

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Tuesday, 11th April, 2000

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### NOTICE OF MOTION

#### IMPLEMENTATION OF PRE-FEASIBILITY STUDY IN TAITA TAVETA DISTRICT

**Mr. Mwakiringo:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, in view of the fact that Kenya is experiencing continuous food shortages due to continued drought, and taking into consideration that water from rivers and lakes could be used for irrigation and other domestic uses, this House urges the Government to implement the pre-feasibility studies undertaken by AFRISCO firm of Israel and Coast Development Authority (CDA) in 1994/95 in order to pump out water from Lake Challa in Taveta Sub-district for domestic, irrigation and livestock use in Taita-Taveta District and the Nyika plateaus.

### QUESTIONS BY PRIVATE NOTICE

#### SHOOTING OF MEMBERS OF PARLIAMENT

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

(a) Could the Minister give a comprehensive report on the shooting of the two Members of Parliament by unknown people at the intersection of the Jogoo and Outer-Ring Roads on 20th February, 2000?

(b) How many people have, so far, been arrested and charged with the shooting of the two Members?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Speaker, Sir, I beg to reply. I had, in fact, answered this Question but there were a few things which I was to clear. First, there was the complaint that the suspect had been under police custody for longer than was required. However, in fact, there was some error. The police did report the actual date when this suspect was arrested which was 27th March and not 27th February. The police gave the right information but the officers in my office put it as 27th February. So, I do apologise for that error. The suspect was charged---

**Mr. Speaker:** Mr. Minister, if my recollection is correct, is this so-called suspect now an accused person?

**The Minister of State, Office of the President (Maj. Madoka):** Yes, he is, Mr. Speaker, Sir.

**Mr. Speaker:** If that fellow is an accused one, the matter is therefore before court. Is that not so?

**The Minister of State, Office of the President (Maj. Madoka):** I agree, Mr. Speaker, Sir.

**Mr. Speaker:** So, you want to proceed, that notwithstanding?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Speaker, Sir, I am basically reporting what happened, that he was charged in court on Friday.

**Mr. Michuki:** On a point of order, Mr. Speaker, Sir. Given the information that is now within the domain of the public from the victims that the man who is now supposed to have been apprehended is not the one who did it, is the Minister in order not to make this fact an issue within his reply?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Speaker, Sir, in fact, last time I did say that there were two major suspects who we are trailing and, in fact, one of them fits the description which was mentioned by hon. Leshore.

**Mr. Speaker:** Mr. Ojode, I think you have to be very careful on how to get into the heart of this issue.

**Mr. Ojode:** Mr. Speaker, Sir, it is true that you have even heard how the Minister has answered. He is

evading the Question which was asked. He knows very well that the person who has been charged is not the man who actually shot my colleagues. He knows it! This is "my son" and yet, they have left "the father" that is the "big man". Let the Minister come up and tell us where "the father" is, since he is the one who shot my colleagues and he should be arrested and taken to court?

*(Applause)*

Mr. Speaker, Sir, I think you have seen the way they have hurried with this Question. When I filed this Question in the first instance, I was replied through a newspaper. After that, the Minister himself came over and said in this august House that he will be able to reply on a Thursday. On Thursday, he never showed up. He deferred the Question without even my notice.

**The Minister of State, Office of the President** (Maj. Madoka): On a point of order, Mr. Speaker, Sir!

**Mr. Ojode:** I am still on the Floor! Order!

*(Laughter)*

**Mr. Speaker:** Order! Order, Minister! Order, Mr. Ojode! The two of you will have to follow my directions. So, if I call you to order, you come to order immediately. Mr. Minister, what was your point of order?

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, is the hon. Member in order to mislead this House because I was here on Thursday and it was the Deputy Speaker who told me to come and respond to the Question today?

**Mr. Speaker:** Why do we not leave this thing now?

**Hon. Members:** No! Let us go ahead!

**Mr. Ojode:** Mr. Speaker, Sir, these two gentlemen are suffering and one of them will be maimed for life. If we do not discuss this issue in this House, next time it might be you. Who knows? Let the Minister come up and tell us why the person who shot these two Members of Parliament has not been arrested up to now? I even mentioned to him that it is being said that the man parted with Kshs300,000 in order to secure his release. He has not even responded to that allegation up to now.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Speaker, Sir, again that is not correct. When he charged that this gentleman had parted with Kshs300,000, I told him to produce evidence that this money had actually been given. We have no such evidence.

**Mr. Ojode:** On a point of order, Mr. Speaker, Sir. Let us be sober while answering this Question. The first reason is because I did inform the Minister that there were two conflicting versions when these two fellows were arrested the same day. Let him come up and tell us what were these two conflicting versions?

**Mr. Speaker:** Order! Order! I think there is one thing that I want to say in response to the Minister. I do not think it is really proper to tell Members of Parliament to adduce evidence. All the Police Force is under you, Mr. Minister!

*(Applause)*

I think the best you can do is to investigate his claim and come and say; "Mr. Speaker, Sir, he is absolutely wrong. My investigation is such that he cannot be right." But I do not think you can respond by saying; "bring evidence". I do not think that is the role of hon. Members.

*(Several hon. Members  
stood up in their places)*

Order! Order! I thought I said we are all aware that this matter is *sub judice*?

**Hon. Members:** No!

**Mr. Speaker:** Order! Order! It is! Is it not?

**Hon. Members:** No!

**Mr. Ojode:** Why?

**Mr. Speaker:** Order! Order! Mr. Ojode, you are telling the Minister that "your son" or whoever you referred to as "My Son" is charged for this matter. You would have preferred the "father", but it is not your preference that counts, it is the fact that somebody is already facing the charge. We do not want to prejudice this issue, either for the prosecution or for the defence. I think the law is so simple and straightforward that, once a matter is *sub judice*, it is *sub*

*judice* and we cannot talk about it.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. The Minister is completely misleading this House. The person who was arrested was clearly the fellow who was in the *matatu*; it is not the person who did the shooting. The person who shot the hon. Members is well-known and he has not been arrested up-to-now. The police know the person and they have already got information from the tout as to who this person is. Could the Minister tell us why they have not arrested the actual man who shot the hon. Members?

**Maj. Madoka:** Mr. Speaker, Sir, what I did say is that, these two fellows are being followed up. We are pursuing them. We know their residence, we have followed them and, obviously, they are on the run.

**Mr. Shill:** Mr. Speaker, Sir, could the Minister confirm or deny that the two Members of Parliament were shot because some people who are in the Government are not happy about the way they are handling Moi succession?

*(Applause)*

**Maj. Madoka:** Mr. Speaker, Sir, I am not aware of that.

**Mr. Michuki:** I am confused, Mr. Speaker, Sir. As far as we know, the man who shot the two Members of Parliament has not been arrested but the tout has been arrested. I am seeking your guidance whether we can be stopped from discussing this matter when the wrong person is arrested and the person who did the shooting is still free. How can we regard this a *sub judice* matter when it is not quite correctly being explained? I am confused as to whether we should regard it as *sub judice* issue or not?

**Mr. Speaker:** What would you like me to do?

*(Several hon. Members  
stood up in their place)*

Order! Order! The rule of *sub judice* is simple as this; "do not prejudice the case between, either the State or the individual to the extent that you do not get to the merit on the case of the Republic against this person called "My Son." If you can keep away from "My Son", then to that extent I may listen to what you have to say. But if you get anywhere near that to either say he is guilty or not guilty, then, you are guilty of the *sub judice* rule and I will rule you out of order. To that extent, keep it away, as to the guilt or otherwise, of the person before court.

**Mr. Muite:** Mr. Speaker, Sir, is the Minister aware or will he concede that quite often the innocent people are taken to court, charged, sometimes convicted and hanged when the guilty people get away with it? For example, is he aware that, Mr. Njenga, who is supposed to have shot Tom Mboya, is not the person who killed him and yet he was tried, convicted and hanged?

**An hon. Member:** Was he hanged?

**Mr. Parpai:** On a point of order, Mr. Speaker, Sir. Is the Minister not misleading this House when it is on record that, last Wednesday, he told this House that the actual person who shot our colleagues is still at large? Is he then not misleading this House when he says that, whoever shot the hon. Members is in court? Where are these fellows? He says he knows where they are!

**Mr. Speaker:** I do not think that is what the Minister said.

**Mr. Parpai:** He said that!

**Mr. Speaker:** Mr. Minister, what did you say?

**Mr. Parpai:** He said it and it is on record!

**Mr. Speaker:** Order! Order! Mr. Minister, what did you say today? I thought you did not say what is he alleging now?

**Maj. Madoka:** Mr. Speaker, Sir, let me recap the whole incident so that the picture may be clearer.

*(Loud consultations)*

**Mr. Speaker:** Order! Order! If you will not allow the Minister to say his piece, I will proceed to the next Question! Mr. Minister, say your piece. You have to give him a chance to say his piece.

**Maj. Madoka:** Mr. Speaker, Sir, I feel it is necessary to recap the whole incident because the picture is not quite clear. After the collision of the hon. Members' car and the *matatu*, the driver and another tout left the scene to go and call the owner of the vehicle. One of the other touts who was in the *matatu* remained behind.

**An hon. Member:** Where?

**Maj. Madoka:** At the scene of the accident. While he was there, for a short while, he left and went elsewhere and came back with the two other people. After these two people came, that is when these two hon.

Members were shot. When these two hon. Members were shot, these two people who had come with this third tout ran away, according to the information we have. So, this other tout who has appeared before court could well be an accomplice and that is why he was appropriately charged.

**Mr. Muiruri:** Mr. Speaker, Sir, it is very normal that when somebody has been shot or attacked, he is the only person who can identify the assailant. What I am asking is whether this person has been identified by our colleagues? If this man you are calling "My Son" has not been identified by hon. Leshore and hon. Shidiye, why then--

**Mr. Speaker:** That is where you are wrong! You are now trying to judge that person, either innocent or guilty here. I said keep off "My Son".

**Mr. Muiruri:** Thank you, Mr. Speaker, Sir. But all the same, this man who is now in custody, what evidence does the police have in view of the fact that, he has not been identified by hon. Shidiye and hon. Leshore?

**Mr. Speaker:** Order! Order! Again I repeat, I do not know for the tenth time that we cannot sit here and judge either the guilty or innocence of that person. Therefore, I said we keep off that person. The rule of *sub judice* does apply. Anything not related to that particular individual, yes, we may listen. But not the guilty or otherwise.

**Mr. Angwenyi:** Mr. Speaker, Sir, could the Minister confirm to this House whether or not this attempted murder was a political assassination?

**Maj. Madoka:** Mr. Speaker, Sir, I did say that at the moment, we have no information to show that there was any political motive behind this incident.

**Mr. Ojode:** Mr. Speaker, Sir, we have heard from the Minister that there are some culprits whom they are still pursuing. Could he tell us the names of these culprits?

**Mr. Speaker:** Mr. Ojode, do you want them to run out of Kenya? I will not allow him to give their names here.

**Mr. Ojode:** That is where "my father" is! If he could mention the names of those two culprits, members of the public could as well assist them.

**Maj. Madoka:** Mr. Speaker, Sir, I have the names of those culprits, but I will not divulge them at this stage.

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

**Mr. Speaker:** Order, hon. Members! In your zest to voice your concern about the injury to your colleagues, you could very well do a lot of damage to the ability of the police to apprehend those people. So, you had better be careful because you may damage the ability of the police to proceed any further. I do not think I should allow that.

**Mr. Wanjala:** On a point of order, Mr. Speaker, Sir. Severally, we have seen in newspapers names and photographs of criminals who are wanted by the police. Has this ever prevented policemen from arresting those suspects? Some have been arrested while others have been shot by police!

**Mr. Speaker:** Order, hon. Members! I do not think we are really interested in theatrics. What you are probably interested in, is to see that the culprits are apprehended. I think we should let the police and the Minister do the best they can. Next Question!

#### POLICE ATTACK ON MOURNERS

**Mr. Oloo-Aringo:** Mr. Speaker, Sir, I beg to ask a Minister of State, Office of the President, the following Question by Private Notice.

(a) Why did the police, on 19th February, 2000 attack mourners who were conducting funeral rituals at the graveside on Mrs. Mathlida Onundo at Rasanga Village in Ojwando "A" Sub-location in Ulongi and destroyed sacred funeral ritual paraphernalia?

(b) Why did the Officer-in-Charge, Siaya Police Station, together with several police officers from outside Siaya District trail my car for three days from February 28th, 2000 and further attempted to ambush my car on Wednesday 1st March, 2000 at Pap Kakan Primary School?

(c) What action has the Minister taken to ensure that Members of Parliament are free from intimidation and harassment by security personnel?

**The Assistant Minister, Office of the President**(Mr. Samoei): Mr. Speaker, Sir, I beg to reply.

(a) On 19th February, 2000 four police officers who were escorting eight suspects found in possession of an illegal brew to Siaya Police Station were attacked by a group of mourners who were at the home of the late Mathlida Onundo. The mourners injured the four policemen, freed the suspects and disappeared with the exhibits. The police officers called for reinforcement and the OCS, Siaya, arrived at the scene and arrested 12 persons among the mourners after they were identified by the attacked policemen. No sacred funeral paraphernalia was destroyed as alleged.

(b) No police officer tried to ambush the hon. Oloo-Aringo between 28th February to 1st March, 2000 or on

any other day as alleged.

(c) Mr. Speaker, Sir, I promise to take action, if there is any evidence to the affect that our security personnel have harassed the hon. Member or any other hon. Member in that case.

**Mr. Oloo-Aringo:** Mr. Speaker, Sir, this is a question of the violation of the human rights of the people we represent in this House. Our funerals have very elaborate rituals. This was the third day when the families were assembling for some of the rituals some of which involve the use of *busaa* to escort the dead. Without respect to our rituals, the police stampeded the place and poured down our *busaa!* Is the Assistant Minister right to call *busaa* an illegal brew when we actually need it to escort the dead?

*(Laughter)*

**Mr. Samoei:** Mr. Speaker, Sir, as I rightly put it, the police got involved in the incident in Mr. Onundo's house after they had been attacked by the mourners.

Mr. Speaker, Sir, those policemen were on a different mission, separate from the funeral arrangements that were going on at the home of Mr. Onundo. They were attacked by the mourners because the lady who raised the alarm had one of her relatives arrested as a suspect.

**Mrs. Mugo:** Mr. Speaker, Sir, would the Assistant Minister tell this House why the police are spending so much time harassing innocent people who are going about their business, for instance, escorting the dead while there is so much crime everywhere in the country? The police are not arresting those people who commit crimes and kill people everyday! Are we paying the Police Force to harass innocent people when they are going about their business or to contain insecurity in this country?

**Mr. Samoei:** Mr. Speaker, Sir, the hon. Member has put it very well that our Police Force is paid to maintain law and order in the country. That is as it is supposed to be. I am not aware of any incidence where policemen have harassed mourners or people who are involved in such ceremonies. I stated very clearly that during this incident in question, the policemen were actually attacked.

**Mr. Ngure:** Mr. Speaker, Sir, could the Assistant Minister confirm or deny that the people who were arrested by the police were carrying brew that was their contribution to the funeral arrangements?

**Mr. Samoei:** Mr. Speaker, Sir, I said the suspects in question had already been arrested by policemen and they were being escorted to Siaya Police Station. They had no link whatsoever to the funeral that was taking place at Mr. Onundo's house.

**Mr. Ngure:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister telling us that the Government had a list of the people who were supposed to attend that funeral? How do you know that those people were not connected to the said funeral?

**Mr. Samoei:** Mr. Speaker, Sir, we do not have a list of the people who attend funerals. That would be a very tall order for us. However, I said that the people in question had already been arrested and they were being escorted to Siaya Police Station. As they passed near the house of Mr. Onundo, a certain woman raised alarm and the policemen were injured in the melee that ensued. Those suspects were actually freed by the mourners and the exhibits that were being carried by them were taken away by the mourners. That is why the police took action.

