheria, kusimamia uongozi na ya kuhusiana na fedha, tuyakumbatie tuyasimamie kama Wabunge ama waakilishi wa watu. Mambo hayo yalikuja na yakatatanisha na wakati Jomo Kenyatta alikuja kuwa Rais wa nchi, kitu kimoja ambacho nchi nzima ilikosea ni kwamba walichukua "Harambee" ambayo ilikuwa "Karambee" ya Wakikuyu, iwe ya Kenya. "Karambee" ya Wakikuyu ilikuwa ni kufanya kazi pamoja

pale kijijini, kusukuma nyasi wakati imeokotwa, kwenda kuchimba shamba wakati wanataka kupalilia na kupanda lakini Harambee ikaletwa kwa nchi na ikawa kwamba tutakuwa pia tunatafuta fedha kwa njia ya Harambee, ili kusaidia miradi mbali mbali. Ilifanya kazi labda kwa siku mbili au tatu. Mwaka wa 1969 ulikuwa mwaka wa "kiama"; wakati Mzee Jomo Kenyatta alianza kushindwa na vijana kama J.M. Kariuki kutoa pesa za Harambee katika mikutano, na ikawa kwamba ilianza kuwa chanzo cha chuki.

Bw. J.M. Kariuki alikatazwa kuhudhuria na kuchanga katika Harambee kwa sababau aliwasaidia akina mama kwa njia mbalimbali. Alizinunulia shule mitambo ya sitima na kuweka mifereji nyumba za akina mama. Wakati huo Kenyatta hakuwa na pesa kama mhe. J.M. Kariuki. Na kama alikuwa nazo, hakuwa mkarimu na hakuwa akichanga pesa nyingi kama J.M. Kariuki. Jambo hili lilileta chuki baina ya Kenyatta na J.M. Kariuki.

Bw. Naibu Spika wa Muda, jambo lingine ambalo lilileta shida katika nchi hii ni kuwa watu wengi waliochaguliwa kuwakilisha sehemu zao hapa Bungeni, kazi yao kubwa ilikuwa ni kutafuta pesa kama ilivyo na whe. Wabunge wengi, ili waweze kuchanga katika mikutano ya Harambee. Viongozi hawa hawakujua ni kiasi gani cha kodi kilichotozwa wananchi na kama vile ingetumiwa katika miradi ya kimaendeleo hapa nchini. Kodi hiyo ingesimamia gharama ya elimu na matibabu ambazo zimeporomoka kabisa. Siku hizi, pesa za kodi hutumiwa kusaidia makundi ya akina mama.

(Mr. Kathangu took a glass of water)

The Temporary Deputy Speaker (Mr. Musila): Mr. Kathangu, I give you permission to continue from there!

Mr. Kathangu: Bw. Naibu Spika wa Muda, si kwamba unanipa ruhusa kuzungumza; niko hapa kwa sababu ninatakiwa kuketi viti vya mbele. Lakini kwa sababu waheshimiwa Wabunge wengi wanapenda kuketi hapa mbele, nimewapatia kiti changu!

The Temporary Deputy Speaker (Mr. Musila): Ni sawa, lakini huna shukrani!

Mr. Kathangu: Bw. Naibu Spika wa Muda, ninashukuru sana kwa sababu unajua ninastahili kuzungumza nikiwa hapa mbele.

Bw. Naibu Spika wa Muda, nilikuwa nikisema vile kodi yetu imetumiwa vibaya na Serikali yetu. Serikali hii inatumia kodi kuwapa watu zawadi ili "kuwaporomosha" wenzao kisiasa, kuu na kuiba. Pesa za kodi hapa nchini zimeleta chuki. Wananchi wetu hulipa kodi kwa ukarimu huku wakitarajia kupata huduma kutoka kwa Serikali. Lakini wanashangaa kuona vita katika mikoa, wilaya na vijijini. Watu ambao huleta vita hivyo huwa wamelipwa na pesa za kodi. Kwa mfano, juzi tulipokuwa Eldoret, na mhe. Too anajua haya, zaidi ya askari 300 walilipwa pesa ili kuvuruga na kusumbua wananchi waliokuwa wamehudhuria mkutano wetu. Hii ni mojawapo ya njia mbaya za kutumia kodi zetu. Ni aibu kuona Bunge hili haijali masilahi ya askari hawa. Askari wetu hufanya kazi muhimu na ngumu sana, lakini hupata shilingi mia nane kwa mwezi. Askari wetu hutumiwa kama watumwa. Kazi yao kubwa ni kuwasumbua wananchi na Bunge hili halijishughulishi na masilahi yao.

Bw. Naibu Spika wa Muda, Bunge hili ni lazima lichunguze jinsi kodi ya umma inavyotumiwa na Serikali hii. Bunge hili limeshindwa kufanya hivyo. Tumemwachia Rais kazi zote za pesa, uongozi na sheria. Ukiangalia Amri 10 za Mungu, kuanzia ya kwanza hadi ya mwisho, zinamhusu Rais wetu. Amri ya kwanza ya Mungu inasema ni lazima umheshimu Mungu wako kwa roho yote, akili na nguvu zako zote. Hapa nchini, jina la Rais ni lazima liheshimiwe kwa wakati wote; ikiwa umelala, wala, unatembea au unakimbia ni lazima fikra zako zote ziwe juu ya Rais wa nchi yako. Tofauti kati ya Rais wa wetu na Mungu, hakuna! Kuambatana na Katiba yetu, pesa zote zimo mikononi mwa Rais. Yeye hujua ni nini wananchi wetu watakula, watapata dawa au la, tutaunda sheria au la, na kadhalika. Bunge haliwezi kuketi ikiwa Rais hajafikiria na kuamua. Ikiwa hatuwezi kuwa na kikao bila Rais kufikiria, basi sioni tofauti kati yake na Mola wetu. Rais wa nchi hii ni lazima ajue ni nani atafanya mikutano nao, wakati gani na wapi. Ni lazima ajue atashika mikutano na Mawaziri wake na viongozi wengine ambao wanasimamia nyadhifa mbalimbali Serikalini wakati gani na mahali fulani. Hakuna mmoja wetu katika nchi hii ambaye anaweza kumwambia Rais kufanya jambo fulani. Hata Bunge hili na mahakama haiwezi kuomba mazungumzo na Rais. Ni lazima awe ni yeye ambaye atafanya hivyo. Sioni tofauti kati ya Rais na Mola wetu kwa sababu huwezi kuzungumza naye. Hii ni kwa sababu hujui kama anasikiliza au la. Mimi siwezi kufikiria au kuota nikizungumza na Rais mpaka yeye apende. Ni lazima Bunge hili lifikirie ni jinsi gani Rais wa nchi hii anaweza kuwasiliana na Bunge na mahakama zetu ili tuwafaidi wananchi wetu.

Juzi wananchi wetu walikunywa pombe hatari kule Mukuru Kaiyaba na Mukuru kwa Njenga. Tumekuwa tukisema katika Bunge hili kuwa kuna watu ambao wamekiuka sheria zinazohusiana na unywaji, utengenezaji na utoaji vibali vya kutengeneza na kuuza pombe. Mhe. Michuki aliwasiliwasha Hoja katika Bunge hili la kupiga marufuku unywaji na uuzaji wa pombe hizo hatari. Bunge hili lilipiga marufuku zaidi ya pombe 13. Hata hivyo wasimamizi wa mikoa na wilaya waliona sisi hatukufanya jambo la maana. Walituona kama vifaranga vya kuku na

wajinga kwa sababu wao hufanya kazi kulingana na matakwa ya Rais. Kwa hivyo, Bunge hili haliwezi kamwe kutoa amri kwao. Waliendelea kuruhusu pombe hizi haramu kutengenezwa na kuuzwa hapa nchini.

