

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 7th December, 2000

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.695*

### ISSUANCE OF DEGREE CERTIFICATES TO MISS MWENJE

**Mr. Kamau** asked the Minister for Foreign Affairs and International Co-operation:-

- (a) whether he is aware that Miss Lucy Wangui Mwenje, who did a BA degree course at the University of AGRH BVRJ(BICHPURI) India, College Roll No.53, enrolment No.938340 between 1993 and 1996 has not been issued with her degree certificate to date; and,
- (b) whether he could facilitate the issuance of the certificate to enable Miss Mwenje to look for employment.

**Mr. Deputy Speaker:** Anybody from the Ministry of Foreign Affairs and International Co-operation here? We will come to that Question later.

*Question No.737*

### WHEREABOUTS OF MR. KARARI

**Mr. Muite** asked the Minister for Home Affairs, Heritage and Sports:-

- (a) whether he is aware that Mr. Joseph Goko Karari, a staff member, Service No.PF/6323, disappeared on 14th June, 1998 while stationed at Industrial Area Remand Prison and that he has not been traced to date; and,
- (b) what steps he is taking to ensure that Mr. Karari is traced.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Ms. Mwachai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Ex-Warder, FP/6323/67012416, Joseph Goko Karari was enlisted into the Prisons Service on 3rd July, 1967. On 14th June, 1998, he disappeared from his duty station - Nairobi, Industrial Area Remand Prison, and has not been traced by the Prisons Service Department, the police, the Provincial Administration or his relatives to date. On 9th October, 1998, as per the requirements of service regulations governing absence from duty, he was dismissed from service on account of desertion.

Mr. Deputy Speaker, Sir, the wife of the ex-warder, a Mrs. Agnes Wairimu Goko, in a letter dated 24th March, 2000 and signed on behalf of her children and herself appealed through the Commissioner of Prisons to the Public Service Commission against that dismissal. The grounds of her appeal being that the Prisons Service had assumed desertion while it was common knowledge that the ex-warder disappeared mysteriously and had not been traced since.

The Public Service Commission in a letter dated 5th July, 2000, asked my Ministry to inform the family that the appeal had not been considered because it was found to be legally defective. The message was communicated to the family on 2nd July, 2000.

(b) Mr. Deputy Speaker, Sir, every effort has been made to know the whereabouts of Mr. Karari and this can be borne out of the following actions:-

On 19th June, 1998, the Officer-in-Charge, Nairobi Remand Home and Allocation Prison, sent Mr. Goko's son, who was residing at the staff lines to his rural home to inquire on the whereabouts of his father. The son reported

back that his father had not been seen. The Officer-in-Charge then reported the matter to the Officers Commanding Industrial Area, Kikuyu and Tigoni Police Stations, to assist in the search.

Consequently, on 26th June, 1998, the Officer-in-Charge, Nairobi Remand Home and Allocation Prison, contacted the family who denied having seen him. On 9th July, 1998, the Officer-in-Charge contacted the family again for the third time in vain.

Hon. Muite wrote to the Commissioner of Prisons on 7th August, 1998, asking him to investigate the disappearance of Mr. Karari. He was informed of the efforts being expended by the Prisons Service and the police in the search.

Mr. Deputy Speaker, Sir, Mr. Karari had to be declared a deserter on 9th October, 1998.

**Mr. Muite:** Mr. Deputy Speaker, Sir, the last time Mr. Karari was seen, he was being pushed into a vehicle by senior officers at Nairobi Industrial Area Remand Prison. I would like the Assistant Minister to explain why they would declare Mr. Karari a deserter? The letter I have here which declares him a deserter is dated 28th February 2000. Four days after this man was seen being pushed into a vehicle, the Prisons Service wrote a signal to all the police stations in and around Nairobi asking for assistance in tracing this gentleman, suggesting that he was mentally disturbed. How could he work for so many years if he was mentally disturbed? I beg to lay these documents on the Table and the Assistant Minister should respond because they murdered this man!