**Mr. Oloo-Aringo:** Mr. Speaker, Sir, the Assistant Minister is taking this Question lightly, but it is an abomination to desecrate the funerals of our people. May I inform the Assistant Minister that I was instructed by the elders to come and "curse him" and the Government for that action!

*(Laughter)*

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to introduce something closer to intimidation before the House under any circumstances?

**Mr. Speaker:** Order! Order! If there are several things that he should not do in this House, among them, is to curse. The second one is to bring witchcraft. The third one is to bring sorcery. The fourth one is to intimidate and the fifth one is to do anything that makes the House unpalatable. So, Mr. Oloo-Aringo, would you withdraw your threat of curses?

*(Laughter)*

**Mr. Oloo-Aringo:** Mr. Speaker, Sir, with all due respect, I withdraw the curse. But the Assistant Minister must take this Question seriously, because I was trailed by police officers after midnight. Literally, they parked near

my own village home and we actually confronted and arrested one of them and handed him over to the police. How can the Assistant Minister deny that I was not ambushed half a kilometre away from my own home, when my own "smart security" arrested one of his own officers trying to do that?

**Mr. Samoei:** Mr. Speaker, Sir, such an incident has not been reported.

**Dr. Ochuodho:** Mr. Speaker, Sir, funerals in Luoland are a very solemn activity. Going by the reply given by the Assistant Minister, we cannot be sure that, it is not a collaborated presentation. There is no way Luos would leave a funeral to go and attack policemen. It does not tally. However, the problem of policemen harassing innocent Kenyans but leaving the thugs, is a major problem in Nyanza Province. Recently, we remember that in Kendu Bay, wananchi raided a police station which they wanted to burn down. This is because they are dissatisfied with the performance of the Police Force. Can the Assistant Minister tell us why is it that, when politicians and innocent Kenyans are being chased; we have policemen in abundance, but when there are criminals to be chased so that justice can be done; there is a shortage of policemen? Why these double standards?

**Mr. Samoei:** Mr. Speaker, Sir, our policemen are ready and available to combat crime as and when it is committed. I am not aware of the abundance or the availability of many policemen whenever Kenyans are being chased left and right. I am not aware of such incidents.

**Mr. Mwenje:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order when I can substantiate with my own case, that the other day, 500 policemen came to arrest me because I had said that the shooting of the two Members of Parliament was simply because of succession? They arrested me and kept me there, only to release me after two hours, and you saw it here in this House. Is he in order? Can he tell us why they are chasing and harassing Members of Parliament, including Messrs. Orengo and Gatabaki and many others?

**Mr. Samoei:** Mr. Speaker, Sir, we have never had 500 policemen to arrest Mr. Mwenje. We believe a single policeman is capable of arresting him!

**Mr. Angwenyi:** Could the Assistant Minister assure this House that the police would not follow up and arrest people attending funerals and other traditional rituals with *busaa*? Can he assure this House that they would not be arresting those people who are carrying out those rituals with *busaa*?

**Mr. Samoei:** Mr. Speaker, Sir, I want to give an assurance to this House that no funeral with its attendant paraphernalia, if there are away would be dispersed by the Police Force. It has never happened and it will never happen.

**Mr. Speaker:** Next Question, Mr. N. Nyagah.

#### OWNERSHIP STATUS OF SHAURI MOYO ESTATE

(**Mr. N.M. Nyagah**) to ask the Minister for Local Government:-

- (a) What is the ownership status of Shauri Moyo Estate, comprising of 197 houses in Kamukunji Constituency?
- (b) Could the Minister give names of all heads tenants associated with the Estate and further state who authorised the sale without the authority of a full council?
- (c) In view of the above, could the Minister inform the House the action the Government has taken to address this issue?

**Mr. Speaker:** Mr. N. Nyagah's Question is deferred.

*(Question deferred)*

**Mr. Speaker:** Next Question, Mr. Sungu!

#### ACUTE WATER SHORTAGE IN KISUMU MUNICIPALITY

**Mr. Sungu:** Mr. Speaker, Sir, although I have not received a written reply as required by the Standing Orders; I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that Kisumu Municipality is currently facing an acute water shortage resulting in the outbreak of life-threatening-water-borne diseases?

(b) Is he further aware that the Municipality is unable to carry out urgent repairs to the water network because of lack of funds despite the fact that Government departments, parastatals and individuals owe the Council large amounts of money?

(c) What urgent measures will the Minister take to avert this dangerous situation?

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

(a) Yes, I am aware.

(b) I am also aware that the Kisumu Municipal Council is experiencing some financial constraints.

(c) The Ministry is working closely with the Council to increase water supply, quality control, efficient management of water billing system, fair distribution of available water and enhancement of revenue collection from water.

**Mr. Sungu:** Mr. Speaker, Sir, is the Assistant Minister aware that, in fact, the chief officer in charge of water supply in Kisumu, Mr. Matagaro, and his deputy, Mr. Ngigi; between themselves have erected over 100 water kiosks in Kisumu, while blocking the pipe that supplies residents like Manyatta and Nyalenda and other areas and yet, they have put their own relatives in charge of these places to make money on a daily basis when the residents of Kisumu are suffering from cholera and other water-borne diseases which have broken out recently? What action is he going to take against these chief officers who have recently been suspended by the Council?

**Mr. Affey:** Mr. Speaker, Sir, I am not aware about the activities of these officers, but I am glad to note that already they have been suspended by the Council. We shall investigate this case and act accordingly.

**Mr. Muchiri:** Thank you, Mr. Speaker, Sir. Is the Assistant Minister aware that in Nairobi; there is also a shortage of water, especially in Kasarani, Dandora and Dagoretti? This water is being used by well-connected people for irrigation.

**Mr. Affey:** Mr. Speaker, Sir, I am not aware. We are now dealing with Kisumu and I do not think that we are dealing with the issue in Nairobi. Can you request the hon. Member to file a Question on that, if he is interested?

**Mrs. Mugo:** On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to mislead this House when just last year, he assured this House that water would be treated and supplied in Nairobi, especially to Dagoretti? Nothing has happened and he stands here to say that he is not aware of Nairobi. He is saying that he was only asked about Kisumu and yet, he is living in Nairobi and he is an Assistant Minister in that Ministry. These Ministers are joking! I think they are not taking their jobs seriously, and we recommend that President Moi removes them or they should resign.

**Mr. Affey:** Mr. Speaker, Sir, with all due respect, I would request the hon. Member to file appropriate Questions.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, the question of water problem in Kisumu is very serious. To hear the Assistant Minister say that they have been doing all they can with the Council to improve the water situation; an answer which was given about four years ago, is lamentable. It is known that the water pump and the water purifier in Kisumu has not been working for the last three years. It is also known that the water treatment plant and the water treatment chemicals have all been mismanaged over the last two years. The Government has this information and it cannot wait upto now to answer hon. Sungu, the way it does. My question is: Can the Assistant Minister explain to this House---

**The Assistant Minister for Labour and Human Resource Development** (Mr. Maizs): On a point of order, Mr. Speaker, Sir. Is my colleague, hon. Prof. Anyang'-Nyong'o, in order to speak from the Dispatch Box when he was recently "fired" by his Party?

*(Laughter)*

**Mr. Speaker:** What did he say?

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, "small minds" always think of small things!

*(Laughter)*

**Mr. Speaker:** Order! Order! Professor, I think, the two of you are really giving this House a very bad name. I hope both of you will rise above that. Proceed.

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, my question was: Can the Assistant Minister explain to this House exactly what plans he has for dealing with the water situation in Kisumu and how soon that plan will be put into effect, so that Kisumu residents do not need to buy one *kube* of water at Kshs45 when they are residing next to the largest fresh water lake in the world?

**Mr. Affey:** Mr. Speaker, Sir, we have undertaken two studies, and it has been recommended that there should be a two-tier approach, to deal with the water problem within local authorities in both urban and rural areas. In urban areas, the supply of piped water was to be expanded to 68,000 cubic metres daily. This capacity will meet the water

requirements for up to the Year 2015. The implementation of these recommendations would have started late last year. It was, however, not possible to do so, because the project was supposed---

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

**Mr. Affey:** I have not finished answering the question, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. Sungu?

**Mr. Sungu:** Mr. Speaker, Sir, the Assistant Minister's answer is not correct. We know for sure that the chief officers the Assistant Minister has mentioned are the ones who have frustrated the project, which was to be funded by the Japanese International Co-operation Agency (JICA). Is the Assistant Minister, therefore, in order to mislead this House that the project will take off soon when we know that the two officers have frustrated it, so that it could not go on, while people in Kisumu are suffering?

**Mr. Affey:** Mr. Speaker, Sir, I have already given an undertaking that those officers will be dealt with accordingly. I was only trying to reply to the hon. Member's Question to the extent of our involvement as Government. The Ministry of Local Government will also have released the Kshs15.9 million from the Local Authorities Trustee Fund (LATF) by 15th April, 2000. Part of those funds will be used to facilitate the laying of sewer lines on Seko Toure Road. The Lake Victoria Environmental Management Programme (LVEMP), which is being funded by the World Bank, has also released Kshs200,000 towards the rehabilitation of conventional treatment works. This has significantly improved the water situation in Kisumu Town. Also, the councillors of Kisumu Municipality have resolved to form a company to run the Municipal's Water Department on commercial basis, as an autonomous entity, and we have encouraged them to do so.

**Mr. Raila:** Mr. Speaker, Sir, any Government official who admits in public, officially, that he throws raw sewer into a lake whose water is being used by human beings for domestic purposes, should be arrested and prosecuted, and not suspended from his job. More importantly, JICA had already done the study referred to by the Assistant Minister. The Japanese Ambassador to Kenya has said that his Government is waiting for the Kenyan Government to ask them to start funding the project. Could the Assistant Minister give an undertaking that the Government of Kenya will sign an agreement with the Japanese Government, so that the said water project can be implemented immediately?

**Mr. Affey:** Mr. Speaker, Sir, I can give that undertaking. We have already gone very far in the negotiations regarding the said project. The project proposals and request for the funds needed are with the Treasury for bilateral discussions between the Governments of Kenyan and Japan.

**Mr. Speaker:** Let us go to the next Question!

**Mr. Sungu:** On a point of order, Mr. Speaker, Sir. I have evidence here - which I can lay on the Table of this House - to the effect that Government Departments and various State Corporations owe Kisumu Municipal Council over Kshs70 million. That Council is unable to repair even small burst pipes, which lead to the estates, where people are dying of cholera. Could the Assistant Minister undertake to impress upon those Departments and State Corporations to release that money, so that the Municipal Council can repair the works?

**Mr. Affey:** Mr. Speaker, Sir, first of all, the hon. Member is misleading this House. Government Departments and State Corporations owe Kisumu Municipal Council Kshs33,283,030, and we have already raised the matter with the relevant Departments.

**Mr. Raila:** On a point of order, Mr. Speaker, Sir. Only last week, myself and the Member for Kisumu West, hon. Omino, went to the Ministry of Finance. It is on record that the Government owes Kisumu Municipality Kshs77 million; the Kenya Power and Lighting Company wants to disconnect the electric power supply to the water source. Is the Assistant Minister in order to say that the Government owes the Municipality Kshs33 million when the same Government has admitted that it owes the Municipality Kshs77 million?

**Mr. Affey:** Mr. Speaker, Sir, I am not speaking from rumours. We have evidence here, which I will lay on the Table of this House, to the effect that Government Departments owe Kisumu Municipal Council Kshs33 million, and not Kshs77 million as has been claimed by the hon. Member. Besides, we have requested the Municipal Council to, hence forth, stop providing services to those Departments if they do not pay.

**Mr. Speaker:** Very well; let us go to the next Question by Private Notice.

#### TRANSPORT LICENSING BOARD REQUIREMENTS ON SPEED

**Mr. Kathangu:** Mr. Speaker, Sir, I beg to ask the Minister for Information, Transport and Communications the following Question by Private Notice.

Following the worst accident witnessed in Kenya's history along the Nakuru-Kericho Road on 30th March,



2000:-

(a) Could the Minister update the House on the TLB requirements on speed?

(b) Could he give the time schedule of the two buses involved in the accident from their start to the intended destinations?

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

(a) The TLB has no requirements on speed. Such requirements are, however, contained in the Traffic Act, Cap. 403, Section 42. According to this Act, speed for all commercial vehicles, including mini-buses, *matatus* and public service vehicles, and excluding self-driven and hired cars, while travelling on any type of road, is limited to 80 kilometres per hour.

(b) The Akamba Bus Company has a time-table, which shows the times of departures at start and arrival at destination of journeys by its buses, as required by law. The company's bus that was involved in the said accident left Kisumu at 10.15 a.m., and was supposed to arrive in Nairobi at 5.30 p.m. To-date, the management of Shaggy Bus Company is yet to produce such a time-table for its buses. According to records held by the Registrar of Motor Vehicles, there is no indication that the said Shaggy bus held any TLB licence, or that it had applied for one. In this regard, it is apparent that, that bus was operating without a TLB licence, and investigations have been instituted with a view to taking legal action against its operators, or against any other parties who may have been negligent in enforcing the traffic laws.

**Mr. Kathangu:** Mr. Speaker, Sir, we are dealing with a very serious issue; many Kenyans lost their lives in that accident. I would, therefore, like to know how the Ministry of Information, Transport and Communications links up with the Police Department in this country, so as to assure Kenyans of their safety on the roads? Secondly, if it is true that the said Shaggy bus did not have a TLB license, is it also not true that the Minister for Information, Transport and Communications and the Police Commissioner are guilty of murdering many Kenyans on our roads?

**Mr. Lengees:** Mr. Speaker, Sir, the Minister for Information, Transport and Communications only licenses bus owners and the operators of those buses. The implementors of the rules and regulations, as provided for in the Traffic Act, are the police. As I said earlier, the said Shaggy bus had no TLB licence. Investigations into that issue are still going on. If the investigators find that the said bus did not apply for a TLB licence, legal action will be taken against those responsible.

**Dr. Kituyi:** Mr. Speaker, Sir, the Shaggy Bus that had been involved in a tragic road accident had collected additional passengers from another Shaggy Bus, which had, had an accident just before Nakuru Town. And without a TLB licence and more than 80 passengers, this bus passed through police road blocks. What action has the Government taken against the police officers who manned the road blocks through which the Shaggy bus passed before the accident occurred?

**Mr. Lengees:** Mr. Speaker, Sir, I think that is a different Question which should have come under the Office of the President.

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. Does the Assistant Minister expect me to repeat a Question which has been asked or I should ask a different one? He cannot refuse to answer my question because it is different. In fact, it was supposed to be.

**Hon. Members:** It is related to the main Question!

**Mr. Speaker:** Order! Order! I think on a matter as serious as this, where Kenyans lose their lives in tenths or hundreds, we should get a little more serious. I think the Assistant Minister is speaking on behalf of the Government, which must "speak" to itself. If you are in the Ministry of Information, Transport and Communications and you want to deal with an errant bus company, you can talk with your colleague in the Office of the President and get the necessary police assistance.

**Dr. Kituyi:** Now, answer the question!

**Mr. Lengees:** Mr. Speaker, Sir, I cannot answer that question. The only thing we can do, as the Ministry of Information, Transport and Communications, is to liaise with the Office of the President and give more information later on.

**Mr. Anyona:** Mr. Speaker, Sir, the meaning of the answer that the Assistant Minister gave when he said that this company was operating without a TLB licence is that two courses of action should have been put in place immediately. First, the operations of that bus company should have been suspended. Secondly, that operator should have been charged, because the Assistant Minister has said that he is sure that the bus did not have a TLB licence. Neither of the two actions seem to have taken place. Would it really be right for this House to leave this matter at that? Is it not possible that if the Assistant Minister cannot answer this Question, it is transferred to the right Ministry?

**Mr. Lengees:** Mr. Speaker, Sir, as I said earlier on, the case is being investigated and as soon as it is finalised,

legal action will be taken against the Shaggy Bus Company operators.