Mr. Kamolleh: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Si sawa kwa mhe. Kathangu kueleza Bunge hili kuwa wakubwa wa mikoa na wilaya walipewa amri na Rais ili kuwaruhusu watu kuuza na kunywa pombe haramu. Ninafikiri analipotosha Bunge hili. Je, madai hayo ni halali?

Mr. Kathangu: Bw. Naibu Spika wa Muda, mhe. Kamolleh ni rika langu, lakini kutojua kwake si kubaya kwa vile kutampa nafasi ya kusoma zaidi.

Bw. Naibu Spika wa Muda, hakuna chifu au naibu wa chifu ambaye anaweza kuajiriwa kazi popote bila idhini ya Ofisi ya Rais. Hakuna amri inayoweza kutumika katika mikoa bila Rais kuitoa. Vijijini hakuna mwananchi anayeweza kutengeneza pombe bila idhini ya chifu; iwe ni pombe ya kienyeji, ya kudumisha tamaduni au ya ulevi tu, bila idhini ya chifu.

Mr. Mwenje: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to inform hon. Kathangu that these are instructions from the Office of the President given to the PC, who has written to the DCs. We have a copy of that letter which I am willing to give to hon. Kathangu. He may refer to it!

An hon. Member: Authorising illicit brews!

(Mr. Mwenje passed the document to Mr. Kathangu)

Mr. Kathangu: Bw. Naibu Spika wa Muda, mimi, kama mhe. Mwenje, ni mwakilishi wa sehemu ya Bunge--

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Any record for the House must be made available within the Standing Orders. What is this document that has just been given to a colleague? Is it part of the records?

Mr. Kathangu: Bw. Naibu Spika wa Muda, kabla---

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Kathangu! Kama ungependa kuendelea na jambo hili na kugusia barua hiyo, ni lazima uweke barua hiyo katika Meza ya Bunge.

Mr. Kathangu: Bw. Naibu Spika wa Muda, ingawa mimi si mwalimu wa Kanuni za Bunge, sijasema kwamba nitakupatia barua hii. Sijui ni kwa nini wakili anayumbayumba.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is that in order---

The Temporary Deputy Speaker (Mr. Musila): Order! Order, Mr. Maundu! When you stand up, you do not automatically starting raising your point of order! You have got to be recognised by the Chair. Bw. Kathangu, ikiwa hujaweka barua yoyote katika Meza ya Bunge, basi, usiendeleo kuzungumza juu yake kama huwezi kutupa ili tujue inasema nini.

Mr. Kathangu: Bw. Naibu Spika wa Muda, tangu nisimame hapa, sijazungumza kuhusu barua. Tulipokuwa katika Bunge hili, tulilete Hoja ya kupinga pombe 13. Kati ya pombe hizo 13, moja imeua zaidi ya watu 200 katika Kenya. Watu hawa wanakufa kutokana na amri ambazo zimeruhusu watu wengine nchini kutengeneza pombe na kuziua wakijua kwamba wanaua wananchi. Ofisi ya Rais imetoa kibali pombe hizo zitengenezwe katika nchi hii. Hiyo ndio ninasema, sijagusia barua yoyote. Ikiwa nitagusia barua yoyote, nitakupatia uisome.

Mr. Kamolleh: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningependa mhe. Kathangu atoe thibitisho la kuonyesha kwamba Ofisi ya Rais ilitoa amri watu watengeneze pombe ambayo inaua watu ili Bunge hili liweze kuamini mambo hayo badala ya kuzungumza tu.

Mr. Kathangu: Bw. Naibu Spika wa Muda, mimi si ajenti wa kifo. Ikiwa mhe. Kamolleh ni ajenti wa kifo ni lazima nchi hii ijue pia. Watu wetu wanaendelea kufa na Ofisi ya Rais inasimamia mambo haya.

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

(Mr. Maundu banged the Bench)

The Temporary Deputy Speaker (Mr. Musila): Mr. Maundu, you do not have to bang the Bench. Could you let Mr. Kathangu finish? Mr. Maundu, I will give you a chance! Let him finish!

Mr. Kathangu: Bw. Naibu Spika wa Muda, kati ya wale wanaotengeneza pombe hii pamoja na mnazi--- Tulipitisha Hoja ya kuruhusu kupikwa na kuuzwa kwa mnazi huko Mombasa. Ninafikiri wanaendelea vizuri na hawafi. Watu wengi wamekufa Jijini Nairobi, sehemu za Mkoa wa Kati, Wilaya ya Murang'a na Mkoa wa Mashariki, Wilaya ya Embu na kule Naivasha na Narok. Hakuna hata rambirambi kutoka kwa Rais wa nchi kwa sababu anajua kwamba maofisa wake ndio wameruhusu pombe zile. Pia anajua kwamba maofisa wake ndio wananufaika kutokana na fedha ambazo zinapatikana kutoka kwa pombe hizo.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the matter that is being discussed by my colleague is a very serious one, where many Kenyans have died because of these illicit brews. Could the speaker on the Floor produce evidence to show that this Government is sponsoring these agents of death?

Mr. Kathangu: Bw. Naibu Spika wa Muda, kwa sababu ya hali ya kuyumbayumba ambayo iko hapa, ningalitaka pia kusoma barua hii kwenu ambayo imeandikwa kwa Kimombo. Barua hii imetoka kwa Mkuu wa Mkoa wa Kati na imeandikiwa Wakuu wote wa Wilaya. Mkuu wa Mkoa wa Kati anaitwa Peter L.N. Kiilu, EBS. Sijui hiyo ni kusema nini, lakini barua iko hapa. Barua hii imeandikiwa Messrs. Textian Beverages and Food Industries Ltd.

The Temporary Deputy Speaker (Mr. Musila): Bw. Kathangu, utatupa nakili ya barua hiyo?

Mr. Kathangu: Barua hii iliandikwa tarehe 31 Machi na inasema hivi:-

"The above company of Post Office 436 Naivasha has complied with the requirements of the Kenya Bureau of Standards and the Government Chemist, in the manufacture and formulation of their products as a result of which their licences have been reinstated. Bar operators dealing in these products could, therefore, be allowed to trade in the same products so long as they fulfil other Government regulations, particularly those of the Public Health Act and the Liquor Licensing Code, Cap.121.

A copy of a letter No.AXC/Win & ASP/9 dated 21st January 1999 from the KRA is hereby enclosed."

Bw. Naibu Spika wa Muda, pombe ambazo zinanywewa Nairobi na kila pahali, ambazo zinaua watu, zinatengenezwa na kampuni ya Textian Beverages and Food Industries Ltd. Mswada ambao upo mbele yetu leo---

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kathangu! Could you lay that document on the Table?

(Mr. Kathangu laid the document on the Table)

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Any document that has been laid, or is intended to be laid on the Table by any speaker, must be relevant to the subject matter. What has been read from that particular document is a permit which states that the company has complied with the law. It does not authorise the manufacture or sale of any illicit brews. In that respect, that document is irrelevant to the subject matter. Therefore, it should not be allowed on record!

The Temporary Deputy Speaker (Mr. Musila): Order! Order! I appreciate you are assisting me to do my job. But I want to tell Mr. Maundu that he stood on a point of order and he made a very spirited argument on the matter. So, I would like to disregard that point of order because it was not a point of order.

Continue, Mr. Kathangu!