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

**Ms. Mwachai:** Mr. Deputy Speaker, Sir, my Ministry is not aware that this man was mentally disturbed. We have to go through the documents provided by hon. Muite so that we can get more information.

**Mr. Mwakiringo:** Mr. Deputy Speaker, Sir, now that hon. Muite has proved that the dismissal letter was actually dated February this year, what led to the non-payment of the salaries of this man to the family? Was this warder on duty when he disappeared from his place of work or he was in his house?

**Ms. Mwachai:** Mr. Deputy Speaker, Sir, when this man disappeared from his station, the son was sent to go and check whether he was in his rural home. On the issue of paying his salary, we were under no obligation to pay the family of this man after he had been declared a deserter.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, it is evident that this officer disappeared in the hands of the Prisons Department. I think the Assistant Minister should be given enough time to go and investigate this matter afresh.

**Ms. Mwachai:** Mr. Deputy Speaker, Sir, this man disappeared from the staff quarters. So, we cannot say how he disappeared!

**Mr. Muturi:** Mr. Deputy Speaker, Sir, from the answer given by the Assistant Minister and the supplementary question put by hon. Muite, we do realise that there are factual differences. From the Assistant Minister's written answer, she does say that the Public Service Commission wrote to the Ministry on 5th July this year, asking them to inform the family that their appeal had not been considered because it was impossible to enforce it. The answer goes on to say that the message was communicated to the family on 5th July. It is clear that the Public Service Commission could not write on 5th July, asking the Ministry to communicate to the family and then the Ministry acts again on the 2nd of July! There is something factually wrong about this answer. I think this Assistant Minister should be given time to carry out further investigations and come up with an answer that is factually satisfactory.

**Ms. Mwachai:** Mr. Deputy Speaker, Sir, I do not think I need more time to go and carry out further investigations. We have done enough investigations and I cannot come up with something new, even if I were to be given that time.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, there is a worrying aspect to this case which the Assistant Minister should reply to. Hon. Muite says there was a fracas when this man was being pushed into a vehicle. She has not commented on that! There is also the aspect where the Ministry wrote a letter on 5th July, and the family was informed on 2nd July. I think this Assistant Minister needs more time to come back with a better answer.

**Ms. Mwachai:** Mr. Deputy Speaker, Sir, I am surprised, because hon. Muite was nowhere near the remand prison and yet, he alleges that this officer was pushed. According to the information we have, this officer was not pushed. This is why we took all those steps in order to know where that particular person was.

**Mr. Muite:** Mr. Deputy Speaker, Sir, we need your guidance here, because there are aspects that the hon. Gracious Lady is refusing to comment on. Twice, her attention has been drawn to the fact that the written answer says the Public Service Commission wrote on 5th July, 2000, and that her Ministry informed the family about the decision of the Public Service Commission on 2nd July before the letter was written. Secondly, I asked her to comment on why they were suggesting in the police signal sent out that Mr. Karani was mentally disturbed. I laid that document on the Table of the House, but she has not commented on that. She said that she does not know about the person being mentally disturbed. Clearly we are dealing with a situation where not only does it appear that they murdered this

person, but three years later, they are writing a letter that he deserted, in order to deny his widow and his children the pension benefits for which this gentleman had worked since 1967. Do we not need to give her more time to come up with a more satisfactory answer?

**Ms. Mwachai:** Mr. Deputy Speaker, Sir, about this man being mentally disturbed, it is just common sense, and any human---

**Mr. Deputy Speaker:** Order! Ms. Mwachai, we do not want your opinion. We want facts. You clearly have got your facts wrong, and you must, therefore, get more time to synchronise your dates and get your facts right and come back to this House when we meet next.