**Mr. Wamae:** Mr. Speaker, Sir, if this particular Shaggy Bus did not have a TLB licence, it is possible and likely that all the other Shaggy Buses do not have TLB licences. What has the Assistant Minister done to contain the situation? Has he rounded up all the buses now?

**Mr. Lengees:** Mr. Speaker, Sir, as soon as investigations are complete, we will have---

**Mr. Wamae:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that they will take legal action against the company when investigations are complete and, yet, so many people have died? Does he need weeks and some days to do investigations to establish whether Shaggy Buses have TLB licences?

**Mr. Lengees:** Mr. Speaker, Sir, I know it is a very serious issue and I would like to state that as soon as investigations are complete, we will take legal action against the owner.

**Dr. Kituyi:** Bw. Spika, jambo hili linahusu watu wengi katika taifa hili. Vile umesema, watu wengi wamekufa. Uchunguzi wa leseni ya TLB katika magari ya usafiri ni jambo ambalo unaweza kufanya kwa dakika tano. Tangu uanze kufanya uchunguzi, ni magari mangapi ya Shaggy umepata yana leseni ya TLB na ni hatua gani umechukua kwa yale ambayo hayana? Tafadhali heshimu jamii za wale watu ambao wamekufa.

**Mr. Lengees:** Mr. Speaker, Sir, I cannot give any information or establish anything about the Shaggy Bus Company up to now, but we will have to give some information later on.

**Mr. Angwenyi:** Mr. Speaker, Sir, could we defer this Question because it is very important? Our people have died on the road and the Assistant Minister does not know whether those vehicles have got TLB licences or not. Could we defer the Question until he gets proper information to bring to this House?

**Mr. Speaker:** Just before I do that, as a matter of interest, Mr. Assistant Minister, if a bus does not have a TLB licence, is it supposed to be on the road or off the road?

**Mr. Lengees:** Mr. Speaker, Sir, it is supposed to be off the road.

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. In the light of what he is saying, could he explain whether the TLB does anything after collecting money, or they just collect money and go away? They do not do anything!

**Mr. Speaker:** Order! Order! I think, in fairness to all those concerned, I will give the Assistant Minister a little more time to look at the buses which do not have TLB licences. It may be very interesting to find out the number of buses which do not have TLB licences and the number that ought to be out of the road. Mr. Assistant Minister, how much time do you require?

**Mr. Lengees:** Mr. Speaker, Sir, I can come back with an answer on Thursday afternoon.

**Dr. Ochuodho:** On a point of order, Mr. Speaker, Sir. Since he has given an answer on the TLB, the other point of interest is insurance for the deceased and their families.

Could he also bring some information on that?

**Mr. Speaker:** Order! That is not part of the Question. Do not overload the Question.

**Mr. Kathangu:** Mr. Speaker, Sir, lastly, the Assistant Minister has said that they have nothing to do with the speed of the vehicle, but we wanted to know how the Ministry links up or liaises with the traffic policemen when it comes to speed on the road?

**Mr. Speaker:** Well, I suppose by giving him this time--- Mr. Assistant Minister, can I give you up to Tuesday, next week?

**Mr. Lengees:** I think it is okay, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Assistant Minister, I will give you up to Tuesday, next week so that you have ample time to find some answers for all those questions. I defer that Question until Tuesday, next week.

*(Question deferred)*

CANCELLATION OF TENDER  
BY GTZ PROCUREMENT UNIT

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

(a) Is the Minister aware that Tender No.IFB 2686/98-99ICB-008 was cancelled and has been re-advertised as Tender No.IFB2686/89-99ICB-014 by GTZ Procurement Unit on behalf of the Ministry of Health?

(b) Is he further aware that the cancellation and re-advertisement of the tender is in breach of the World Bank Procurement Guidelines 2.56 and 2.61?

(c) Since these arbitrary cancellations and re-advertisement of tender create unnecessary delays and artificial shortages in the procurement of drugs and medical supplies, could the Minister examine and review the procurement

guidelines and procedures of GTZ and MOH and rectify the tendering system in the health sector?

**The Minister for Medical Services (Dr. Anangwe):** Mr. Speaker, Sir, I beg to reply. (a) I am not aware that Tender No.IFB 2686/98-99 ICB-008 has been cancelled. However, I am aware that there was lack of response for bids on some of the items in the said tender. These items and others have now been included in a new Tender No.IFB 2686/98-99ICB-014 that has now been advertised by the GTZ Procurement Unit on behalf of the Government.

(b) I am not aware that there has been a breach on the World Bank Procurement Guidelines 2.56 and 2.61 as Tender No.IFB 2686/98-99 ICB-008 was not cancelled as alleged. Indeed, the relevant guideline is paragraph 2.59 which allows the Government the right to reject bids.

(c) Given the answers to "a" and "b" above, "c" does not arise.

**Mr. Anyona:** Mr. Speaker, Sir, I know that the Minister was not in the Ministry when this matter took place and he is trying to do a great deal to correct some issues in the Ministry, and he must accept the assistance of the House to do that. Paragraph 2.56 talks about the extension or validity of bids. In this particular case, the tender was awarded for nine items and the rest were deferred. I would like the Minister to explain why between 3rd December, 1998 and 3rd March, 1999 there were seven extensions on the nine items that were actually awarded. Why could the Ministry not dispose of those nine items which they decided to award? What was the problem?

**Dr. Anangwe:** In this particular tender there were 40 items. Having gone through the adjudication process only nine items were agreed upon. The World Bank, in the review of the Evaluation Report gave no objections to nine items. The fact that it may have taken this long and some adjustments were made here and there is because it is within the purview of the procurement process and the unit to do so.

**Mr. Anyona:** Mr. Speaker, Sir, I would allow a reasonable period of extension, but seven extensions actually lasting eight months is not reasonable. In any case, can he answer this other question? There were four lots among those nine items; lot 3.1, lot 4.1, lot 5.1, lot 6.1 and lot 7.1. If you compare the difference between those who were awarded those four tenders and those who might have been awarded, there is the difference of US\$808,101 which translates to about Kshs1 billion. In other words, the Ministry of Health paid an extra Kshs1 billion by awarding tenders to companies that should not have been awarded. Can the Minister therefore, tell us the number of the four who were awarded those lots and who were the lowest?

**Dr. Anangwe:** Mr. Speaker, Sir, what underpins this question is the issue of price. In the bidding process there are many other considerations. Firstly, one has to provide the bid bond. Secondly, there must be a letter of authority and an indication of country of origin. The price consideration comes at the tail end of the process. Once a bidder has fulfilled the other requirements then you come to the price.

When you come to the price, the primary consideration is that the person who offers the lowest price gets it. In the listing of the various bidders, there were 23 bidders in this case. When qualifying people through the various parameters you may end up with say, number 14 in terms of price because the others who preceded from 1 to 13 have failed under the other considerations. The fairest assumption is that indeed, one may have done the bidding and may have been number one in price, but he may not have fulfilled the other considerations which are very critical in drug procurement. We cannot put to risk the lives of patients just because of the price. There are also technical evaluations which are imperative so that we have the right bid going through.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir, Could the Minister tell us which particular condition these bidders did not fulfil to cost the country another Kshs1 billion to purchase from this person?

**Dr. Anangwe:** Mr. Speaker, Sir, we have a profile of all the bidders who went through this process and these particular requirements are public. One of the requirements was eligible country. The other ones were; bid form, bid security, qualification to perform contract ITB 134B and many others. These were the considerations one had to bear in mind and in the process some pre-qualified while others failed. This information is public. The trend these days is that when we are opening bids all these particulars are taken, published and distributed back to the bidders so that they know where they stand in these calculations.

**Mr. Anyona:** Mr. Speaker, Sir, I understand the general scenario the Minister is explaining is right. However, I asked a specific question. I gave him a list of four lots which are here and the numbers. The companies that were awarded are also given. I was asking him to tell us the prices of those companies as opposed to the lowest, second lowest, or third lowest, whether he would admit that the Ministry paid about Kshs1 billion. I do not have to read the list, I will table it.

*(Mr. Anyona laid the document on the Table)*

Regarding those four lots, could he tell us if they were number one, two, three or four? Who was the lowest in each case?

**Dr. Anangwe:** Mr. Speaker, Sir, there were 23 bidders and in the course of the process a lot of data was generated. I have the raw data and I would still need more time to digest it and give him a definite answer.

**Mr. Angwenyi:** On a point of order, Mr. Speaker, Sir. Would it not be in order for the Minister to be given a definite time when he can bring us a complete answer? The country is losing a lot of money through these tenders and as you know we do not have that kind of money. Can he be given time?

**Mr. Speaker:** Order! Mr. Angwenyi, you do not rule here, do you? So, you do not stand there to give everybody directions.

Next Question, Mr. Kiunjuri!

WATER SHORTAGE DUE TO FARMING  
ACTIVITIES IN LAIKIPIA

**Mr. Kiunjuri:** Mr. Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice:-

(a) Is the Minister aware that the following rivers in Mt. Kenya Forest namely; Nyariginu, Nanyuki, Likii, Sirimon and Tigithi have already dried up down-stream as a result of intensive farming activities by both small and large scale farmers upstream?

(b) Is he further aware that the tension is mounting as thousands of families and animals living down stream have no access to drinking water?

(c) What immediate action is the Minister taking to avert water disputes and avail water to the people of Laikipia who live down stream?

**The Minister for Water Development (Mr. arap Ngeny):** Mr. Speaker, Sir, I beg to reply.

(a) The rivers; Nyariginu, Nanyuki, Likii, Sirimon, Rongai, Tigithi, Naromoru and others emanating from Mt. Kenya Forest have had their dry weather flows drastically reduced and in some cases drying-up in the lower points due to mainly the prevailing weather conditions, increased human activities like farming and encroachment of water-catchment areas. However, River Ngarengiro from Mt. Abadares is having reasonable flow of water towards Ewaso Nyiro.

(b) I am not aware.

(c) I have already issued a ban on irrigation during the day in these areas and in other parts of the country. My officers on the ground have clear and firm instructions to ensure equitable distribution of this valuable water.

**Mr. Kiunjuri:** Mr. Speaker, Sir, I would expect the hon. Minister to reciprocate for the respect he accorded to the people of Laikipia by coming there and saw the destruction that is there. I would like the Minister to take notice that the advice he was given by the officers on the ground is deserving. However, I would only like the hon. Minister to assure the people of Laikipia that the Government is now making every effort to ensure that they have the water they need?

**Mr. Ng'eny:** Mr. Speaker, Sir, I would like to assure this House that the Government will do everything possible to ensure that the available water resources will be adequately and effectively made available to every mwananchi in an equitable manner.

**Mr. Gatabaki:** Mr. Speaker, Sir, with all due respect to the Minister, is he not misleading the House and the nation? The truth of the matter is that the Government is intending to destroy certain communities in certain areas of Kenya by deliberately encouraging destruction of forests, and, subsequently, those rivers, so that those communities are destroyed because they do not support this immoral Government.

**Mr. Speaker:** Before the Minister answers, maybe, I should ask Mr. Gatabaki where the Uaso Nyiro River flows to.

**Mr. Ng'eny:** Mr. Speaker, Sir, in fact, very soon, as the Minister for Water Development, I am going to issue a Ministerial Statement with regard to the preservation of water catchment areas throughout this Republic.

**Mr. Kibicho:** Mr. Speaker, Sir, could the Minister confirm whether all the people who are drawing water for irrigation from these rivers have been licensed to do so?

**Mr. Ng'eny:** Mr. Speaker, Sir, all the water users, particularly large-scale water users, have been licensed. That is why I said we informed them that water should not be used during the day to enable us enforce those licences.

**Mr. Speaker:** That marks the end of Question Time!

**POINTS OF ORDER**  
SHOOT TO KILL ORDER

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. Exactly a week ago today, the hon. Maj (Rtd) Madoka, the Minister of State, Office of the President, in charge of internal security was quoted in the print media to have ordered the police to shoot what he called "criminals" to death. Since that day, the hon. Minister has not made any statement that has been reported anywhere, denying that he had said that. Could the Minister be availed an opportunity to tell the House under what authority he allows the police force to contravene the provisions of Section 71 of the Kenya Constitution?

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Speaker, Sir, I would like to be given an opportunity to make a full Ministerial Statement.

**Mr. Speaker:** Any time you feel like making it I am prepared to give it to you.

**The Minister of State, Office of the President (Maj. Madoka):** Thank you, Mr. Speaker, Sir.

#### MISREPORTING BY *KENYA TIMES* NEWSPAPER

**Mr. M.M. Galgalo:** Mr. Speaker, Sir, on 6th April, 2000, the *Kenya Times* newspaper published my photograph under the title "Galgalo Flays MPs Opposed to Committee on Review Act". I never made any comments in my speech on the Parliamentary Select Committee on the Constitutional Review Act. I am, therefore, demanding that the *Kenya Times* newspaper publishes an apology with my photograph on the same page with the same boldness.

**Mr. Speaker:** Next Order!

#### MOTION

##### THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 28th March, 2000.

*(The Vice-President on 29.3.2000)*

*(Resumption of Debate  
interrupted on 6.4.2000)*

**The Minister for Education (Mr. Musyoka):** Mr. Speaker, Sir, I would like to thank you for according me an opportunity to contribute to this important Motion before the Floor of the House, namely that, this House records its thanks for the exposition of public policy, contained in His Excellency the President's Speech, when he opened this Session of Parliament.

Mr. Speaker, Sir, I would like to take this opportunity to pay tribute to His Excellency the President for a very solid Speech giving, as it were, the state of the nation. His Excellency the President did not hide the fact that this nation is currently faced with tremendous challenges. From the economic front, His Excellency the President was able to call on us as Members of this august Assembly to join him in the fight against poverty. In fighting against poverty, we are not to be divided along party lines.

Mr. Speaker, Sir, I would like to take this opportunity to urge hon. Members to treat the Office of His Excellency the President with the decorum it obviously deserves. Therefore, when some of us use language that is unbecoming of this Assembly, I am sure, you will indulge me in saying that such practice has to be objected to. I remember we do open every sitting of the House with a prayer. The Kiswahili version of it reads thus:-

"Mungu atujalie tufikirie na kutenda mambo yote yatakayofikishwa mbele yetu kwa njia ya haki na uaminifu, ili sifa zake Mwenyezi Mungu ziendelezwe, na ili kustawisha amani na ufanisi, na heri ya nchi yetu".

It therefore, becomes a bit of a shock when taking the privileges that are attendant of our being here, we take the opportunity to pour scorn and use unbecoming language. I am referring to the remarks made by hon. Murungi with regard to the performance of His Excellency the President, in his capacity as the President of this country.

Mr. Speaker, Sir, I would like to agree with His Excellency the President when he clearly says that we have to all fight corruption, and that all of us have to recognize that the AIDS pandemic is, indeed, a major challenge to this country. When His Excellency the President says that we have to do everything possible to ensure that the children of this country receive proper quality education, I can only but agree with him. Therefore, in trying to fight against poverty, I believe I will be justified in calling all my colleagues to come out, rise above partisan positions and be able

to call a spade a spade. When His Excellency says we should not politicise poverty, one cannot help but agree with him entirely. We cannot use poverty afflicting our people to further partisan interests. We all know that slightly over 50 per cent of Kenyans now live below the poverty line, and that, indeed, is a major challenge. We, therefore, hope that the development partners, the World Bank and the International Monetary Fund will come to a very quick agreement with our colleague, the Minister for Finance, and his team, so that we can together face up to the challenge posed by the problem of poverty.