(Applause)

Mr. Kathangu: Bw. Naibu Spika wa Muda, jambo lingine ambalo linatusumbua, ni kwamba barua hiyo na yale ambayo nimesema kuhusu pombe, ni juu ya afya ya nchi. Ikiwa huwezi kutoa dawa kwa watu wako ambao hawana chakula, basi mwili hautakuwa na kinga. Ukiwaongezea pombe zinazowaua, wewe ukiwa Serikali ama Rais wa nchi, kazi yako ni kuua watu wako! Tumesema katika Bunge hili kwamba kuna mambo mengi ambayo twatakiwa kuangalia.

Bw. Naibu Spika wa Muda, jambo lingine linalotuhuzunisha sana ni swala la fedha. Mimi si mtaalamu wa maswala ya fedha, lakini tunao wataalamu wa maswala hayo katika Bunge hili. Langu ni kusema tu kwamba, ili watu wetu waweze kujikinga dhidi ya madhara ya kijamii, ni lazima tuhakikishe kwamba fedha zinawafikia.

Bw. Naibu Spika wa Muda, hivi majuzi, watu wamekuwa wakizungumza juu ya maswala ya fedha. Nimewahi kutembelea Afrika ya Kusini, miongoni mwa nchi nyingine, na kufahamu ya kwamba baadhi ya benki zinazotoza viwango vya juu zaidi vya riba katika nchi hii zimekataliwa kwengineko Afrika. Hii ni kwa sababu benki hizo hutaka tu kupata faida kupitia watu bila ya kuwasaidia watu wale kutengeneza fedha. Hii ni kusema ya kwamba, hakuna mwananchi anayeweza kupata mkopo kutoka benki katika nchi hii. Mtu akitaka mkopo kutoka kwa benki za nchi hii, ni lazima aweke rehani katika benki hizo vyeti vyake vya umilikaji mashamba, nyumba, na kadhalika.

Watu waliochukua mikopo ya benki sasa wamefilisika. Baadhi yao wamepata wazimu, maradhi ya moyo, asma, na ugonjwa wa sukari. Siku hizi, baadhi yao - hasa matajiri, wakiwemo Mawaziri wa Serikali - hupata ugonjwa wa "hypertension" na kuaga dunia siku chache baadaye. Iwapo National Bank of Kenya (NBK) itatoa ilani kwa wadeni wake, inayosema: "Tunakudai Kshs261 million; tunataka utulipe fedha hizo katika siku 21", baadhi ya Mawaziri wa Serikali watapandwa na damu na kuitwa na Maulana baada ya siku saba. Ajabu ni kwamba, kila tunapozungumzia maswala ya fedha na jinsi tunavyotakiwa kusaidia watu wetu, Mawaziri huwa wa kwanza kusema:

"Ni lazima tuipingie Hoja hii, kwa sababu imewasilishwa na Wapinzani". Ningependa kuliomba Bunge na Wakenya kwa jumla wazingatie maswala yanayohusiana na fedha za nchi hii.

Bw. Naibu Spika wa Muda, tusipozisambaza fedha za nchi hii ili zivasaidie watu wetu, itakuwa Bunge hili halifanyi kazi. Kama tutakuwa tukipanga misitari kando kando mwa barabara anazotarajiwa kupitia Rais Moi tukitarajia atupe Kshs120,000 ili tujisaidie, ndoto za nchi hii zitakuwa zimetokomea. Haiwezekani kwamba sisi sote tutakuwa tukitegemea mfuko wa mtu mmoja kwa jina la Rais. Hii ndio maana tunasema ya kwamba Bunge liko na jukumu la kusawazisha mamlaka kati ya Serikali Kuu, Bunge na Mahakama, ili kila taasisi iwe huru kutoka kwa nyingine, ili watu wetu waweze kufaidika. Rais, na si Bunge, ndiye anayejua ni lini, kutoka wapi na kwa jinsi gani, nchi hii itapata chakula. Anatuambia ya kwamba atapeleka chakula katika Mikoa ya Mashariki na Kaskazini Mashariki, na katika

sehemu nyingine za nchi. Hata sisi Wabunge 222 tumekuwa kama vifaranga licha ya kwamba tunatakiwa tuzungumzie mambo haya na kuyatataua.

Mwisho, ningependa kuuliza hivi: Je, tuna miungu wangapi katika nchi hii ndipo tuweze kujua wewe ni mfuasi wa dini gani? Je, tuna Wakristo wangapi hata ikawa kuna dini zaidi 1,000 madhehebu ya Kikristo? Je, tuna mashetani wangapi katika nchi hii ndipo wengine wetu waweze kusema wao niwa shetani wa Kibera ama shetani wa Mjini? Watoto wetu wenye umri wa kati ya miaka tisa na miaka 20 wanauawa ovyo ovyo kwa kukatwa koo, hali Rais na Bunge hili wako hai.

Ahsante, Bw. Naibu Spika wa Muda.

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, I very much support this Bill. I am also serving on the Parliamentary Service Commission (PSC). So, I have had a close interest in the drafting and proposition of this Bill. The objectives of this Bill have been very well explained by Mr. Oloo-Aringo, whom I thank very much for being very explicit in explaining the matters contained in it. However, certain matters need to be re-emphasised.

Mr. Temporary Deputy Speaker, Sir, when we started this "journey", we sought to have a Parliament that will be autonomous in the management of its affairs, so that it will be completely separate from the Executive. When we establish Parliament's independence from the Civil Service administration, have our own source of revenue and source our budget funds directly from the Consolidated Fund, Parliament will then be able to make decisions on fundamental issues without making any reference to the Executive. That is the point we wanted to get to; the passage of this Bill will enable us to reach there. That will be the final stage in establishing Parliament's independence.

After establishing Parliament's independence, we shall have to develop the necessary structure for the administration of parliamentary matters, so that hon. Members can have both the resources and facilities they need to perform their duties more effectively. Parliament will be able to initiate its own matters, not only in terms of finances, but also in promoting its legislative functions. We shall have a Department that will deal with drafting of laws. We shall also deal with the employment of the staff that we need. We shall also have a separate Department, which shall specialise in providing information to Members of Parliament.

One of the terrible shortcomings of Parliament's structure today is the fact that hon. Members can hardly have access to the information they need. Even information that you know is available from a particular Government Department, you get it at the mercy of the person in charge of that Department. One of these days, this House will pass a Bill regarding the right of access to information, so that we shall not always be begging, but rather demanding certain information stored in particular Government Departments. As it is now, we can be denied information even if we know that it is available.

Equally, when we establish our own Finance Department, we shall prepare proper estimates of expenditure of Parliament, and we shall no longer be dependent on decisions made *ad hoc* each year. We shall have a programme of development and the estimates of the money required, so that when allocations are done, Parliament's programmes can be prioritised. It is, indeed, important for Parliament to develop.

Thirdly, we know that we need qualified expert staff to serve Parliament. We have very good persons serving Parliament right now, but they have not specialised in particular areas where we need assistance. We need expert staff to brief us on any important subject. So, if any subject comes into this House, we shall have the necessary expertise; if we happen not to have the relevant staff on any matter, we shall be able to hire somebody on a short-term basis, to assist hon. Members in preparing themselves to handle the relevant Bill due for debate here.

Mr. Temporary Deputy Speaker, Sir, looking at all aspects, we shall have a Parliament that will be efficient and effective. But it is for us, hon. Members, to make sure we use the new facilities. This is because one of the shortcomings in our debate currently is the shortage of hon. Members who have read fully Bills before the House or understood and analysed them properly to be able to deal with them effectively. We do require that hon. Members do much more homework than they do today. Let me say that this Parliament is growing in the manner it is doing--- We are looking at other developed Parliaments which have had more experience than us.