Mr. Speaker, Sir, I hope that I will have time to comment in detail on the question of Constitution-making and the review of the Constitution. His Excellency the President alluded to the need for all of us to get rid of suspicion and any form of hypocrisy, so that we can end up with the kind of Constitution that will serve this country well into the millennium. I can very quickly mention that one of the clear stated positions is that all the 28-plus million Kenyans are all, indeed, stakeholders when it comes to the crucial question of Constitution-making and review of the Constitution. As I said, since I was a Member of the Parliamentary Select Committee Reviewing the Constitution of Kenya Review Act of 1997, I do not want to anticipate debate on that matter, but I hope that I will have an occasion to catch your eye, so that I can make my contribution when the Chairman of the Committee makes his presentation.

Mr. Speaker, Sir, suffice it to say that many of us are perturbed. In fact, I would like to seek the Chair's guidance because as soon the Report of the Committee was presented before this House, we witnessed all kinds of statements. Many of them were from Members of this House, who are otherwise governed by the Standing Orders. In my own understanding, this Report is properly before the House, and it is its property. But I am perturbed that we have taken the opportunity to even discuss the findings of the Report before it is formally moved by the Chairman of the Committee. Then, it appears to me that we need to respect the Standing Orders of this House because they have served us well.

Mr. Speaker, Sir, therefore, I really wanted to take this opportunity to firmly support the Motion before the House in so far as it does not hide any---

*(Loud consultation)*

**Mr. Speaker:** Order, hon. Members! I think there is too much loud consultation. Proceed, Mr. Minister, but which Motion are you supporting? Are you supporting the Motion that is coming, or the one before the House?

**The Minister for Education** (Mr. Musyoka): Mr. Speaker, Sir, I am obviously supporting the one and only Motion before the House. I am thanking His Excellency the President for his exposition of public policy and the state of the nation to this House when he officially opened this August Assembly. I think it was a very useful beginning into the new millennium and, therefore, all of us should feel energised to give the very best in terms of what God has endowed us as individuals and as the National Assembly for the betterment of our people, particularly regarding the economic plight. I was very impressed that His Excellency the President did not hide any facts. He said that we have to fight corruption, and he is at the forefront in the fight against it.

Mr. Speaker, Sir, therefore, even when it comes to the District Tender Boards, I am greatly thankful that His Excellency the President went into details to say that even at that level of the District Executive Committee, a number of things tend to go wrong. I think he sent out a very useful warning; that what Kenyans expect is the delivery of services, so that we can all together fight the scourge of poverty that is afflicting our people.

Mr. Speaker, Sir, with those few remarks, I beg to support the Motion.

**Mr. Orenge:** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Motion before the House. Some time after the War, in 1949, Mzee Jomo Kenyatta wrote a very interesting book called *Facing Mount Kenya*. Thereafter, Mr. Tom Mboya wrote a book, *The Challenge of Nationhood*, which came after the book that he had written, *Freedom and After*. Of course, everybody knows that anybody who has been to any reputable university in East Africa read Mr. Jaramogi Oginga Odinga's book on *Not Yet Uhuru*. Since many of us have not written any book like our predecessors Mzee Kenyatta, Mr. Mboya and Mr. Odinga, if I was to propose a title for such a book, I would propose *The Unmaking of Kenya*. I know that there is a book which has been written, *The Making of a Statesman*, but it was not written by a Kenyan. But that is the title I would recommend for anybody who wants to write a political treatise on Kenya.

Mr. Speaker, Sir, the reasons why I am saying that is because after Independence, whether it was "flag" Independence or not, there were good prospects for growth and prosperity in this nation, and everybody was committed towards that goal. But, regrettably, in the last one-and-half decades, we have seen more on the collapse and decay of our economy. Those hopes that we had in 1963 were completely removed, and right now, if one looks critically at the Kenyan economy, and a lot has been said about the Kenyan economy, it looks to me that there is evidence; and I am convinced that there is evidence; there are those who have invested in the failure of Kenya, both as a nation and as an economy. They are like the war merchants who thrive in a situation of war, and like the military

industrial complex in the stronger economies who survive when there is war between nations and people.

Mr. Speaker, Sir, then, what has emerged, because of our failures and bad governance, is that Kenya has become a classic neo-colonial State. The reason why I am saying that is because of this: All of us should not forget that the fruits and riches of this nation have been developed through the sweat of the people. When you look at that institution called the Kenya Railways Corporation, it has been built with the tax, sweat and blood of the people of this nation. When you look at the Kenya Ports Authority, it did not come about by accident; it came through the sweat, blood and contribution of the people of this country. If you even look at the old Kenya Posts and Telecommunications Corporation and the Agricultural Finance Corporation, you will find that they were built through the sweat and blood of Kenyans, who suffered to ensure that we have a nation based on strong foundations. But you can now see that we are engaging in an exercise where we are selling off to the lowest bidder, I dare say, all those institutions that Kenyans have long struggled to sustain and build. Even in a case where we know that the Government cannot pay salaries--- For example, right now, even the teachers have not been paid. I have been to so many towns and I saw teachers lining and waiting for their salaries. I even dare say that, right now, within Parliament, people are not being paid their allowances. But you will find that this country has its precious national assets like land, and the Government is giving them out to people free of charge. You find that happening in Muhoroni; in fact, in the entire sugar-cane growing areas. You find that in a nation that is independent. It is a pity that after 30 years of Independence, the people of Mwea cannot get title deeds for land which belonged to their forefathers, and we are saying that ours is an independent and sovereign nation.

**The Minister for Education** (Mr. Kalonzo): On a point of order, Mr. Speaker, Sir. I would hate to interrupt my learned friend, but is it in order for hon. Orenge to mislead this House that he witnessed a case of teachers not being paid, when we know that teachers have actually been paid? If he thinks that there are some teachers who have not been paid, could he let us know, because it is not true?

**Mr. Orenge:** Mr. Speaker, Sir, it is true because I was in Siaya on Saturday. There was a meeting of teachers attended by the national chairman of KNUT. There was a party for all the officials of KNUT from the entire Western Kenya. All of them were telling me--- Up to yesterday, I was in Siaya and they had not been paid any money at all. This is part of your problem, that your information technology sector is not well advanced. Your computers belong to the age of say, 20 years ago. You had better look at them again.

Mr. Speaker, Sir, the point that I really want to make is: We cannot blame the IMF or World Bank. They do not have free money. They have their constituencies and taxpayers whom they have to account to. But what we have done, through mismanagement and corruption is ensuring that the World Bank has to put conditions on how we manage our affairs; so much that the Minister for Finance is more worried about satisfying the World Bank than either the Cabinet, this House or the people of Kenya as a whole. Look at the Poverty Eradication Paper we are writing now. We are like students who are writing a paper to be marked and examined by the World Bank. It will be taken to Washington DC to be marked, to see whether we have done the examination well and, therefore, we will be entitled to go to the next class. If you can go to the next class, you would be probably given money. If you are not given money, probably, more conditionalities are going to be put in place.

The World Bank has also made sure that we have a receiver manager for this economy in the name of Dr. Richard Leakey. If you think I am not telling you the truth, how many times do you hear, in the last one month, people talking about a Moi team? They are talking about a Leakey team. This is because that is a team that everybody is looking at. I think the only team that exists is the football team which Mr. Speaker belongs to, but as far as the Cabinet is concerned, it is not a team. If you hear how Ministers engage in an argument on how Mr. Nyachae and the other best brains on that side of the House cannot participate in the KANU election, it all means that we are not forming a team that can play a match that can bring about prosperity and development in this country. Therefore, if the Government and the Chief Executive have failed, the only solution is to fire the Chief Executive. Prof. Anyang'-Nyong'o has said this many times, and for seven years, we are not listening. But I can tell you again, until the Chief Executive resigns, this nation will continue to experience the same problems that it has experienced in so many years because you cannot explain why this country was doing so well for 15 years and then, suddenly, everything was going wrong. This Government believes in disorder and tribalism. Everywhere you go, people are talking about tribalism. Even when people are talking about succession, people are talking about which tribe is going to "eat". This is not what Kenyans fought for. Everybody wants to tear Kenya apart.

*(Applause)*

Who is going to speak for Kenya? I am proud that when the late Muliro and even His Excellency the President were in KADU, they were known as nationalists. Their counterparts in KANU were known as nationalists. The present leaders in Kenya are just a bunch of tribalists. Unless, we change that, we are tearing this country apart. That can only come about if there is sense in that direction because you are the people who are managing the affairs of

this nation. We need De Clerk who is prepared to surrender power for this nation, to be part of that Government, But not---

**The Minister for Science and Technology** (Mr. Kosgey): On a point of order, Mr. Speaker, Sir. Is hon. Orengo admitting that he is a tribalist?

**Mr. Orengo:** Mr. Speaker, Sir, hon. Kosgey was my messenger in university. Sometimes, he does not understand---

*(Laughter)*

**Mr. Speaker:** Time up, Mr. Orengo!

**The Minister for Science and Technology** (Mr. Kosgey): On a point of order, Mr. Speaker, Sir. If my memory serves me right, I left university before hon. Orengo joined it.

**Mr. Speaker:** So, what was your point of order?

**The Minister for Science and Technology** (Mr. Kosgey): Mr. Speaker, Sir, is Mr. Orengo in order to mislead this House? I am his senior and, therefore, I could not have been his messenger. On the contrary, he was my messenger!

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

**Mr. Speaker:** Order, hon. Orengo! I think I can facilitate further discussions between the two of you. You can proceed straightforward, go to the Lounge and have a very lively tea debate.

**Mr. Nyang'wara:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Motion on the Presidential Speech. Before I proceed, I have the following to say before this House. First of all, I have been quiet for a long time, and I even went to an extent of supporting the Select Committee on the Constitutional Reform Process, simply because I wanted the Government to respect my people. But it is unfortunate that the Government waited for the Select Committee to wind up its work, the following day, clashes erupted in my area and policemen are involved in fighting my people. I am asking the Government to be more serious and protect my people, and stop involving policemen in fighting them. If it continues doing so, then there will be no alternative, but my people will also arm themselves and fight the Government itself, not the Maasais.

Mr. Speaker, Sir, on the Presidential Address, I will start by talking about the issue of poverty eradication. Poverty has been brought about in this country by this Government. For example, in 1992 and 1997, the Government started tribal clashes. The tribal clashes made very many people very poor. Wananchi were rendered landless, their properties were looted, and many of them were killed. This was the real cause of poverty in this country. At the same time, the Government, in 1992, was scared of being defeated in the General Election. As a result, it printed money. There was so much money floating in the country and it brought about inflation. This inflation destroyed our economy.

Mr. Speaker, Sir, before we talk of poverty eradication, we should first talk of where it came from. Before the multi-party era was introduced, there was no poverty in this country. But when multi-partyism was introduced and the Government was scared of being defeated by the Opposition, it decided to destroy the economy. As a result, everybody became poor. The only solution is now to assist this Government to come out of this situation that it has put itself into. In order to eliminate poverty in this country, the Government should start by introducing free education to all Kenyans, from primary school to the university level. The Government should also introduce free medical services to all Kenyans because most Kenyans die because they cannot afford the cost of treatment in the most expensive hospitals. The Government should also consider compensating those people that were left landless during the tribal clashes, and those whose properties were destroyed. At the same time, it should also compensate those who died during the tribal clashes.

Mr. Speaker, Sir, we have been told that there is AIDS in Kenya. I also agree that there is AIDS in Kenya. The only surprising thing is that we had been told that somebody had discovered a drug known as "Kemron", and the Government spent a lot of money on this person who was being praised for discovering Kemron. It is surprising that Kemron does not exist at all. It would be wise for the Government to allow everybody, if necessary, to look for a cure for AIDS. For example, there was a man who had come up with an AIDS cure known as "Pearl Omega". It is amazing that this drug was almost curing people. I can confirm that most people who used Pearl Omega lived for, at least, more than four years before they died. The Government should allow people to discover these medicines so that we are not cheated in any other way that there is somebody discovering Kemron and money is spent on this. As result, we will become poorer because money will have been spent on things which are not effective.

On the issue of the constitutional review, it is very important that during the review of the constitution of any country, all citizens should talk in one voice. I am requesting that we should all be united so that the constitutional



review can go on. Those who hold different views should always come out with their views, so that they can also be incorporated into whatever Bill will be drawn up.

Finally, I would like to talk about unity, which the President talked about. I would first ask the Leader of the Official Opposition to unite his team. Once the Opposition side is united, it will always be supported by the right thinking Kenyans.

With those few remarks, I beg to support.

**Mr. Kiunjuri:** Thank you, Mr. Speaker, Sir. I would have supported the Address that was read by His Excellency the President if some assurances were given to Kenyans, and especially on very fundamental issues that were addressed.

Mr. Speaker, Sir, we have the question of poverty eradication. Every right-minded Kenyan should take heed of what the President said if it was to be implemented. We have issues that should be addressed first. We should not take a child who cannot walk to standard one. You should train the child, first, on how to walk and develop language before you take him to school. I am saying that on the Address that was given by the President, if some measures are not implemented, then we should be assured that we shall never reach the "blue sea".

There are some fundamental issues that we should address first before we can think of poverty eradication. The first issue is corruption. We have talked about corruption for the last 10 years. Those who have been involved in corruption have not been apprehended, and, secondly, those who have already been taken to court, the cases are there indefinitely and nobody is doing anything about them. The first measure that we should take is to make sure those people are prosecuted. We should not jail them, but they should give back all that they have stolen to the State. We should strip them of all that they have and get back all the properties that they have stolen from Kenyans. Secondly, we should give them a very light jail terms, put them on probation or have them come to sweep around Parliament Buildings for two months. This is because, jailing them will be like jailing the property of this nation. The billions of shillings that have been stolen, especially in the Goldenberg case, are enough to irrigate this nation. We would not be talking of drought in the North Eastern Province, and people could not be dying today if the culprits in the Goldenberg scandal were apprehended and the money they stole recovered.

Mr. Speaker, Sir, my teacher taught me four things. If you are to be sure of eradicating poverty and industrialisation, as Kenya intends to do in the year 2020, four things must be taken into consideration. First, for industrialisation to take place, you will have to have water, labour, communication and, above all, good governance must come in. We are addressing industrialisation and eradication of poverty by the year 2020 when we have not dealt with these issues. First, our infrastructures are the worst in the world. Nobody can drive comfortably on any road in Kenya. We have not yet been told what the Government is doing with the petroleum levy. With regard to the *El Nino* Fund, the Government has not even come up to explain how the money was spent. We are in the year 2000, which was only a dream to us, but we even do not know whether the Government will utilise the Fund. This Government must be serious first. It should think of the initial stages before thinking of the year 2020 as the year of industrialisation when it is not putting the mechanisms for that process in place.

Mr. Speaker, Sir, we will not have talked of anything if we will not have addressed the question of water. Today, all the rivers are drying up. What is this Government doing about it? If you went to all the forests in Kenya, you would see that they are no more. For example, Mt. Kenya Forest is no more. All the trees have been felled with no replacement, and nothing is being done. Half of the Aberdare Forest was burnt down the other day and now, considering the destruction that is coming up there, you can rest assured that we will not be having a forest in the next five years.

Mr. Speaker, Sir, Marmanet Forest is already being allocated. The President himself was to issue the title deeds for the said allocations. That is the only water catchment area that we have in Laikipia District. It would be a great shame if the President allowed the allocation and issue of title deeds in Laikipia, and especially for Marmanet Forest. Look at all the forests in this nation; for example, Kwale Forest, Migori, Lanen and Atacho forests; they have all been destroyed. We cannot talk about poverty eradication if we are not making proper use of water resources, and we are not safeguarding the water catchment areas. We are talking of famine, but it can only be eradicated by having water. The Government usually spends billions of shillings every year because of drought, when the Ministry of Water Development could tap water. The *El Nino* rain water went to waste. The rainy season has come and the Government has done nothing to tap water. The Government only talks about industrialisation and poverty eradication, but it has not taken any steps to do so.