For instance, one of the essential things that we shall need in this Parliament is to demand that the office of

the Controller and Auditor-General be divided in two departments. One is the department of Controller that shall remain with the Government because he or she will be the controller of expenditure as it is being done. But the office of the Controller and Auditor-General should be responsible to Parliament and he or she should report to Parliament so that we are able to know who at any time is behaving beyond what was authorised by Parliament. We shall be able at any one time through the year to order an *ad hoc* audit on activities of a particular department in the Government. We shall be able to stop the looting and stealing before it is completed.

Mr. Temporary Deputy Speaker, Sir, as it is today---

(A mobile phone rang)

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

Mr. Kibaki: Who has this useless thing?

Dr. Kituyi: The culprit is not in the Chamber!

The Temporary Deputy Speaker (Mr. Musila): Let the culprit be warned.

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, I know that a ruling was made here that we should not have this gadget brought to the House to disturb parliamentary debate. I am sure that hon. Members do not need to be reminded.

I was saying that the Controller and Auditor-General should be directly responsible to Parliament and report to Parliament so that at any stage during the year when we suspect that something is going wrong in a particular department of Government, we are able to call upon him to carry out an impromptu audit there so that we can stop the looting and stealing before they go too far. It is one department which will have to be supervised by Parliament.

Equally, we shall need to have a department that will be assisting in drafting the Bills that will be coming before Parliament. We know that we shall co-operate with the Attorney-General's department, but we do, definitely, need qualified persons to set up a proper department responsible to Parliament in supervising those matters. This is because we do not want to have a situation like the one we have now, although the debate on the Bill reducing the Presidential powers on parliament is going to come up later. I do not want to debate it now, but I was reading a Bill where what had been passed by Parliament has been interfered with. That is something which is very shameful, indeed. But that will come up later at another stage.

But equally, the parliamentary debate on when Parliament shall meet and when it shall go on recess should be supported by all. Every year, we go on recess from the beginning of December and until March. It is a waste of resources, and inefficiency because when we come to Parliament, we are forced to rush through debates. We should go back to the original process when we used to have a recess for about a month and a half - six weeks recess - and we come back here in the latter half of January. Then we shall have adequate time through the year to debate all issues before us, pass all the Bills, and not have any surpluses. So, that is an aspect which we should have to take care of.

Tied to this particular debate, is the next one which is going to come and give Parliament the authority to determine when it should be dissolved. The Executive has sometimes used its present powers to dissolve Parliament at the wrong moment. But a Parliament chosen by 30 million Kenyans should be supreme and should not be subjected to any other authority which could dissolve it. Parliament should be chosen by the 30 million Kenyans for a five-year period and it should last the full term of five years and nobody else on earth should have any authority whatsoever to change what 30 million Kenyans have already constituted and chosen. That is necessary. Even the Attorney-General can see that it is logical, reasonable and absolutely necessary and urgent. So, all that matters. But we shall come to it at another time.

The other important point that I would like to emphasize during this debate is on the Parliamentary Committees. Once we achieve the autonomy that we are seeking, we shall have to change our Standing Orders and any other rules that require to be changed, so as to give these committees more powers. Parliamentary Committees have say in the American or Canadian parliaments as they can summon any Minister or anybody who spends public money and he or she will be duty-bound to come and answer questions and be challenged. That is the only way we are going to create a sense of accountability and responsibility because if the Executive is not called to account by the Parliamentary Committees, they will never feel responsible and accountable. We need to do that because if you take the case of drinking illegal liquor, which was being talked about by hon. Kathangu, we passed a Motion in Parliament saying they are illegal - they are dangerous to the health of the people. But then, you have civil servants who are supposed only to implement our decisions, but who go and change them by authorising the sale of these illegal poisonous stuff which are killing Kenyans--- We should have the authority to summon such a person and insist that he or she be disciplined; otherwise, they will never respect Parliament. Parliament shall not be in a position to protect those who elected us. We want to be in a position of protecting them by saying that no one will change what Parliament has decided on without coming back to Parliament. Those are the rules and powers that we must give to our Committees. At the moment, they have some powers, but not to the extent and volume that they should have. So, I support this Bill because I am looking forward to the next steps which we are going to take in order amend these other

aspects of our institutions. We should give Parliament the day-to-day powers that we need to make it the supreme institution in matters of legislation.

I beg to support the Bill.

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Bill that is before the House.

It is needless to remind the House that the independence of the House is very crucial to the democratic journey that this country started when it attained Independence to the present. Democracy cannot be left to the whims and wishes of an individual in State House. Democracy must be founded upon the balance that institutions create in the way that they conduct public business. I want to say that all the Parliaments that we have had in Kenya have been ones that are unable to check the excesses of the Executive. We have had Parliaments that have witnessed the erosion of rights of Kenyans and have been helpless in trying to champion the rights of Kenyans. That has been so because Parliament has not been empowered.

So, the Bill before the House - being a product of consensus of the House - is very timely because this is the first time that Kenya is facing uncertainty in terms of transition. So, we need a Parliament that is able to withstand all the shoves and pushes that are obtained in situations of transitions. Take for instance a situation where Kenyans know very well that things are wrong and the only people they can come and ask to correct those wrongs are hon. Members, but they are not empowered both in terms of information and other sorts of assistance, and they are unable to address such wrongs.

You will find that in the past Members of Parliament have had to second-guess the desires of the Executive in order to know what is required. With the passage of this Bill and its subsequent evolution into law, this will come to an end. In most countries, Parliament is referred to as the people's House. In our present Parliament, the people are locked out there and they cannot freely walk into Parliament. The reason for which they are locked out there is that there is limited space. There are no offices for hon. Members to attend to these people. There are no offices both in Nairobi and the constituencies for members of the public to access the people that they enjoyed electing. For instance, you will find that because of limitation of space in this House, Members of Parliament can only attend to two visitors at a time and these are not visitors as such. These are people who have come to bring business in the parliamentary form; to be attended to by the people they elected. You will find that these people have to be humiliated right out there at the gate because Parliament has not been empowered in terms of resources and parliamentarians do not have offices where members of the public can come and have their grievances attended to.

Back in the constituencies, you will find that members of the public have to hunt down Members of Parliament in lodges and all sorts of places seeking to be served because our Government decided to neglect facilities that would enhance services that are rendered by Parliamentarians to members of the public. You will find that a District Officer has an office while a chief has a chief's camp. On matters that relate to functions of those offices, they attend to members of the public who visit such areas. A Member of Parliament will have to be stopped on the main road and be told: "*Mheshimiwa*, we have been looking for you." You will find a great deal of inconvenience both to members of the public who seek service from us and to ourselves who want to serve them. With the passage of this Bill, I believe that there will be enough resources and wisdom to make sure that Parliament is empowered both here where we are speaking and at the constituencies where members of the public need such services.

It is also important to note that the quality of debate in the House is low, not because hon. Members are unable to debate, but because the Executive deliberately withhold resources that should be given to Parliament so that Members of Parliament would be able to make informed debate. This is a situation that must come to an end. It was ably put by hon. Oloo-Aringo that the passage of this Bill will make sure that Parliament accesses the Consolidated Fund in so far as it needs resources for its operations. The importance of Parliament in the democratic world cannot be down played. This is the only House where all Kenyans have a voice in terms of regions and ethnicity. In fact, it is the only House that represents Kenyans. If we assume that Kenyans are represented by the Executive, meaning the Presidency, we are wrong because the Presidency is limited in a lot of sense and does not respond to issues in this House. It is critical for this Bill to be passed so that this House is able to check the excesses of the Executive and also wage concerted war against corruption.