Mr. Speaker, Sir, you cannot industrialise when you do not have people to work in the industries. Look at the health sector; it is wanting. We might be developed by the year 2020, but we will not have anybody to work there. The HIV/AIDS will have terminated the lives of thousands of Kenyans. We require good brains to work in the said industries so that we can eradicate poverty. Look at the way the universities are admitting students! It has been tribalised! Only a given tribe is admitted into our universities. Look at the medical schools; the admissions are only

meant for the "sacred tribes" in this country. Even in the armed forces, they have taken everything. The communities in work places note tribes. In the year 1882, Britain was not colonised. However, commissioners were sent to come and run the nation on behalf of France and Britain.

Mr. Speaker, Sir, today, what the "dream team" has done is to sell this nation to foreigners. Every share sold in the Kenya Commercial Bank and Kenya Reinsurance has gone to foreigners. We have sold this nation to foreigners. We have followed the track of Uganda, where the Government owns nothing. This is what has happened to Kenya. Kenyans own nothing! We have nothing for ourselves. We have sold the nation to foreigners. They will come here to run the nation so that they can be able to pay their debts.

Mr. Speaker, Sir, the Government is only concentrating on the issue of succession. We cannot talk about succession in the year 2002. In 1963, we talked of a transition because there was a new Government which came into place. In 1978, after the death of the late Mzee Jomo Kenyatta, we talked of succession because there was only a one-party State. We could have talked of succession at that time. All that the Government is doing is to convince Kenyans that there is a succession battle going on. The succession is only in KANU and not in the Opposition. We are not succeeding anybody in the DP. We already know our custodian is hon. Mwai Kibaki. But the KANU side, which has problems on who to succeed President Moi, has brought up the question as if it is a national problem. It is not a national problem. We want to put a Government in place. So, the question of succession should not arise!

Mr. Speaker, Sir, the ruling Government, which should be trusted on the issue of the Constitution, is not doing things right. Right now, what is happening in Kwanza is that many people have died there and, yet, we have the Government machinery in place! There is the regular and administration police and, yet, many people have died. The Government has done nothing about it. Even the Electoral Commission of Kenya Chairman, Mr. Kivuitu is now behaving like a small god, predicting that there will be low voter turnout in the elections. We know that, that is one of the bacteria which is biting us in the Opposition. What he is predicting is that KANU will win the seat. Already, he is predicting low voter turnout and, yet, he is not campaigning for any seat. That is setting a very bad precedent.

Mr. Speaker, Sir, we all know that wisdom comes with age, but, unfortunately, the Member of Parliament for Baringo Central is proving to the contrary. Wisdom goes with age---

**Mr. Speaker:** Order, hon. Kiunjuri! Even if you have not gotten the age, you must have basic wisdom! You do not insult your elders!

**Mr. Kiunjuri:** Thank you, Mr. Speaker, Sir. All I was trying to say is that he is tired now! He had better resign! The systems should not be set in place when people do not respect the ideas of other people. We shall not set the system moving while we think that it is our grandmother's or father's property! We should allow the thinking of all Kenyans. Christ said that if you want to be the greatest, be the smallest! So, the KANU side and their President should respect the Opposition, and take heed of the advice we give you!

With those few remarks, I beg to oppose!

**The Assistant Minister for Information, Transport and Communications (Mr. Mokku):** Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in contributing to this Motion.

I would like to take this opportunity to pay tribute to His Excellency the President, for the eloquent Speech that he made to this House. He gave guidance on Government policy and the way forward. It is agreed that all hon. Members will base their debate on the Speech. It was an elder's Speech, which was full of guidance. I wish to join my colleagues who spoke before me to say a few points on poverty eradication.

Mr. Speaker, Sir, it is good for us to look for ways to fight and eradicate poverty in this country. We are all agreed that 50 per cent of Kenyans live below the poverty line, but there are some other regions where the percentage is more than that. The people who have been given the responsibility to eradicate poverty should look at all corners of the country. Already, marginal areas like Marsabit, Moyale and Wajir are not represented in the board. If you look at the levels of poverty in this country, those are some of the needy districts. They need to be represented in the board.

Mr. Speaker, Sir, it is also the responsibility of all Kenyans to eradicate poverty. There must be fair distribution of resources. I wish to propose that the committees at the district, divisional and locational levels should be given more resources than the national board. Those committees know the problems in those regions better than those in Nairobi. It is my proposal that more resources should be put at the district level. That would become successful rather than having a wasted project.

Mr. Speaker, Sir, the HIV/AIDS awareness programme had taken off very well. Seminars for Members of Parliament and other leaders were held. It is now high time for the facilitators to go into the interior and educate the common man. They should not take much of their time in hotels, talking to the same people all over again. I think from the time it was started up to now, leaders have been given enough awareness. It is my proposal that those people go to the rural areas. They should use all facilities; like films, radios, concerts, chiefs and elders meetings, to educate people on the dangers of the disease. It is high time for those at the local level to be given the opportunity to know the

epidemic. We should not assume that the programmes can work from big hotels in Nairobi.

Mr. Speaker, Sir, I have a case in Isiolo where the programmes have never been moved out of Isiolo Town from the time they were started, up to today. The leaders have made appeals to the Ministry of Health and the managers manning those programmes that, instead of concentrating on the towns and a few locations, they should go to other places like Merti, Oldo-Nyiro, Garbatulla, Sericho and the rest. My appeal to the Ministry is to decentralise the programmes to all the other areas.

Mr. Speaker, Sir, I also wish to join other speakers who had talked of the *El Nino* Emergency Projects. When districts were asked to make proposals for those projects, they were so happy. After that *El Nino* disaster, every leader actually went to their respective DDCs and made proposals to them in terms of priority. Their priorities were in turn forwarded to the Office of the President for the final decisions. A few projects were actually approved and they were funded. As I stand here now, Kenyans have a lot of doubt as to whether these projects will be successful. Presently, there are certain on-going projects on roads. For example, we have the Isiolo-Modogashe Road, and the Isiolo-Marsabit-Moyale Road. Already, right from the beginning, those roads have a very bad picture. We have made complaints to the project implementor.

*(Loud consultations)*

**Mr. Speaker:** Order! Hon. Members out there, do you really know where you are? Proceed!

**The Assistant Minister for Information, Transport and Communications** (Mr. Mokku): Mr. Speaker, Sir, we have made proposals to the engineers of the *El Nino* Emergency Project especially on roads and water, and there is a lot of doubt whether those projects will be successful. We are made to understand that those projects have enough funding and I was giving an example of the Isiolo-Marsabit Road, and the Isiolo-Marsabit-Modogashe Road. Actually, the materials being used on the ground are of low standards and as such, I am appealing to the engineers and the department supervising those *El Nino* projects to look into them. They should ensure that the money allocated for them is put into correct use instead of those projects being white elephants.

Mr. Speaker, Sir, the same goes to the water projects under that *El Nino* Emergency Project. Projects are supposed to take 11 months to be completed as per the agreement. Some of them are already seven months late after they took off. For example, I have in mind a water project in Isiolo Town, called Bullesa Water Project, which up to now has not taken off. So, my appeal to the officers and engineers manning those projects is that they should look into it and ensure that those monies allocated for these projects are put into correct use.

Mr. Speaker, Sir, on corruption, many leaders have spoken about it. It is actually a day-to-day case and it is the responsibility of everybody, and not necessarily the KANU side, to curb it. It is the responsibility of every leader at any level. Let us jointly fight corruption and we have the Anti-Corruption Committee of this House headed by a Member of the Opposition to do that job. Let us give him and his Committee support as hon. Members, and not necessarily look for a scapegoat from any side. I think it is a two-way traffic process, which involves the giver and the taker. Both of them have

to be responsible, and actually, we need to look at this problem from a broad angle, instead of looking for a scapegoat. It is that Committee or any organ like the Kenya Anti-Corruption Authority (KACA) that we need to give support, so that they can come out with the right solution for this disease called corruption.

Mr. Speaker, Sir, I want to say something on Eastern and North- Eastern Provinces, especially on the water irrigation schemes. The Kenyan Government is providing relief food to the people in some parts of the two provinces. A lot of money is used and all the year round there is a repetition of the same drought and hunger. It is my proposal to the Office of the President that instead of continuing to give this relief food, most of which, I am sure, will not even reach the people it is intended for, this money should be used to look for a way of getting water for those people so that irrigation can be carried out, and people can grow food. That will be a permanent solution to this problem, instead of feeding these people on relief food, which is not a lasting solution.

Mr. Speaker, Sir, I am sure if a master plan is made for places like Isiolo, Marsabit, Moyale and Turkana, where the Government is spending a lot of money on this famine relief; if we can think of getting water to those people, I am sure this question of repeated famine relief food will actually come to a halt. Let the planners come up with long-term plans instead of planning for a short time, which will not be of any use to the people of that region, Kenyans at large, or even the taxpayers.

Mr. Speaker, Sir, lastly, let me also talk on the issue of livestock marketing. Three- quarters of the people in Eastern Province and part of Northern Kenya rely on livestock as their source of income. We have policies for the tea growers, coffee growers and the pyrethrum growers. There is no policy for livestock marketing in this Republic. There is no clear marketing policy for the people who rely on livestock. It is high time the Ministry of Agriculture and the Government at large came up with a policy for the marketing of this product, so that the people of this region can also

benefit from those products that they produce and, especially, the livestock products; that is, the skins and meat, so that we look like other Kenyans.

Mr. Speaker, Sir, today, you can have 1,000 cows and since this is the time for paying school fees and you want to sell a bull in order for your child to go to school, you will find that you have no where to market it. I do not see why we have those resources and we cannot utilise them for our benefit. If you look at our neighbouring countries, you will find that there are people who market their livestock, and it is part of their income as a country.

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

*[Mr. Speaker left the Chair]*

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

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, in contributing to this Presidential Speech, I would like to draw the attention of the Government to the fact that the initiative to deal with poverty in this country cannot be successful unless Kenya has a policy of income distribution.

Mr. Temporary Deputy Speaker, Sir, Kenya is one country in the world today which is not only marked by a very high degree of corruption, but also by the widest spread of income inequality. If you are going to make people less poor, you must put money into their pockets, so that their standards of living can go up, and so that, that money in their pockets, which they can spend, can serve as a reservoir for investment.

Mr. Temporary Deputy Speaker, Sir, nobody is going to invest in a factory that produces shoes in Mathare Valley if people who live in that valley do not have the income to buy those shoes. One of the reasons why this country is so poor is because of both the domestic and external debts. As I speak here, as of record in the 1998/99 financial year, the total debt stock for this country stood at Kshs484 billion. That means that if you add the interest that is paid on that debt, the total debt stock is Kshs584 billion. Of that debt stock, Kshs152 billion is domestic debt.

In other words, when we have a budget in this House of Kshs158 billion, Kshs152 billion of that could as well be paid out in terms of debts, which means that we do not have any money to spend on either recurrent or development expenditure.

Mr. Temporary Deputy Speaker, Sir, when you consider that the national wealth of this country, the Gross National Product (GDP), is Kshs678.5 billion, that means that 77 per cent of our national wealth is always earmarked to be paid to external creditors. In other words, we only have 33 per cent of our national wealth that we can use for re-generating more wealth in this country. That is a miserable situation. Any Kenyan child born today bears on his or her head Kshs17,000 every year to pay in terms of debts, and out of that, Kshs12,000 is owed to external creditors. In such a situation, we cannot really talk about poverty reduction, if we do not generate enough wealth to pay off our creditors and ensure that we have sufficient domestic resources to use for development. It is lamentable that, if we spread all the wealth in this country to every one of the 30 million Kenyans, each one of us will only get Kshs18,900 a year to live on.

Mr. Temporary Deputy Speaker, Sir, if you consider the salaries of Members of Parliament every month, you can understand that the income distribution in this country is terrible. When the wealth is spread around, if the average income is only Kshs18,900 a year per a person, and we in this House get a take-home pay of not less than Kshs70,000 a month, then, indeed, we understand why poverty cannot be reduced in this country. This nation must develop a policy of income distribution if we are going to seriously talk about poverty reduction.

Mr. Temporary Deputy Speaker, Sir, one of the reasons why our resources are wasted, particularly to external indebtedness, is because of the huge bills that people hand over to this Government when they supply it with commodities, services, machinery or what-have-you.

Mr. Temporary Deputy Speaker, Sir, when Mr. Naikuni took over as the Permanent Secretary in the Ministry of Information, Transport and Communications, Kenya Ports Authority (KPA), for example, was in debts to the tune of more than Kshs5 billion. That money was nothing other than the very exaggerated bills that KPA was due to pay to politically-correct individuals in this Government. When Mr. Naikuni put his foot down and started cutting down on these bills, KPA is no longer in the red, but in the black! It means that the job can be done if we put the right people in the right places! But if we go on putting thieves to catch thieves, this country is not going to get out of external or domestic indebtedness, and we are not going to fight poverty properly. There must be a serious change in the governance of this country, not just at the level of Permanent Secretaries, but at the level of all persons who occupy positions of leadership.

Mr. Temporary Deputy Speaker, Sir, we cannot have people in the political wing, who do not believe in reforms and who do not believe in good governance, having civil servants whom they think believe in good

governance and reforms and expect miracles to be done in this country. As I speak here today, the Kenya Re-Insurance Corporation, which has been billed for privatisation cannot successfully be privatised because of the same problem that bodies like KPA have faced. Kenya Re-Insurance Corporation is not only being stripped of its assets, but is continuing to accumulate debts which will make sure that, when it is privatised, it will be bought for a penny or a farthing. This Government is penny-wise and pound-foolish. We must begin by making sure that we do not think that privatisation will solve our problems, when we know that we cannot possibly privatise companies which are not market-worthy. It is important that as we speak today, those firms that are to be privatised must first of all be made to work properly and make profits so that they can fetch good prices in the market, where Kenyans are always ready to buy shares and put their investments in our economy. But the Government is letting us down.

Mr. Temporary Deputy Speaker, Sir, as I speak now, precisely because the Executive Secretariat and Technical Unit of the Privatisation Reform Programme has not been properly managed because of poor laws and poor policies, the Government is giving up to the World Bank to send in an expatriate team to undertake privatisation in this country in the form of the International Finance Corporation. We have enough Kenyans who are qualified and who have the management skills to run our economy, and we do not need external agents and expertise to run our economy. The only thing we lack is a government with the commitment, the will and the vision to use human resources abundant in this country to manage our economy, to make sure that we create wealth that will reduce and, in fact, eradicate poverty in Kenya. This, however, will not be done unless we have proper laws, a proper Constitution and proper rules of the game that Kenyans respect and regard as legitimate.

Mr. Temporary Deputy Speaker, Sir, one of the reasons why Kenyans want to take the process of constitutional reform in their own hands is because they have lost faith in their Government, Parliament, and in the so-called political leadership because of our political bankruptcy. We must concede to the people of Kenya that they should have a say in the constitutional reform process, and that is why the Social Democratic Party (SDP) supports the Ufungamano Initiative and calls upon the Ufungamano Initiative to consult fully with those social forces and political parties that support it, so that we can go on, hand-in-hand with the constitutional reform process, supported by the people; legitimate to the people of Kenya, and a process that will produce a Constitution, so that the words "for the welfare of society and just Government of men," will make a meaning.

Mr. Temporary Deputy Speaker, Sir, every Kenyan citizen counts as one, and no Kenyan citizen counts as more than one. That is a principle of a social republican government. We cannot approach this constitutional process unless we respect and understand the principle of citizenship, the principle of human quality, and social justice. We cannot approach the process of constitutional reform with bigotry, tribalism and sectionalism. This country has been known in history to be a country that stood up for Pan-Africanism and the liberation of humankind. This country cannot now recoil back to submit itself to people with small minds, and people who are not Pan-Africanist nationalists, and people who are not, indeed, social democrats, properly so-called. I call upon all Kenyans to rise up and support the constitutional reform process in Ufungamano.

Thank you.

**Mr. Kirwa:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to make a contribution to His Excellency's Presidential Address.

While I do agree that His Excellency the President dwelt on a number of issues, there are quite a number of areas I do want to make my contribution to. One of the areas is the role of the police, which for the last five years or so has gradually degenerated to the days of a one-party system. What you see nowadays is almost a roll-call on the misbehaviour of the Police Force. I am saying this because quite a number of us have witnessed, on a number of occasions, the police being used, not only to disperse farmers from all over the country; be it coffee farmers who are having their own meeting; tea farmers, sugar-cane farmers, but even leaders who are having very peaceful meetings.

Mr. Temporary Deputy Speaker, Sir, my message is for the Police Commissioner and, indeed, the Government, to readdress themselves to the role of the police. The police should not take the place of the youth-wingers of various political parties, particularly the ruling party, where, if leaders who happen to assemble at a particularly place are passing a message that may be totally contradictory to the wishes and aspirations of the ruling party, the police are made to disperse such a meeting. This is not only dangerous, but it reminds us of the vestige of one-party mentality, where the police played a central role in destroying democracy. This is a situation that we can no longer allow.

Mr. Temporary Deputy Speaker, Sir, it is high time the police realised that their critical role is to protect each and every citizen of this country regardless of his political opinion, affiliation or his school of thought.

Mr. Temporary Deputy Speaker, Sir, for democracy to flourish, it is important for it to be given space to grow. There is no way democracy can grow if the police are going to be used to gag public opinion. The Government should realise that these are no longer the times when the public was cowed away into accepting an order from an Officer Commanding Police Station (OCS). This was evidenced when we had a meeting with hon. Sambu two weeks

ago at Mosoriot, where we were addressing a very pertinent issue affecting land that we strongly believe is our ancestral land. The police came and we had to resort to a song that is rarely sang, unless somebody is about to be circumcised or to be killed.

Mr. Temporary Speaker, Sir, the police should not be driving us to such extreme positions because they know their roles. In fact, it is this House which said that the question of licensing meetings does not exist. It is only notification to the OCS of that particular area to ensure that there are no two groups meeting in the same venue, to avoid any conflict arising out of those two groups. But it is evident that what is happening now is that, we are creeping back to the bad old days where we had to apply for a licence through a process up to the District Commissioner and quite often, that licence was either denied or given at the last minute when you could not mobilise your forces for that particular meeting.

Mr. Temporary Deputy Speaker, Sir, if the ruling party for any reason realises that it is on the verge of political disaster, the police should not be used. These policemen need space when they retire, because they will retire and join the people in the villages. So, they should not allow themselves to be misused because some of these people who are misusing them are bound to leave the political scene, but the policemen will come back to the villages to stay with us.

Mr. Temporary Deputy Speaker, Sir, we are telling the police officers not to accept to be used any more for any political reasons other than security, because that is what their job description provides.

Mr. Temporary Deputy Speaker, Sir, land is not only central to the people of this country, but it has got something beyond economic value. It has got sentimental attachment that we all have to any piece of land that we know. The history of land in this country is that the dispersal of various communities from their former native reserves and grazing land gave room to the former white settlers. The community where I come from lost 100 square miles of their grazing land, which translates to 64,000 acres.

When the Settlement Fund Trustee (SFT) was set up, it was set up with the principal purpose of trying to buy out the former settlers for the natives to get back their pieces of land. When we talk about this, we are not talking about tribal politics. This is a reality on the ground, and anybody pretending to wish it away is doing so at his own peril. Definitely, there is no going back on this particular issue. Out of the 64,000 acres that we were displaced from, it is only 10,000 acres that have been bought back. So, we are left with a deficit of 54,000 acres.

Mr. Temporary Deputy Speaker, what we have been focusing on, on the East African Tanning and Extract Company (EATEC) land is 24,000 acres. So, once we get the 24,000 acres, we will still be having a deficit of 30,000 acres. It is high time the Government realises that the earlier it returns this parcel of land, the better for it and those dealing on that particular land. We know where the remaining 30,000 acres is. It is in the Nandi Hills Tea Estates and its environs. The war is there. If you do not sort out this one amicably, even those who think they come from Nandi and they have an interest in the Tea Estates should be informed that it is going to go to the ordinary people.

I am saying this because this Government has been the main culprit in creating landlessness to the extent that when we are talking about it, it is hurting. In my constituency, 30 per cent of the residents are squatters. In Saboti, 35 per cent are squatters while 50 per cent of the residents of Kwanza are squatters, thanks to this Government that has been giving land to people who already own large tracts of land at the expense of ordinary squatters.

Mr. Temporary Deputy Speaker, Sir, when we talk about this, other people say it also happened during the late Mzee Jomo Kenyatta's time. I was still young at that time, but what I know is that if 2,000 acres of land were going to be given out, a section of that land was going to be set aside for the squatters and the workers of the *Mzungu*. But when it came to this Government, they not only came to take over whatever was there, but also what was rightly yours, like the EATEC land. If the President thinks we are playing politics in this issue, why does he not also play politics by sub-dividing this piece of land and issuing title deeds to *bona fide* residents of that particular area? By so doing, he will have played lesser politics.

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to bring the President's name into this debate?

**Mr. Kirwa:** Mr. Temporary Deputy Speaker, Sir, I do appreciate that hon. Sungu is still a new Member and he does not realise that we are discussing the Presidential Speech. My piece of advice as far as this particular Speech is concerned is that when we talk about poverty eradication, it is sheer pretence because this Government is solely responsible for bringing poverty to Kenya. The only advice left for President Moi is for him to take Kenya back to where he found it in 1978, and we will be happy with him. There is no need to talk about begetting Kenya a legacy when everybody is poor!

Thank you.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, let me express my gratitude for the opportunity you have given me to respond to the so-called exposition of public policy by His Excellency President Daniel Toroitich arap Moi.

Mr. Temporary Deputy Speaker, Sir, I did go through the whole motion of listening to the President's Speech without disrupting it for one reason. I am told by knowledgeable wise men that we do not disrupt the "last supper". I did not want to disrupt the "last supper".

Mr. Temporary Deputy Speaker, Sir, I want to go on record that I do not oppose President Moi for the sake of opposing him. I belong to a generation that was educated from primary school, high school to the university free of charge. I belong to a generation where every Kenyan, from both poor and rich families, had affordable medicare and education. I have seen families here in Kenya rising to wealth while other sink to poverty.

Mr. Temporary Deputy Speaker, Sir, hon. Kiraitu Murungi said something here about the existence of two governments, one led by Dr. Leakey, and the other one by hon. Kamotho and company.

Mr. Temporary Deputy Speaker, Sir, the President said that the Government will not allow the sale of land to foreigners. That was done by the Government of Dr. Leakey. The following day, and I will table this document for everybody to see the Government of hon. Biwott and company sat down and forced the President to issue the following Legislative Supplement--

"In exercise of the powers conferred by--

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Gatabaki, you are going to play by the rules, if I have to let you continue. In other words, I have not heard of the kind of Government that you are talking about. Whose Government is that?

**Mr. Gatabaki:** Legislative Supplement No.11 states:

"In exercise of the powers conferred by section 24 of the Land Control Act, I, Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, exempt the controlled transactions, details of which are set out in the Schedule, from all the provisions of the Act.

#### SCHEDULE

Parties and transaction	Description of land
Proposed subdivision and transfer from Kipyator Nicholas Biwott and Andrew Limo arap Ngeny to various purchasers	L.R. Nos.8566/3 and 882 comprising 235.13 and 1509.5 hectares, respectively, situated in Uasin Gishu District
Dated the 30th March, 2000	D.T. arap Moi President

This is Legal Notice No. 29, Supplement No.15 March, 2000. I would ask Mr. Magara of the Republic of Kenya to table it on my behalf.

*(Mr. Magara attempted to lay the document on the Table but he was restrained by the Chair)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Magara! Mr. Gatabaki, you have to lay it yourself.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, I will lay it. The question I would want to ask every Member, who is elected to be a Member of Parliament here is: Do you care about yourself or about your country?

*(Mr. Gatabaki moved hurriedly to the Dispatch Box)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Gatabaki, you have time to walk up here and lay it.

*(Mr. Gatabaki laid the document on the Table)*

**Hon. Members:** Continue from there!

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, the question I want to ask every Member and particularly from our side is: Do they care about their country? Do they see poverty and impoverishment of their

people? Do they see destruction of the infrastructure? Do they care when the President of the Republic of Kenya stands there, lying to the people? Do they care when one man's decision is final, whether it is on the Constitution, the economy or the IMF? There is one man who calls himself a "professor" of everything. Do they care when this nation becomes a pariah nation among nations of the world? Do we not have the capacity, as Members of Parliament, to say: Enough is enough? Adolf Hitler, at the height of his power, used to go even to church and say: "Hail Hitler" and everybody would say: "Hail Hitler".

*(Mr. Maizs stood in his place)*

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, can you prevent these characters from disturbing me?

*(Laughter)*

**The Assistant Minister for Labour and Human Resource Development (Mr. Maizs):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Gatabaki to refer to Members here as foreigners? Secondly, is he in order, when he grabbed his brother's land and went to court; to talk of poverty alleviation?

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

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, the tragedy is that there are so many of us who are here, and do not have the benefit even of the basic education.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, even KANU Members of Parliament have to ask themselves every day, wherever they come from, whether their constituencies are better off or not.

**The Assistant Minister for Labour and Human Resource Development (Mr. Maizs):** Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker (Mr. Poghisi):** Order, both of you! Mr. Gatabaki, proceed.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, the time has come for that side of this House---

**The Minister for Information, Transport and Communications (Mr. Mudavadi):** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Gazette Notice that has been laid on this Table simply, is a Gazette Notice in which the President is giving direction under the Land Control Act and which he is entitled to; to allow for the subdivision of land from Nicholas Kipyator Biwott and Andrew Limo arap Ngeny to various purchasers. This means it is a request for the land to be subdivided for disposal. It is not talking about foreigners here, and so he is misleading the House.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, the hon. Moses Mudavadi does not have to be so sycophantic to qualify to become the next---

**The Temporary Deputy Speaker (Mr. Poghisi):** Order! Order, Mr. Gatabaki! Mr. Gatabaki, the Temporary Deputy Speaker is on his feet. Mr. Gatabaki, I want you to actually withdraw and apologise to the Minister for using unparliamentary words.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, I spoke about Moses Mudavadi. I was talking about a great man; Moses Mudavadi; and not the current one.

*(Laughter)*

**The Minister for Information, Transport and Communications (Mr. Mudavadi):** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is quite clear that, even Mr. Gatabaki does not know the difference between Moses Mudavadi and Musalia Mudavadi. Can he withdraw and apologise? Secondly, I think, we are getting tired of these strange tirades from Mr. Gatabaki, which sometimes mean nothing.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, I want to apologise to Moses Mudavadi; a great Kenyan who rose to become one of the most important forces in the KANU Government, and also in history, as one of the people responsible for the destruction of local authorities in this country. I want to say that, time---

*(Laughter)*



**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Mr. Gatabaki, I do not know if you see what you are causing in the House. Mr. Gatabaki, you have used unparliamentary language and I just asked you to withdraw and apologise for that and then, you can proceed.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, I am so disrupted; I lost flow of thought. This Parliament for the last nine years, has become a talking shop.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, Mr. Gatabaki! We cannot play the cat and mouse game here. I believe you are a responsible person, who would just take the time to withdraw and apologise. It is very easy for you to undo what you have done.

**Mr. Gatabaki:** Mr. Temporary Deputy Speaker, Sir, my time is running out, but I want to say this: We have to become very serious as a House. We are in the 21st Century and this nation is among the poorest on earth because of this Government.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order! Okay, Mr. Gatabaki, you will live with all that. I think, your time is up!

**The Assistant Minister for Labour and Human Resource Development** (Mr. Maizs): Maizs is simply the plural of mouse; do not worry!

*(Laughter)*

**Dr. Kituyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member of Parliament to tell us that actually, he is a rodent. He has told us that his name is the plural of the animal called a mouse. I did not know that we have mice in this House.

*(Laughter)*

**The Assistant Minister for Labour and Human Resource Development** (Mr. Maizs): Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member for making that correction. May I also, thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute on the Presidential Address. First and foremost, I would like to talk about this point of poverty, which was raised in the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, first of all, I would like to talk about the East African Training and Extract Company (EATEC) land referred to by hon. arap Kirwa. The said land is in my constituency. We cannot accuse EATEC of effecting political developments regarding that land. The company was founded on legal principles, and is distinct from the members who formed it. As such, the company, is not a fictitious, but a legal entity. Therefore, a member of the Board of Directors of that Company cannot be accused on his own; the company can be accused.

Secondly, I would not like to indulge in arguments over property belonging to a legally existing company. I would like to, kindly, request EATEC to give my constituents, at least, 5,000 acres of that land, so that we may divide it into two-acre plots to alleviate poverty in that area. If there is a way of raising funds from the World Bank and the International Monetary Fund (IMF) for the purpose of alleviating poverty in this country, I would like the Government to, at least, buy 5,000 acres of land from EATEC for my constituents, or the district, generally, to help the very poor people in that area because this is the last big chunk of land that is going to be sold.

Mr. Temporary Deputy Speaker, Sir, if plots the size of, at least, two acres each can be set aside from the land that is around Eldoret Airport, our people can grow horticultural crops, keep poultry, and undertake many other income-generating activities. I am, therefore, calling upon the Ministry of Finance and Planning to look for funds with which to buy 5,000 acres of land from EATEC, so as to alleviate poverty in my constituency where we have extremely poor people there, who were squatters when that land was bought from the White settlers in the years 1961, 1962 and 1963.

Mr. Temporary Deputy Speaker, Sir, we are, again, calling upon EATEC to heed the call by the area residents to reduce the price of that land to between Kshs25,000 and Kshs40,000. The land we intend to buy does not have any development facilities such as cattle dips, churches, schools, water, developed roads, and others, and it will take my people about 30 years to put in place these facilities. Therefore, the price of that land should be reduced. It has taken people who occupied the former white highlands in Uasin-Gishu District over 30 years to develop social amenities therein.

Mr. Temporary Deputy Speaker, Sir, forests around the Timboroa area and the rest of Kenya, including the Kiambu Escarpment, are wantonly being destroyed, particularly, by fire. If this goes on unabated, water catchments will be destroyed because the rain cycle will be interfered with. In the spirit of eradicating poverty, therefore, I would like to call upon our people to look after our forests. Forests provide timber but, more importantly, they attract rain; they also release the fresh air that we breathe in. Therefore, forest officers and guards should be vigilant to check the

wanton destruction of forests by fire as well as through wood harvesting by people for firewood and other uses.

Mr. Temporary Deputy Speaker, Sir, I would, now, like to raise an issue of paramount importance regarding the former white highlands in the floor of the Rift Valley, extending all the way from Muntuli in Tanzania, through Naivasha, to some parts of Uganda. We would like the Government to construct dams for us in that area, so that the problem of water shortages can be alleviated. My constituents have lost many grade cattle due to lack of water; the little water that is available there is contaminated due to its small quantities. The people of that area can contribute towards the construction of those dams; but, we need graders to dig the dams. Particularly, the six-months drought that was experienced this year caused the deaths of our cattle enmass. So, in the spirit of eradicating poverty, we would like the Government to help us to dig water dams, so that our livestock can survive the drought.

Mr. Temporary Deputy Speaker, Sir, veterinary officers in my constituency do not go to the villages to treat livestock. Veterinary officers seem to be centred in the townships; they claim that they do not have vehicles for moving their livestock from one point to another. So, they are earning salaries without working. I would, therefore, like to suggest that we do away with those officers in the villages since they are doing nothing. I stand to be corrected if veterinary officers visit other villages. I have not seen them in my village. So, those officers are, in actual sense, contributing towards poverty creation. Animals in the villages die everyday, and yet those officers have been sent there to treat them.

In line with the principle of liberalisation, I think it would be a good idea for the Ministry of Agriculture, Livestock and Rural Development, through the Co-operative Development Department, would help people set up maize-buying companies, which will help to check pricing by individual maize millers. Maize millers in this country seem to manipulate maize prices; they have become monopolies. We know that the main problem of monopolies is that of price hikes. So, it would be better for this country to have some co-operative societies which could buy fertilisers direct from their countries of origin, and also undertake maize-buying from farmers.