Our resources have been eaten up and currently we are paying debts that in the first place, were not properly applied for the public good. If this House had the necessary facilities, this kind of decline would not have arisen in the first place. With the passage of this Bill, I believe that this House will stand firm against corruption and incidents of insecurity. This House will stand and unite Kenyans and we are likely to have a peaceful transition. We, as Members of the House, need to preserve the dignity of this House by making sure that we take our role in this House seriously. We should not take the roles that have been conferred upon us by members of the public as legislators and do running battles on the streets. I believe that with the passage of this Bill, Members of this House will have confidence in this House. Right now, you will find that Members view this House as a chatterbox where you just chat and the

Government Ministers look at you and do not give a damn about what you say because they know that the House is toothless. With the passage of this Bill Members of the House will have confidence in the ability of this House to effect its own resolutions and to curb corruption.

With those few remarks, I beg to support.

The Minister for Medical Services (Dr. Anangwe): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my contribution on this particular Bill whose objects really pertain to the previous Constitutional Amendment No.3 of 1999.

In order to realise the implementation of that particular amendment, we are now passing this particular Bill. I have looked at the Memorandum of Objects and Reasons and I listened very carefully to the presentation by the Attorney-General. Since this is a process that began last year and in order for it to bear fruition so that Kenyans can reassess whether or not it was a wise decision to introduce these changes, it is important that we complete the process. Listening to what has been said on the Floor of this House, I find that sometimes people want to distort history and what is factual. The emergence of the so-called presidential system in Kenya has been argued as if it is just unique to Kenya. May I say that it is a pre-occupation of many scholars because it is preponderant in the horn of Africa.

It was the same in Ghana, Zambia and many other countries. When we argue, and in order to fathom this particular phenomenon, let us be a bit general and more scientific in analyzing the issues instead of personalising them. The emergence of the presidential system in Africa had its rationale which was not all that bad given the circumstances that obtained then. We attained Independence in 1960s, faced with a number of exploding expectations in terms of development and delivery of services. The expectations befell on the Executive branch. In addition, this was the period when we were getting Independence and there were many centrifugal forces which were going to tear even the new nations apart. It became necessary to have a centrepiece of these new nations. That is why this presidential system arose. It was not just a creation of an individual. If anybody rose here and said it was Kenyatta's idea, they would be missing the point. It goes much deeper.

The social and political milieu then warranted the creation of such a system and it served the purpose. That is why for those that still stay today in a modicum of civil order, the way we have in Kenya, we should really credit the initiatives taken by President Mzee Jomo Kenyatta and all those others who were in that particular Government, including hon. Kibaki. He should have the courtesy to say that he participated in that Government and he was one of the architects of that particular system. So, let us not stand here, rationalise and condemn a strong Executive branch because it created a weak Parliament. It was out of necessity that things were the way they were; we were getting Independence, people expected to get free education, health services, good roads, improvement in their stake within the agricultural sector, water supply and many other things. The responsibility to deliver those services befell on the Executive branch. Indeed, increasingly, when you look at the development plans that were formulated in the 1960s and 1970s, you will find that, that was the expectation then. How else was the Government expected to behave?

Mr. Temporary Deputy Speaker, Sir, I have listened carefully to what occurred in Kenya; I have listened to what hon. Oloo-Aringo said and I think he was just delivering a tirade and avoiding the politics of the moment. Centralisation of power within this particular country, of course, began after Independence in 1963. Of course, centralisation entailed control of resources and the idea was that when these resources were under one hand, it would have been possible to channel them in priority areas of development. This is because the resources were scarce at that time because we were getting Independence and we did not have enough. When resources are scarce, one is of course obliged to rationalise resource allocation and that was the logic then in development planning. We centralised and then channelled the resources through the State machinery which would ensure that development would ensue. It was a general philosophy and orthodox in all the developing countries. All that you needed to make a fundamental difference on the rampant poverty, was to have a modernising elite that would manage the development process. So, we are saying that, that is how it was rationalised and it was not bad. That was the over-riding orthodox. Even the World Bank subscribed to the same when it even participated in the financing of many development programmes. The issue was not democracy; it even went further in some of the developing countries, like Latin America by supporting even military regimes, because that was the understanding then.

When we come to Kenya, I know that hon. Oloo-Aringo has said that when His Excellency President Moi took over, he continued with the process that had began under the late President, Mzee Jomo Kenyatta. That is not true. That is not born out with a reality. Indeed, all that President Moi has attempted to do since 1978 is to rationalise resource allocation with special emphasis on the distribution of the scarce resources. Indeed, the underlying political philosophy has been:

"Let us distribute the little we have; let us share equitably the little we have so that we can work together in order to produce more."

President Moi introduced the District Focus for Rural Development which was decentralisation. By introducing the District Focus for Rural Development, all His Excellency the President was trying to say is that the previous planning

and implementation logic did marginalise the large portion of Kenyans and, therefore, there was need to make re-alignment, so that many people could develop from the national cake. Indeed, from 1978, the logic that had underpinned planning under the late President, Mzee Jomo Kenyatta was totally different from that of President Moi. I would like to say that many people have had access to public resources than they would have otherwise had, if President Moi would not have taken over.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister really in order to try and exonerate President Moi from what the late President Mzee Jomo Kenyatta was doing, when, indeed, he was his Vice-President?

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, let me ignore that point of order. I will respond to that particular comment some other time. The Kenyan Constitution is very---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. He cannot ignore a point of order.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwenje! In that case, I can deal with the point of order. You are talking about exoneration and I do not think that the President is on trial here.

Continue Dr. Anangwe!

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, with respect to the Kenyan Constitution, it does provide three branches of Government, and each branch has its powers as stipulated in the Constitution. When you look at this particular Constitution, and I am sure that hon. Muite will agree with me, on the face of it, the distribution of power is, indeed, fair. But the issue comes up when we begin the implementation, where practice and theory depart to some extent. Nobody can have any quarrel with the Constitution the way it is; it is very explicit; it does enumerate the powers of Parliament, the Executive branch and the Judiciary. Indeed, checks and balances are in-built in this particular document, but of course the reason why the role of the Executive branch has become preponderant is as explained earlier on. It is because of its role in the maintenance of law and order and in ensuring that the centre stays in one piece and in ensuring that the services which the Government has pledged to its citizens are being dispensed and the expectation of the people is the way it is. I am simply saying that unless we can address this fundamental expectation of wananchi *vis-a-vis* the Government, whatever we may do in terms of restructuring, empowering Parliament, they will come to nought unless Parliament can shoulder that particular responsibility to an extent that it meets the expectation of Kenyans.

When it comes to the role of Parliament, I think let us not underestimate the role that Parliament has played since Independence; Kenyans have faith in it and that is why in every five years, we are elected. When it is an election time, you know the hassles you have been through. If this is a useless place, why did you get elected to come here? You should have gone to do other business, if it is true that this particular Parliament is toothless. People get elected and spend considerable resources and energy to come here. Many of them have been here for 31 years. When I meet many of them in the corridor, like hon. Mwenje, he keeps on bragging to me that he has been here for a very long period. Why does he continue to come to this House if it is useless? He must be finding some merit in coming to this House, if and when elections are held. I am trying to say that Kenyans have confidence in this House, and it does play a very crucial role in governance. There are checks and balances; there are certain things that it can do which can check the Executive branch. It does approve the Budget and nobody can blame us the way resource allocation is being done in this particular country. Nobody can blame, for example, the Executive branch alone, because we also have a role to play. This particular Budget is brought here, it is read, we discuss it the way you have discussed the previous ones and we endorse it. We also have a leeway on what we can do, if we do not approve the Budget, but to the extent that we have been approving the Budget, it does suggest that we are satisfied with the performance of the Executive branch in this particular case. Parliament has also power to censure; it can pass a vote of no confidence, but it has never seen the merit to exhaust this particular provision, because in many respects, Parliament has failed in what the Executive branch does by and large.