Mr. Temporary Deputy Speaker, Sir, we talk about steering this country to industrialised status by the Year 2020, and yet we still sell maize in its grain form. Those people who process tea and coffee are better off than the maize farmers, who sell their produce in its natural form. We should also start processing maize into maize flour, so as to add value to the product, in order for farmers to reap maximum benefits from the product. In fact, many people come from outside the maize producing areas to buy maize, which they later on process into flour. Those middlemen benefit more from the product than the farmers, who toil producing the crop. We work very hard for about eight months cultivating maize only for us to, eventually, sell it at a throw away price.

Mr. Temporary Deputy Speaker, Sir, before my time runs out, I would like to talk about roads in my constituency. We have been talking about the Road 2000 Network Programme, but roads in my constituency, particularly those in the southern part of Eldoret, are in pathetic conditions. We need to transport sick people to hospitals, and agricultural products to markets. Therefore, I think Parliament should set aside an amount of money, specifically, for road maintenance in the country. Roads in some parts of this country have had the advantage of being allocated some money from the El Nino Emergency Infrastructure Rehabilitation Fund; but other districts were discriminated against in the process of allocating those funds. The much talked about Road 2000 Network Programme has not borne any fruits.

Whenever I visit my constituency, I walk six kilometres from the bus stop to my rural home.

With those remarks, I beg to support.

**Eng. Toro:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to contribute on the Motion that the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 28th March, 2000. Some of us are finding it very hard to express our thanks and support the Motion. What the President told the House is what he has been telling us even before and, yet, no action is being taken by the Government. He talks about corruption, poverty and everything under the sun every time he gives his Speeches, but nothing happens. In actual fact, things get from worse to worst.

Mr. Temporary Deputy Speaker, Sir, I would like to say that the problem we have in this House, especially from the Government side, is sycophancy. That is why things are going wrong. When things are bad, instead of the Government side rising and denouncing them, they continue supporting them. I do not see why those in the Front Bench should be afraid of losing their Cabinet posts if they denounce bad policies. Various Speakers from the Front Bench and the KANU side have supported the Motion and said how exemplary it was.

Mr. Temporary Deputy Speaker, Sir, it is high time that we requested the Speaker, being the Chairman of the Parliamentary Service Commission (PSC), to seek the services of Prof. Gatere because some people here, especially the KANU side need to have their mental faculties examined. This is because they cannot point out what is wrong. So, there must be something wrong with their mental faculties.

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member stick to the Motion without imputing improper motive on any

hon. Member? The issue here is not on the mental capacity of these hon. Members. He knows very well that if there is such an issue, he has to bring a substantive Motion to discuss the mental capacity of any hon Member of Parliament. Can he be principled and stick to the Motion?

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, when somebody expresses an opinion, because of what he can see, it is an opinion and it does not require any Motion to be brought before the House. However---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Eng. Toro, you must steer clear of that line.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I will continue. A lot has been said in this House about corruption. Corruption cannot be eradicated unless the Government is prepared to tackle it. Those Ministers in various Ministries should come out clearly and demonstrate that they are ready to eradicate the vice. I will give an example. Last Saturday, hon. Kamotho held a Harambee in hon. Njakwe's constituency, because he does not have one, and every chairman of a county council and mayor in the Republic of Kenya were told to attend it. The Harambee realised over Kshs5 million.

**The Assistant Minister for Local Government** (Mr. Affey): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House and the nation that councillors were forced to attend the Harambee which was meant to raise money for the children of Mathioya Constituency and not for Mr. Kamotho?

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I did not say that they were forced to attend the Harambee, but they were prevailed upon to attend the Harambee, which is different from forcing.

**The Minister for Renewable Energy Development** (Mr. P. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege that all the councillors in the Republic of Kenya attended that function, when in fact, the Chairman of the County Council of West Pokot, the Mayor of Kapenguria Municipality and the Chairman of Chepareria Town Council were in West Pokot District?

It is not true to say that all the chairmen of various county councils and mayors in this country attended that Harambee. Maybe, some chairmen and mayors attended it.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, if the Minister was listening he could note that I said that some chairmen and mayors in the Republic of Kenya attended the Harambee. I did not talk about all the councillors. I am saying that since the Harambee was held, the chairmen of county councils, especially those in Murang'a and Maragwa Districts are now boasting that they can do anything; they can grab land because they have protection from the Minister. When Ministers call for a Harambee, they should be very careful on who attends it because the chairmen of the various county councils in those two districts are now saying that they have got the mandate from the Minister to go---

**The Assistant Minister for Local Government** (Mr. Affey): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think this hon. Member is misleading the nation. No chairman of a county council or mayor can boast because there is no Ministerial authority regarding that. So, let us not politicise development issues. The Harambee was benefitting the children of Mathioya Constituency.

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I gave an example of Maragwa and Murang'a Districts, where the chairmen of county councils are saying that they are now friends of the Minister and they can now continue to grab land. That is what I said.

**The Temporary Deputy Speaker** (Mr. Poghiso): Eng. Toro, if I tell you to substantiate, what will you say?

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I can table the list of those chairmen here, if I am requested to do so. I am saying that the Ministers should be seen to tackle corruption. When I am talking about local authorities, I am saying this with a heavy heart because the same councillors, especially those from Maragwa District, where I come from have met and said that they have been given the mandate by their Minister to meet, discuss and look into ways and means of defecting to KANU. They have held one meeting. Mr. Cyrus Ruru, the Chairman of one of the county councils supported by the Chairman of the Finance Committee. They are boasting that they have been given money by the Minister to meet all the councillors. They have met twice and they will hold a rally on 7th May, this year, in Kandara Constituency to defect to KANU. They are saying that they have been given Kshs2 million, which they are using to recruit council members in Maragwa District who are in the Opposition to defect to KANU. If this is not true, they are misusing the name of the Minister---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Eng. Toro! I think I will give you a little lesson in relevancy because what you are talking about is not the matter at hand. Why do you not stick to the subject matter?

**Eng. Toro:** Mr. Temporary Deputy Speaker, Sir, I am saying that hon. Ministers can misuse their positions or their positions can be misused by the public if they are not careful. If they allow themselves to be misused, then that leads to corruption which was referred to in the Speech that was delivered by His Excellency the President.

When we talk about unemployment, which the President talked about, we should realise that it is brought about by liberalisation. We have allowed foreigners to come and take over our economy. When they take over the

economy, they sack Kenyans and recruit foreigners. It is an open secret that Asians who have come to open factories, have employed their fellow Asians as watchmen and messengers. This is not a secret. This is done at the expense of Kenyans. So, how do we check unemployment when we allow foreigners to come and manage our economy and take over all the multinational companies, for example, the Kenya Breweries Limited (KBL), BAT and East African Industries, which have been manned by Africans for a long time? In the banking sector, recently, the Kenya Commercial Bank (KCB) recruited a whiteman to run, it whereas it has been successfully manned by Africans. When we talk about employment, are we going to sack all our Africans and Kenyans at the expense of foreigners?

With those few remarks, I oppose the Motion.

**The Minister for Water Development** (Mr. arap Ngeny): Thank you Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this very important Motion on the Presidential Speech.

At the very outset, I would like to highlight a few issues on the Presidential Speech which were very crucial to this dear country, of ours. First and foremost, the President as the embodiment of the unity of this country showed that he loves this country and that he would like to develop it for the betterment of all of us. He talked at length about various issues affecting our country in the past, present and in the future. I am not going to talk on most of those issues, but I would like to only mention a few. In particular, I would like to emphasise the question of the unity of Kenyans.

I am extremely happy, and I would like to congratulate my colleagues in the House for the maturity they have displayed. Over the past years, I have been in this House, I have seen wonderful and very encouraging development from near hostility to a very friendly atmosphere among all the Members of Parliament. This is a very welcome development because in the final analysis, we should all talk like Kenyans irrespective of whatever political persuasion we follow. Of particular interest to all of us is that patriotism is most fundamental to the development of any country. We should aspire to be patriots. That is why I would like to take this opportunity to congratulate His Excellency the President because he is a patriot number one. He loves children, men and women of all ages; travels across this country and he is genuinely for the development of this country. In that light, we as lawmakers should aim to assist him in every aspect of our endeavours.

When it comes to poverty, provision of water has been identified as one of the most crucial inputs in reduction of poverty. I would urge all the Members to support the Government and also their constituents in conserving and protecting water catchment areas. Soon that commodity which is extremely crucial for the life of living things is going to be a very rare commodity not only in arid and semi-arid areas, but also throughout this country due to pressure of population and also degradation of the environment. I would urge all of you to protect water catchment areas, forests, rivers and conserve water in whatever means you have.

One other crucial point, which we as Kenyans should aspire to achieve, is that as we develop now and in years to come, we should think about the global environment which, unfortunately was rushed upon us without notice in the years 1991/92. We were not given any opportunity to adjust our thinking, mode of operation and our philosophy in way of development. The reason why we have a lot of problems is that normally when something is anticipated in advance people are given opportunity to adjust to that situation. Since we did not anticipate all those things, we are now tackling many problems of the new world order from virtually nothing. We are tackling problems about free rates of exchange of currencies, free flow of goods, free trade without any preparation. If we had been given time to prepare, perhaps, some of these problems could have been reduced. This was a problem which was thrust upon us without warning and we had no choice, but to accept it.

I am happy that in the final analysis, the development of Kenya will depend on Kenyans and their unity. The unity of Kenyans will bring about development. If we can understand what His Excellency the President is propagating we shall go a long way in actually building that energy and force to go forward for the future development.

With those few remarks, I beg to support.

**Mr. Njakwe:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute on the Presidential Address. The Speech was very flowery and sweet. Unfortunately, we have had the same thing before, so it was nothing new to us. We know, sweet and flowery speeches do not put money into the pockets of Kenyans; neither will they put food into their plates.

Mr. Temporary Deputy Speaker, Sir, I want to talk about poverty in this country. We have been talking about poverty, as if it is something like rains that came from nowhere and poured into Kenya. When you talk about poverty, we who are learned - I am sure on this side we are more than the other side - and because we have read economics, we know how to interpret the economic graph. We know the growth rate of our economy stands at 1.3 per cent, while population growth rate is 3.9 per cent. So, we are witnessing a downward trend. So, there is no way we would be speaking the truth about poverty eradication when, we know for sure that is not the way to do so.

I want to offer a suggestion on what we should do to eradicate poverty in this country. First and foremost, we require managers to eradicate poverty. Managers are the ones who propel an institution. Do we have any managers on the other side of the House? Do we really have managers who could not see how things went wrong? Have they been

able to change anything for those several months when they saw our economy declining? I listened to a preacher talking about Dr. Richard Leakey. Dr. Leakey has been in the system for a few years and we can see changes in the management of our economy. When you look at this Government, you would wish that we were colonised again, by possibly 100 whitemen. I think, we would be doing better than what we are doing now. What we lack in this country are leaders with will, commitment and foresight. Unless we remove sycophancy from that side, there is no way we can develop this country. When you see something is not right, you must with all strengthen and will, say that it cannot work. Whether somebody likes it or not, say that it cannot work. Unfortunately, this has not been the case. It is sad that when His Excellency the President coughs, people clap. When he says none of them can rule this country, they clap. So, if that is not sycophancy, then I do not know what it is. When somebody says you are not capable of leading this country and you still laugh and clap, I do not know where we are heading to.

Mr. Temporary Deputy Sir, we have got one very big problem in this country; that is, separation of power. Parliament must realise and assert itself to put this country right. Everybody on that side is crying and we are also crying. Ours is like a house where father, mother and children are all crying. Who is going to cry more than the other one? It is like a competition to see the person who will cry more than the other.

Mr. Temporary Deputy Speaker, Sir, hon. Eng. Toro has spoken about a bursary in my area. I am not opposed as the hon. Member for Parliament for that area, for people to contribute money towards a bursary fund in that area. However, let us call a spade a spade. Some tribes are saying it is their time to eat. Are we, as Parliament or Kenyans, prepared to give somebody that cake to eat? Is there any cake to eat? Honestly, there is no cake. If a Minister is using his influence or his office to solicit funds from civil servants, then this is corruption. I am not in the KACA, but it should define what is corruption in this country. If a Minister for Agriculture, Livestock and Rural Development goes to coffee growing areas and ask managers to contribute money for his Harambee, if that is not corruption, then somebody has to define to me the meaning of corruption. When I talk about corruption---

**Hon. Member:** Wewe unafanyiwa kazi na viongozi wengine!

**Mr. Njakwe:** Mr. Temporary Deputy Speaker, Sir, I am not opposed to any person conducting a harambee in my constituency. I am very happy about it, but let us rise above the board.

**The Minister for Renewal Energy Development** (Mr. F. Lotodo): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Poghiso): Do you need any information, Mr. Njakwe?

**Mr. Njakwe:** Mr. Temporary Deputy Speaker, Sir, I do not require any information because I am well informed. It is very fortunate that the Minister who conducted a Harambee in my area is one of my constituents. I am happy about it. At least, we are lucky because there are two hon. Members in my consistency. But let us rise above the board. Let us say when things are done wrongly, they are wrong. What we have in this country is hypocrisy. What has been eating and destroying this Government is hypocrisy. When your community is stealing or when somebody is doing wrong, you say development is realised in your area. Unfortunately, this has been the trend all throughout and it will not help us in any way.

Mr. Temporary Deputy Speaker, Sir, when Eng. Toro talked about a Harambee in my constituency, I would like to tell this House that, some of the money contributed in that Harambee was from local authorities. I have got evidence that there were cheques from the various local authorities. Those were not cheques drawn on individuals. For example, Kshs50,000 was contributed from Murang'a, Kiharu and Kangema county councils. So, when I talk about it, I know what happened.

Mr. Temporary Deputy Speaker, Sir, we shall remember this Government in the same way we remember governments of the late Bokassa, Mr. Idi Amin and the late Mobutu. Ours is a Government that has destroyed all our institutions. It has not done anything to help Kenyans. Everything in this country has collapsed. We cannot talk about poverty eradication when our roads are in a sorry state. The liberalisation of telecommunications is done with hypocrisy. There is nothing that is worth its salt in this country. Precisely, there is nothing functioning in this country.

What we require, as Parliament, is to assert ourselves and enact laws that will transfer the authority to appoint managers of our affairs from the Office of the President. This is because he is unable to do it. So, we must, as a Parliament, assert ourselves and enact those laws.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I oppose the Motion.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my remarks on the exposition of the public policy contained in the Presidential Address during the Official State Opening of the Fourth Session of the Eighth Parliament. I think I will start by congratulating His Excellency the President for the well thought Speech that he made on that particular day, because it touched on the real issues that affect our people today. I believe that His Excellency the President means well; wants to leave a good legacy for this country; and Kenyans to live well. However, it is unfortunate that the President has been let down by the implementors; the civil servants and some of the Ministers.

*(Applause)*

I say that because 37 years after Independence, Kenyans do not have clean water, good roads and are still living in absolute poverty. It is a pity and Kenyans want to understand why they should continue paying taxes and yet they are not receiving services.

*(Applause)*

**Mr. Sang:** On a point of order Mr. Temporary Deputy Speaker, Sir. Is this Assistant Minister in order to condemn the same Government he is serving?

**Hon. Members:** Yes!

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I am not condemning the Government; I am condemning individuals working in this Government. Kenyans pay colossal amounts of money in terms of taxes. In fact, Kenyans are one of the most highly taxed people in the world. However, it is unfortunate that we are some of the people who do not receive services, or receive very little services from the Government. Take the example of the Fuel Levy Fund. Kenyans pay annually in excess of Kshs5 billion to the Fuel Levy Fund, but look at the state of our roads. We cannot blame the President on that. The President does not run the Fuel Levy Fund. That is why I said that it is the implementors who should be blamed, because we pay Kshs5 billion annually for the maintenance of our roads and we still have potholes in Kenya. It is a pity.