Mr. Temporary Deputy Speaker, Sir, the final point I would like to make is that whereas we may be enhancing the role of this House, may I emphasise that it is also the responsibility of this House to ensure that the other branches of the Government also enjoy their roles in terms of governance. There is no point in belittling down the powers of the Executive Branch to a point where you render it impotent, and enhance the role of Parliament to a point where it will not be different from what we are complaining about today. Two wrongs do not make a right. It is very imperative, on the one hand to explore ways to enhance the role of Parliament and, on the other hand, ensure that in the division of labour, the Judiciary and the Executive Branch do have an important role. Indeed, the future of democracy in this country depends on what the Executive branch is able to do, apart from maintaining the rule of law. It ensures that the laws that have been enacted are implemented. It is important to know that when there is a breakdown of the law, it will be difficult for us to be democratic. It will be a state of civil disorder. In the interest of democracy, as much as Parliament has to enjoy certain powers, the Executive and the Judiciary should also enjoy theirs. In the tradition of checks and balances, it is imperative that the Executive and the Judiciary are strengthened to check the

excesses of Parliament. Let us not assume that a strong Parliament will be a boon to Kenyans.

The reason why checks and balances come in the West is because you cannot trust the intentions of man. A man, when placed in a situation where he enjoys overriding power, tends to abuse it. Let us not always assume that Parliament, with powers that it is subscribing to itself, will be in public interest. The powers could also be abused.

Mr. Temporary Deputy Speaker, Sir, the State still remains an important actor in development. Notwithstanding liberalisation and economic reforms, for many years to come, the State will continue to be one of the main engines of development. I know that we have been emphasising on the role of the private sector. Indeed, that is desirable. But we should also bear in mind that history is not with us. Colonialism did indict the development of capitalism in this country. What we have today are small enclaves in terms of capitalism. The larger part of our population is peasantry. A peasant does not subscribe to the law of surplus. A peasant subscribes to the law of subsistence. A peasant uses his resources and energy in order to produce for himself. He does not engage in surplus production. To the extent that we have to integrate the peasants in this country in a capitalist development, we have to use the State. That is what history has for us. If you look at the Soviet Union, it was the same. In Europe, it was the same. So, the expectations that we should use the private sector to integrate the peasants is wishful thinking. But what is important for us to recognise is that the bulk of this country is composed of peasants. It is not composed of capitalists. Capitalists are people who use their capital to accumulate more. The middle class is a very small portion in this country. We still need the State to play that critical role.

Mr. Temporary Deputy Speaker, Sir, it is also important to enhance the implementation capacity of the Executive. I know that when hon. Kathangu spoke here, he made comments in respect of illegal and illicit brews. He was saying that by *de facto*, the State has allowed illicit brews to be produced and consumed. He tabled a document here. I have critically looked at the document and I think that, by and large, he misled the House! There is no way the State can authorise its people to consume poisonous commodities in order to die. The fact of the matter is that the over 200 people who consumed the illicit brew got it from an illegal source. The person who distributed that particular brew has been arrested. The victims of that particular brew are in hospital.

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister for Medical Services to refer to what caused the calamity in Mukuru Kaiyaba and other areas as brews, when he knows that it is methanol which is poisonous?

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, it must have been brewed before methanol was added. Let me say that I have just visited the Kenyatta National Hospital. I spoke to some of the victims. They told me that they visited their usual joints assuming that it was the normal drink that they normally take, only to find that it was sweeter. That also made me believe that not all that tastes sweet is good! So, they suffered that way. May I also say that those victims were not from Mukuru Kaiyaba only. There were people from Kiserian, Kiambu, Dandora, Kaiyaba and many other places in the outskirts of the City. The point that I would like to emphasise is that the Government has banned those particular brews. The police and the Provincial Administration have been trying to stamp them out. I know that many cases have been raised here, and arguments debated in this House with some people trying to defend the rights of people to continue consuming such brews. So, when one hon. Member stands up in this House and says that it is the Government which authorised the brews, then one wonders what authorization means in this particular case. All that I would like to say is that in the interest of democracy and development of the country, it is important to strengthen the three branches of the Government.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate interrupting my colleague because I know he is very good in what he does. But is it in order for the hon. Minister to mislead the House about the killer brew, when he knows very well that hon. Michuki's Motion against illicit brews was unanimously passed by this House? Is it in order for the Government to deny, when it knows very well that in Central Kenya, Nairobi and areas dominated by the Opposition, it is deliberately encouraging distribution of those brews for a particular agenda?

The Temporary Deputy Speaker (Mr. Musila): Order! I would like Dr. Anangwe to respond to that point of order. But I would like to caution hon. Members that we are debating the Parliamentary Service Bill. I know there is some relevance in what is being raised, but could we stick to the Bill?

The Minister for Medical Services (Dr. Anangwe): Mr. Temporary Deputy Speaker, Sir, when hon. Kathangu spoke, he raised that particular issue. He left it hanging. So, it is imperative that we respond to the issue.

But let me respond to the issue that hon. Gatabaki has raised. Let me declare that brews like the ones he has mentioned, including chang'aa, are illegal. Secondly, they are not consumed only in Central Province. They are consumed all over the country. Therefore, the particular allegation that it is consumed in Central Province is misleading. It is a political statement that is unjustified, unwarranted and does not hold any water.

With those few remarks, I beg to support.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I would like very strongly to support the Bill before the House.

Right at the very outset, I would also like to say that the passage of this Bill will constitute an important milestone in the creation of checks and balances, which we started dismantling as a country way back in 1964. When we talk about checks and balances, we are talking about distributing the exercise of power between different authorities and different institutions. This is because as the saying goes: Power corrupts and absolute power corrupts absolutely. It is necessary to distribute the exercise of power among different institutions in order for one institution not to be tempted to abuse that power.

Mr. Temporary Deputy Speaker, Sir, when you look at the situation that was obtaining back in 1963, we had, for example, a situation where different institutions were given power. These institutions were insulated and were not amenable to political manipulation. For example, if you look at the Constitution that was handed over before we started amending it in 1964, you will see that there was complete separation of the Civil Service as an institution and the Chairman of the Public Service Commission enjoyed constitutional security of tenure as did the Members of PSC. The Public Service Commission was absolutely in charge of the Civil Service. It was responsible for hiring staff and setting their terms of service. It also dealt with matters of discipline. All this was left to the Public Service Commission under a Chairman who enjoyed constitution security of tenure. That is the reason why in the 1960s and 1970s, if a young man or woman had to choose between taking a job in the private sector or in the Public Service, the young man or woman opted to work in the Public Service since he or she knew that he could hold his job because they had some security. They could serve the Civil Service until retirement and they knew what to get on retirement. They knew their terms of service and the benefits due to them on retirement. Consequently, one knew that if you had a job in the Coca-Cola Company, you did not enjoy the same security as you did in the Civil Service. But we have regrettably dismantled all that. Today, we say that any civil servant, from the messenger through to the head of the Public Service Commission holds office at the pleasure of one individual.

Mr. Michuki: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform hon. Muite that the Commissioner of Police enjoyed security of tenure so that he was independent in the supervision of the law of the land. This was taken away by the Moi regime.

Mr. Muite: It is a point of information which I am grateful to accept from the hon. Member for Kangema.

The Minister for Medical Services (Dr. Anangwe): On a point of order, Mr. Temporary Deputy Speaker, Sir. One of the Standing Orders here is that Members must be responsible for the accuracy of what they say. I dispute that particular argument which has been presented by hon. Michuki that the Commissioner of Police used to enjoy security of tenure until President Moi took over. Can you substantiate your claim? Can you produce here an amendment of that particular provision in order to sustain that argument?