Mr. Temporary Deputy Speaker, Sir, some people we say that Kenya is a poor country, but I want to disagree. There are many resources in this country, but it is unfortunate that they are concentrated in a few hands, while the rest of Kenyans are living in absolute poverty. The few ones who have those resources are the top civil servants and politicians who have looted the Government coffers; grabbed parcels of land belonging to the Government and stolen taxpayers' money---

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Khaniri! Use Parliamentary language!

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I withdraw the word "stolen," but I replace it with the words: "They misappropriated the taxpayers' money, put it into their own accounts and made the rest of Kenyans suffer". It is amazing that those people are still walking around freely, occupying big offices in the Government and some of them are still flying flags.

*(Applause)*

Those are the people who have ran down State Corporations and, then, they are rewarded with flags. It is a pity. They are making the rest of Kenyans suffer and yet they are still rewarded by this Government. However, I am glad that some action is being taken against those crooks by the Leakey Recovery Team. However, I think the action should be intensified and not restricted only to the civil servants, but also to the politicians.

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

**An hon. Member:** Continue, Mr. Khaniri!

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Mr. Khaniri, you have implied that Members can be crooks. The word "crooks" is not Parliamentary. Will you please withdraw?

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I was not referring to the Members of Parliament. However, I withdraw the word "crooks." We are talking of eradicating poverty.

**Mr. Katuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Khaniri in order to call these Ministers, who are flying flags, crooks and yet they are the same people he is serving with in the Government?

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! He has withdrawn the usage of the word "crooks." Proceed, Mr. Khaniri.

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Thank you very much, Mr. Temporary Deputy Speaker, Sir. We have said that we want to eradicate poverty, although in my opinion, we cannot; because we can only reduce poverty. So, the phrase "eradication of poverty" should be replaced with "reduction of poverty."

*(Applause)*

However, we will not reduce poverty in this country, if we do not bring to book the culprits who have looted the Government coffers and invested the money outside. Those people should be arrested and forced to bring back the money so that it is circulated in this country.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, we cannot eradicate poverty if we do not avail loan facilities to our farmers and businessmen. It is impossible for farmers to borrow money in this country, because the interest rates are too high. What kind of business can pay that rate of interest? We will not eradicate poverty if our infrastructure is still the way it is. We have to address the question of infrastructure as a matter of urgency.

Mr. Temporary Deputy Speaker, Sir, regarding employment, I think it is high time the Government and this Parliament looked into ways and means of creating employment opportunities for our youths. Educating the youths and not providing them with jobs is the most dangerous thing that any country can do. That is why these days we have high-tech thuggery in this country, because we have educated people who have gone up to the university level, but cannot provide jobs for them and they have no alternative, but to participate in the thuggery that is going on. The high-tech thuggery in this country is being done by people who are well educated.

We have heard of an incident where people walked into a bank while singing hymns, grabbed money and went away with it. Illiterate people cannot do that; it is only learned people who can do that kind of thing. So, by not providing jobs for our youths, I think we are creating a very dangerous situation in this country.

Mr. Temporary Deputy Speaker, Sir, I will finish my contribution by condemning the remarks that I read in the *East African Standard* newspaper on Friday, which were attributed to one of our Cabinet Ministers in this Government. Those are remarks that I do not expect to come from somebody, who calls himself a national leader. A Cabinet Minister should emulate His Excellency the President, who has always preached against tribalism. However, here is a Minister who is so tribal that every time he opens his mouth, and this is not the first time he is particularly talking about my community, the Luhya---

**Hon. Members:** Yes! Toboa!

**The Assistant Minister for Agriculture and Rural Development** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, this is one man who is on record of having called members of my community cooks and watchmen.

*(Applause)*

The other day he---

**Mr. Adoyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Khaniri to assume that all of us read newspapers? Why can he not name the Minister?

**The Assistant Minister for Agriculture, Livestock and Rural Development** (Mr. Khaniri): Mr. Temporary Deputy Speaker, Sir, I think, there is only one Minister in this Government, who can make such remarks, and we all know him. I do not have to name him. I do not think there is any other Minister, who can talk like that in public. Those kind of statements must be condemned. This is a man who cannot even deliver a constituency. He is here by the mercy of the President.

I beg to support.

**Mr. Ayoki:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion.

I would like to take issue with the person, who wrote the President's Speech, especially, on the subject of eradication of poverty. There is no way poverty can be eradicated. The best that can be done is to reduce poverty to a certain level. For this country to reduce poverty, we need to put proper economic programmes in place, which can benefit this country and turn around the economy. For us to be able to reduce poverty, we need to improve on our agricultural performance. We should put our infrastructure in order.

Mr. Temporary Deputy Speaker, Sir, in Kisumu Rural Constituency, the roads are impassable; there is no water and people are dying.

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, I need your protection. There is a lot of noise from the opposite side of the House; yet they are the people who have destroyed the economy of this country. They are the people who have contributed to the poverty that the people of Kenya are now experiencing. We are suggesting ways of reducing

poverty, and they are the ones making noise. They should be ashamed of themselves, because they have really damaged this country.

Mr. Temporary Deputy Speaker, Sir, what the poor people in the rural area, especially in our constituencies, like Kisumu Rural need, are credit facilities to enable them to do business. We also need proper schools for our children to enable them to learn like others. The President urged us not to politicise poverty. I would like to state that, people forget very easily. It is the President himself who has politicised poverty. He is the one who has always said: "Siasa mbaya, maisha mbaya". Maisha mbaya means, poverty. Therefore, he is the one who politicised poverty a long time ago. What he forgot was that, a country like Kenya is like the human body, and if you injure your finger, you are likely to be infected with other diseases. So, when some parts of the country were denied the opportunity to develop economically, that has now affected other parts of the country.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Order, hon. Members! Your consultations should be done in low tones so that we can listen to the hon. Member on the Floor.

**Mr. Ayoki:** Mr. Temporary Deputy Speaker, Sir, thank you for your protection.

As I had said earlier, it is the Government side which has really destroyed this country economically and yet they are the ones making noise when they are being advised on how to solve the problem.

Mr. Temporary Deputy Speaker, Sir, I would like to make a few proposals on how we can alleviate poverty. At the time of Independence, the Government pledged to reduce poverty and illiteracy. Thirty seven years later, that has not happened. I hope this time the Government is serious in tackling poverty in this country. I hope, it is not going to be a public relations exercise as it has been for the last 37 years. I would like to propose that a constitutional Bill be brought to the House to amend the Constitution and allow the establishment of a Government of National Unity, so that if an economic programme is put in place, everybody will be involved to make sure that it succeeds. We should not allow one political party which has performed poorly for the last 37 years to continue governing the country. We cannot trust them with poverty reduction programmes.

With those few remarks I beg to support, and donate the rest of my time to Mr. Nderitu.

**The Temporary Deputy Speaker** (Mr. Poghisio): Sorry, you cannot do that.

**The Minister for Mineral Exploration** (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion.

In support of this Motion, I would like to talk about change of attitude. People may blame one another, but what is important is for everybody, whether a civil servant, a policeman or an hon. Member of Parliament to take up his role in the society. We should not blame the President for the all ills committed in this country, because, he does not play all those roles. It is not our responsibility, as human beings, to judge other people as thieves, it is only God how knows who is who. Therefore, if we have to talk of having a country that we love, we must have a change of attitude. The rest will follow if we become trustworthy, honest in our deliberations and to our country.

I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, by resolution of the House, it was agreed that the mover will be given 20 minutes to reply. So, I will call upon him to reply.

**The Minister for Transport, Information and Communications** (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I would wish to give five minutes of my time to hon. Munyes, then I will reply after that.

**Mr. Munyes:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also wish to give many thanks to hon. Musalia Mudavadi. Before I contribute to this Motion, I must first of all discount the claims by the newspapers over the Kwanza election campaigns that I was beaten and my hand was fractured. The newspapers also alleged that a lady KANU candidate was striped naked. That is incorrect information coming from the newspapers. It is very important for these papers to give us the correct information during elections. They should not twist information or cause confusion. I do not know what the Turkanas are saying. The Turkanas know about me and they can match to Kwanza Constituency and there will be chaos there.

Mr. Temporary Deputy Speaker, Sir, nevertheless, I begged the hon. Minister for five minutes just to raise the issue of the proliferation of small arms in this region. This is an issue that is affecting us in this country. All over this country, we talk of cattle rustling, insecurity, people dying here and there and this is becoming another catastrophe in this country. It is becoming another bigger problem for us Kenyans. We should not treat this as a simple issue. We can talk of cattle rustling as being an affair of the pastoralists, but the same guns being brought into this town, will also affect you. So, I really want to congratulate the Government for the little that it has done, but I will bring a Motion very soon to this House on this issue, so that we can find a way of mitigating effects of cattle rustling in our country.



We have seen how the Turkanas and the Pokots have suffered for many years due to cattle rustling. The people from the North Eastern Province are now suffering and instead of our efforts being directed to productive activities, they are being directed to unproductive activities. For instance, people from Turkana District should not be receiving famine relief food, but should be introduced to production. For instance, we are raising 8,000 tonnes of fish annually, but the optimum amount that we can raise is 20,000 tonnes. We have agricultural potential along the Turkwel River, which is twice the amount which we can get in Trans Nzoia District. These are the issues that we need to follow up. These are also the issues that I want this Government to tackle.

Mr. Temporary Deputy Speaker, Sir, we need water. For instance, as I talk, I have lost 60 per cent of cattle in my Constituency. The few that have remained have crossed over to Sudan and Ethiopia. They are crossing there because we have no water or dams. We do not need to tell this Government these things because they are very simple things. I need Kshs10 million to improve the fishing sector in Turkana District. This is money that we can get from this Government instead of feeding people or pretending that we like them and telling them: "This is the right policy; this is our area and we will serve you very well". We should prioritise issues and get what people want.

Mr. Temporary Deputy Speaker, Sir, I am appealing to this Government to support us. The Government has neglected pastoralists. If you saw from the Presidential Address, there was nothing about pastoralism in it. There was nothing about the Turkanas in it because it just talked about things up there. The pastoralists in Turkana would want to see tangible things that this Government intends to do for them. When I talk about the constitutional review process, nobody understands it because they do not have the basics. These are the issues that we need addressed in this country.

Mr. Temporary Deputy Speaker, Sir, when people talk of *majimbo*, or for example, when hon. Nassir comes and says: "Let us have *majimbo*", sometimes the Turkanas would want to suggest to have *majimbo* because if I get Kshs15 million for a project in Turkana District and then it disappears, people get disappointed. This money should come to the Turkanas themselves and not through corrupt Government officials who are just sitting there to reap from Turkana District. Turkana is one of the most corrupt districts in Kenya. Millions of shillings disappear because of corrupt Government officials. The Government officials are demoralised.

On 27th December, 1999, I was shot at by the a Kenya Police Reservist. He disrupted my meeting and shot at me. I have reported the incident to the police, but nobody wanted to follow up the case. Nobody even wants to take the guns from these people. What kind of a society are we if we cannot even arrest criminals when we know them? These are the issues that we need to raise with the Minister of State, Office of the President, Maj. Marsden Madoka, although we have raised them very many times.

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

**The Minister for Transport, Information and Communications** (Mr. Mudavadi): Thank you, Mr. Temporary Deputy Speaker, Sir.

In replying to this Motion, I just wish to first of all thank the hon. Members, who have had an opportunity to contribute to the debate on the Presidential Address. Of course, we have had a mixture of reactions. We have also had some palatable and unpalatable words. Nevertheless, that is the nature of debate.

However, there are a few issues that one needs to point out. We need to reiterate that the Presidential Address was an over view of the state of the economy and the issues on which emphasis should be put in terms of priorities and resource allocation. It seems that all along, some hon. Members were expecting a scenario where the President would give us a detailed account on a sectoral basis. This clearly is the domain of individual Ministries that will be handling specific aspects of the general policy direction that the Government would wish to undertake.

At the same time, I just want to emphasise that earlier on, there has been reference to the President having said that Ministers and Assistant Ministers should be Members of the Public Accounts or the Public Investments Committees of the House. I wish to correct the impression. This has been taken out of context and, indeed, when this issue came up within the KANU Parliamentary Group, the issue that came out was that somewhere along the line, perhaps, if there is need, it may be possible for some people to move away from the Ministerial posts and maybe take a greater role in some of the Departmental Committees. This is the context in which it was put forward. Therefore, the President knows absolutely clearly that there is no way that one can be a Minister, and at the same time, sit on a watchdog Committee of the House. That impression ought to be corrected because it has been taken out of context and it could mislead Kenyans and give the wrong impression.

Mr. Temporary Deputy Speaker, Sir, I just want to reiterate that one of the biggest problems that we have had is the question of perception. A lot of it also emerges from the way in which we address issues. Somebody walking into the Jomo Kenyatta International Airport from outside and picking up one of our newspapers, can sometimes imagine that Kenya is in a state of war. This is because the way statements are made and presented gives a very wrong impression. It seems at all times, that there is excessive antagonism; people are at war and there is no element of dialogue in this country. However, over the years, especially since the advent of multi-partyism, if one was to look at some of the countries in the region and compare the discussions that take place in these countries, one would say that it

has been a very good sign, that we can express ourselves freely.

However, it is important that when we utter these words or make these statements, particularly, hon. Members of Parliament and particularly leaders, we should be careful. It is unfortunate, for instance, when an hon. Member of this House stands up and says that what is happening in a country like Zimbabwe should take place in this country. It would be wrong if we were to engage in issues where people's farms would be invaded as it is happening in Zimbabwe. We should not allow those kind of statements and we should not encourage them to come from leaders, if at all we want to maintain peace in this country. It is also very clear that such utterances would be the genesis of clashes once again in this country. The clashes that we all condemned were simply a question of people invading other people's land. The tribal clashes that occurred in the country, were brought about by people who were agitating for land. We do not want that kind of state at all. I hope those who were responsible for such comments will see the wisdom of refraining from making them.

Lastly, I would like to remind Members of the House that, within the provisions of our Standing Orders, we should be cautious not to carry issues that are still before the House, and have them debated outside. I do not want to anticipate debate in any way, but I am trying to say that, not too long ago, a Report was tabled in this House. I think it is only proper that, Members look at the document first, prepare themselves to either tear it apart, or make it better, if it is not satisfactory. This should be done within the precincts of this House so that we do not breach our Standing Orders. What is emerging is that, everybody is making utterances out there, before they have had an opportunity to deal with the matter here. This is simply a question of conforming to our Standing Orders as parliamentarians. We are not trying to introduce any new issues.

Mr. Temporary Deputy Speaker, Sir, it is quite clear that a situation is evolving, where we are creating a double situation. We have Motions that are due to come; which are even calling for additional constitutional amendments, without reference to other parties. We must ask ourselves: "Where do we stand in this whole process of constitutional amendments?" The people did not like the aspect of Section 2A, and other previous piecemeal amendments. They argued that the people had not time to deliberate and think through issues in those piecemeal amendments. That is why this House saw it fit to correct that position. However, I would like to caution that, in the process of us evolving and coming up with Motions, we should make sure we live up to that. This is because bringing a constitutional amendment here now, before we have even sorted out those issues, is also in breach of the general principle that we want.

We need to ask ourselves: "If we are ready to start accommodating piecemeal constitutional amendments now, what is the whole debate about?" So, those are some of the issues that I would like us to reflect on, as we prepare ourselves to tackle numerous other issues.

With those few remarks, I wish to say that, the House should adopt the Motion as moved by the Leader of Government Business, in support of the Presidential Speech.

*(Question put and agreed to)*

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghisio): Hon. Members, it is now time for the interruption of the business. The House is, therefore, adjourned until tomorrow, the 12th day of April, 2000, at 9.00 a.m.

The House rose at 6.30 p.m.