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, I do not think that the Standing Orders will require us to substantiate what is obvious. If the hon. Minister goes to the library here and looks at the Independence Constitution, he will see all those provisions of laws that was provided for that. The Commissioner of Police was entirely independent and so was---

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Michuki, Dr. Anangwe persists because you are really responsible for that accuracy. I suggest you be given time to bring the document you are referring to next Tuesday.

Continue, Mr. Muite.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the point I was making here is that when we have a situation where in the entire Civil Service, each civil servant holds office at the pleasure of one individual, we have rendered the original insulation. This is because the rationale behind giving the security of tenure to the Chairman of the Public Service Commission was to insulate the civil servants from being manipulated politically. Therefore, when you remove that neutrality and security of tenure and when you make them hold office at the pleasure of one individual, then the question arises: Are those civil servants public servants to serve the Republic or are they, in fact, serving the political interests of one individual? That is what we have ended up with. It is a demonstration of the importance of distribution of the exercise of power to different institutions. I do hope this will be a first step that we shall move forward and reinstate the original position where the Civil Service in this country was exclusively under the Public Service Commission. Therefore, the Civil Service will be insulated completely to serve the public good rather to pursue the political interests of one individual.

Mr. Temporary Deputy Speaker, Sir, this is because if one has got a family and he is a civil servant and knows that the person at whose pleasure he holds office can dismiss him today without any disciplinary measures, then, of course, he is going to do and implement the wishes of that individual, irrespective of what the law says. It is an entirely unsatisfactory situation. We must reinstate and restore the integrity and insulation of the Civil Service. As hon. Michuki says, in fact, at Independence, he was not even called the Commissioner of Police. He was called the Inspector-General of Police occupying the position of the Commissioner, and it is true the police again because of their unique position, enjoyed constitutional security of tenure. They had their own service commission. The Inspector-

General of Police enjoyed security of tenure so that in the entire police force, recruitment, promotions and transfers were entirely left to him, thereby enabling the police to serve the public and follow the law rather than the wishes of one individual. However, we have a situation today where one individual is able to say: "Today, you are an Inspector of Police, but tomorrow, you are the Commissioner of Police; or "today, you are the Commissioner of Police, but go home since I have sacked you". The question arises: Is the police force in this country serving the law for the public or the wishes and whims of one individual? This is the deplorable situation that has brought about the fact that even when the police officers know that the law or the IPPG package states that no licence is required for a political rally, they go ahead and clobber innocent citizens of this country. This is because if they do not do that, they will be sacked. For example, if the OCPD, the OCS or chief superintendent is telephoned and told to stop a rally in Eldoret, then that police officer will ignore the law and implement illegal directives of one individual irrespective of what the law says because that officer knows---

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would he do us some good by naming this one individual he is talking about? Who is this one individual?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I assume everybody in this House knows that the entire Police Force from a constable to the Commissioner of Police hold office at the pleasure of the President. All civil servants, regardless of their rank, hold office at the pleasure of the President.

However, the point I was making here is that as long as we do not distribute the exercise of this power, we will continue to have this entirely unsatisfactory situation where illegal orders are implemented by police officers because they know they will be sacked if they do otherwise. If the OCPD does not beat hon. Achola when he is told to teach him a lesson, of course, he will be sacked or transferred to a far place. He will be victimised. We can no longer afford to have this sort of situation.

Mr. Temporary Deputy Speaker, Sir, if you look at the Provincial Administration, you see that it is the same situation, right from the sub-chief, DO, DC up to the PC. All hold office at the pleasure of the President. These are very powerful institutions and the reason for the creation of the Provincial Administration was the suppression of the African people by the colonial Government.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is not addressing himself to the Bill. The Bill before the House is the Parliamentary Service Bill. The matters contained therein do not talk about the things the hon. Member is talking about. I think you should ensure that hon. Members are relevant and to the point of the Bill. It is not a Bill where you can say anything under the sun.

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, Standing Order No.87 is very clear on this. It says:-

"Mr. Speaker or the Chairman of Committees, after having called the attention of the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or the arguments used by other Members in debate, may, after having first warned him direct him to discontinue his speech."

I have not yet reached that point. But I just want to draw the attention of hon. Members that they should be relevant to the Bill we are debating. Indeed, I have already cautioned another hon. Member previously. So, may I ask hon. Muite to proceed and be relevant to the Bill.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, with absolute respect to the Chair, I said from the outset how very strongly I support this Bill. However, I am just elaborating on my basis for supporting the Bill; namely, the importance of distributing power. In supporting this Bill, I hope we are not going to end there. It is the first milestone. I am demonstrating why it is so important for this House to pass this Bill. That is why I am talking about the other institutions.

Mr. Temporary Deputy Speaker, Sir, to wind up the issue of Provincial Administration; all I was saying is that it was Lord Lugard who invented the institution of the Provincial Administration. In Britain, they do not have a Provincial Administration. So, that was the point I was making, that we must distribute these powers so that the Provincial Administration will serve the public rather than serving the political interests of one individual. When we pass this Bill, we must go forward and look into all these other institutions that will continue to be obstacles to true democratisation and to true checks and balances.

Mr. Temporary Deputy Speaker, Sir, to come back to the Bill before the House, if you look at the situation that obtained before this Bill, you will agree with me that whoever holds the purse calls the tune. As long as you have got a situation where there is a one line hierarchy to one person, enabling him to determine the salaries of the staff who will serve Parliament, then nothing will change. The control of money is a very important issue.

Mr. Temporary Deputy Speaker, Sir, previously, members of staff of the National Assembly knew who was determining their salaries. They also knew who had the powers to transfer or fire them. Those members of staff were

vulnerable. They were truly serving the Executive rather than this House. They were committed to making the Executive happy. The importance of this Bill is that we shall de-link the staff of the National Assembly from the Executive so that they can truly and impartially serve the National Assembly of the Republic of Kenya. So, that is very important. This is only a first step; we need to examine what other obstacles are in the way of Parliament asserting its independence or autonomy. Those are issues that we need to address. We cannot rest merely by passing this Bill. For example, let us look at the House Business Committee that decides what we are going to debate and when we are going to debate it. It is a very important Committee. When you look at that Committee, the majority of its members are from that side of the House. So, the ruling party is able to impose its will on this House by using its majority on the House Business Committee. How did the ruling party arrive at that majority in the House Business Committee? They got a majority of Members of Parliament through, or as a result of, unfair elections. This is something that needs to be addressed. I am talking about statistics. In 1992, the combined percentage of the votes that Members on this side got was 66 per cent and we ended up with 88 Members of Parliament. In 1997 elections, the Opposition got a combined vote of 62 per cent and we ended up with 103 MPs.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to give my learned friend two pieces of information. First, this nation; Kenya, is composed of 42 tribes and the consensus that we have is that each community must be represented and that population must never be the basis for doing everything in this country. There is no reason to punish those who are practising family planning. In fact, we should reward them by giving them more privileges. That is the policy. The second piece of information which the hon. Member may not have read because he is a very busy lawyer is the politics of the USA recently. Al Gore has won the popular vote but he may not be the President of the USA because regional support is very important.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I accept the explanation given by the hon. Sunkuli. However, we need to strike balances. First of all, we must admire the way the USA is going about resolving the issue in Florida. If it was KANU, it would have called in the GSU and then announced that they have won. That would have been the end of the matter. But both sides in the USA respect the law and they are trying to resolve that issue through the law and in a civilised manner. So, there is a point of departure between KANU and what is happening in the USA.

(Laughter)

Mr. Temporary Deputy Speaker, Sir, even in the United States of America (USA), the representatives in the Lower House of the Congress, which has the real power, are elected on the basis of the population. It is the Senate that takes into account the regions. That is why there are fewer Senators and more Congressmen and Congresswomen. What I am saying is that those issues should also be re-visited here; we must come to a situation where we equate a vote. We have the worst examples. I am talking about in Nyanza, Central and Nairobi Provinces; the average number of voters in Nairobi, Central and Nyanza Provinces is 40,000. This is not acceptable.

If we had a situation where we, truly, gave each vote equal weight both in the 1992 and 1997 general elections, there would have been a majority of Opposition Members of Parliament; you will realise that what I am saying is a fact if you look at the statistics. What I am saying is that these are issues which we need to re-visit if we are to re-distribute power and be democratic. The House Business Committee is dominated by the Government, because of the result of that unfair election. Even after the 1992 general elections - and I am not saying this by way of criticism - our colleagues used the majority they got from the results of that unfair election to elect the Speaker of this House.

So, we need to re-visit the issue of the Government domination of this House and its Committees. Particularly, we should re-examine the domination by Government of the most important House Business Committee and the election of the Speaker. We should also review the Standing Orders, so as to allow this House to manage its business without one of its sides dominating decisions on how to manage our debates. It is unsatisfactory to have a situation where hon. Members can debate Bills that are not important to the public for as long as they wish, but stop discussions on urgent matters through the Standing Orders. The powers given to the Speaker by the Standing Orders are excessive. We want the right to decide what to discuss for how long to be reinstated to this House through reviewing the existing Standing Orders or through coming up with a new set of Standing Orders altogether.

Elsewhere, Parliament would suspend its scheduled businesses and debate current matters of national importance right through to midnight, if necessary. For instance, right now, we should be discussing the re-current closures of this country public universities since the Government is not addressing the real causes of the problems that we have at those institutions. If we had a Standing Order which permits a certain number of Members of Parliament to stand up, even without notice, and say: "We want to suspend the discussion of this Bill and discuss the situation at our public universities", we should be able to debate the problems at those institutions.

We should re-examine all these matters if the authority and autonomy of Parliament is to be of benefit to

Kenyans. So, I hope that once we pass this Bill, we shall move to the next stages and assert the authority of this House. I can see that my friend, the Attorney-General, is looking at me. Before this House starts asserting its authority, I would like him to continue earning for being the legal advisor to the Government; that is why he is being paid from taxpayers' money.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to insinuate that I get paid from the taxpayers' money and he does not? He also gets paid from the taxpayers' money.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I get paid allowances from Parliament, and it is true that it comes from the taxpayers' money. But I do not enjoy the security tenure which the hon. Attorney-General enjoys; he can serve until he is 90 years old, if he wants to. He is a civil servant, and he has got better terms of service. I am saying that because of the salaries we pay him as the Legal Adviser to the Government. Mr. Wako, please, you must bring a Bill to this House in order for hon. Members to respect and honour the duties imposed on them by Section 16 of the Constitution of Kenya. The Attorney-General knows that Section 16 imposes a duty on this House to fix the number of Ministries. Why has that been breached?

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to anticipate debate because he is bringing a Motion to the House on that matter?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, there is no Bill before this House whatsoever. It is true that I am seeking leave of the House to introduce that Bill, but I am doing that job for you, during my spare time, and I am not getting paid for it. If you did it tomorrow, I shall be very happy to withdraw my Motion.

The Attorney-General (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. The issue is anticipation of a debate and he has confirmed that he has given notice to this House of a Motion that he intends to bring.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am not debating about the Motion that I will bring. I am drawing the attention of the Attorney-General to the further actions that this House will take in order to discharge its constitutional responsibilities. I am giving it as an example, and I was suggesting that now that we are going - and I hope it will be so - to pass this Bill, the Attorney-General should not just sit back and leave that responsibility to hon. Members. He should anticipate these matters and bring Bills which we are going to support. If he does not do it, of course, we are going to do it for him.

I do hope that when this Bill passes, we are going to give support staff and services to hon. Members. If you go to the other parliaments, even in England or US, you will find that a Senator or Congressman has got an office, secretary and research assistants seconded to him or her and they are paid by the State. We need to get to that level. We hear that a building was purchased, and I do not know what has gone wrong. Why can we not have offices?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Muite! Your time is up. Mr. Raila, I have only got two minutes for you; would you like to start now and continue next time?

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I will start now.

The Temporary Deputy Speaker (Mr. Musila): Proceed.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, I am very grateful for the opportunity to contribute to this Bill which is very important.

We have been talking about the clear separation of powers between the Executive, Judiciary and Legislature. We are saying that we started with the Constitution that provided for a very clear separation of powers at Independence. Then, the amendments that have been introduced over the years have completely eroded that separation of powers, and this is what we want to bring back - by passage of this Bill. We need to take a decision, as a people and country, over the route we want to travel by way of the Constitution. Do we want to travel the parliamentary route or the Presidential System because once that decision is taken, then, many other things will fall in place. At the moment, we have grafted a presidential system on parliamentary system so that the animal that we have is a mule; it is neither a horse, nor a donkey.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Raila! You will continue on Tuesday. Today being a Thursday, I have two items on Zero-Hour under Standing Order No.20(a).

Yes, Mr. Mboko.

MEMBERS' HALF-HOUR STATEMENTS

ALLOCATION OF KIBOKO LAND

Mr. Mboko: Mr. Temporary Deputy Speaker, Sir, I would like to seek a Ministerial Statement from the Minister for Lands and Settlement. In 1989, people who claimed to be landless were allocated land in Masongaleni Settlement Scheme and in Kiboko "A" Settlement Scheme. In 1999 people who also claimed to be landless were

allocated land by the Government at Kiboko "B" Settlement Scheme. From 1989 and 1999 respectively to date, these people have not taken up the land which was allocated to them by the Government. Since these people---

The Temporary Deputy Speaker (Mr. Musila): Mr. Mboko, you are only allowed 120 seconds and they are up. You have 50 more seconds.

Mr. Mboko: I am asking the Minister to issue a Ministerial Statement regarding that allocation and if possible to revoke it and settle the actual landless persons.

The Temporary Deputy Speaker (Mr. Musila): Is the Minister for Lands and Settlement here or the Leader of Government Business?

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, we will get the Minister to respond to that on Tuesday, next week.

RANSACKING OF CHAPASULE HEALTH CENTRE

Mr. Mboko: Mr. Temporary Deputy Speaker, Sir, this is a matter concerning a health centre in my constituency called Chapasule Rotary Health Community Centre. It is a health service which was supported by Rotary International and the funds were managed by the PCEA Church which has a dispute to settle with the residents. On 2nd November, vehicles bearing registration numbers KVQ 201; KAE 242M and KAC 220C were used to vandalise the health centre. This was done with the support of the Administration Police attached to Kibwezi Police Station. I reported the matter to the OCS, Kibwezi, on 7th November, this year, but to date, no action has been taken. The people who took the drugs and other materials deposited them in a local church in Kibwezi. When I went there, I was told that the DC, Makueni, gave the instructions that the health centre be vandalised. I need a Ministerial Statement on that issue.

The Temporary Deputy Speaker (Mr. Musila): The matter is addressed to the Office of the President.

The Minister of State, Office of the President (Mr. Nassir): Mr. Temporary Deputy Speaker Sir, I am very pleased to hear what hon. Mboko has said. The matter is in our hands and hon. Maj. Madoka will reply to it on Tuesday at 2.30 p.m.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time to interrupt the business of the House. The House is therefore adjourned until Tuesday, 21st November, 2000, at 2.30 p.m.

The House rose at 6.35 p.m.