*(Question deferred)*

*Question No.736*

PAYMENT OF BENEFITS TO MR. IKUMBI'S FAMILY

**Mr. Kibicho** asked the Minister for Agriculture:-

(a) if he is aware that the late Mr. Ikumbi was an employee of Kenya Marine and Fisheries Research Institute, Mombasa Station until 10th December, 1996, and that to date, the dependants have not been paid his benefits; and,

(b) when the family will be paid the said benefits.

**The Assistant Minister for Agriculture and Rural Development** (Mr. J.D. Lotodo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the late Mr. Ikumbi was an employee of the Kenya Marine and Fisheries Research Institute, Mombasa station until 10th November, 1996. I would like to inform the House that his dependants have now been paid his benefits.

(b) The late Ikumbi's benefits were paid to his wife Mrs. Beatrice Wanjiku Ikumbi vide cheque No.009894 dated 28th November, 2000.

**Mr. Kibicho:** Mr. Deputy Speaker, Sir, the Assistant Minister has not told us how much she was paid.

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, as per the cheque, she was paid Kshs200,325.

**Mr. Kihoro:** Mr. Deputy Speaker, Sir, the money that was paid to this widow is money that was due for the last four years. Could the Assistant Minister assure this House that interest will be calculated, if need be, at the new rate of 13 per cent for the four years that money has been pending uninvested?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I am afraid we are not going to pay the interest, because the delay in payment was caused by the fact that the Institute had no insurance cover and was in the process of providing an insurance cover for staff after the one provided by the Kenya National Assurance Limited in liquidation ceased on 30th June, 1996. When it was wound up, the Institute had then not set aside any money to pay the benefits of the families of the deceased.

**Mr. Kihoro:** On a point of order, Mr. Deputy Speaker, Sir. The point I raised is on the question of paying this lady the interest that had accrued for a period of four years, but the Assistant Minister has not responded to it.

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, I said we could not pay the interest accrued because this depends on the date when the appellant forwarded the complaint to the Ministry.

**Mr. Kibicho:** Mr. Deputy Speaker, Sir, you notice that this money was paid after the Question had been filed. Is this not unfair to retirees? Could the Assistant Minister assure the House that the lady will be paid all pension dues under the Widows and Pensions Act and how much would that be?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry is not aware of that. We have paid what is due to the widow of the late Mr. Ikumbi.

**Mr. Kibicho:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that he is not aware? If he is not aware, what were the terms of his employment?

**Mr. J.D. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry paid gratuity to the deceased's widow, and we are not aware of any other benefits.

**Mr. Deputy Speaker:** Mr. Thirikwa Kamau's, Question, for the second time!

*Question No.695*

ISSUANCE OF DEGREE CERTIFICATE  
TO MISS MWENJE

**Mr. Kamau** asked the Minister for Foreign Affairs and International Co-operation:-

(a) if he is aware that Miss Lucy Wangui Mwenje, who did a BA Degree course at the University of AGRH BVRJ (BICHPURI) India, College Roll No.53 (enrolment No.938340 between 1993 and 1996) has not been issued with her degree certificate to date; and,

(b) if he could facilitate the issuance of the certificate to enable Miss Mwenje to look for employment.

**The Assistant Minister for Foreign Affairs and International Co-operation** (Mr. Muchilwa): Mr. Deputy Speaker, Sir, I apologise for coming late.

However, I beg to reply.

(a) Miss Lucy Wangui Mwenje was a student at the University of AGRH BVRJ (BICHPURI) India, between 1993 and 1996.

(b) According to our records, the former student has never requested the Ministry to pursue the matter of her degree certificate with the university concerned. However, our Embassy in New Delhi has written and requested the registrar of the said university to release the degree certificate for onward transmission to the owner. Miss Lucy Wangui Mwenje should, therefore, be advised to check with the Ministry of Education who are the custodian of all certificates released by overseas institutions.

**Mr. Kamau:** Mr. Deputy Speaker, Sir, the Assistant Minister should note that we are not talking about Miss Lucy Wangui Mwenje as in the written reply. The lady we are talking about is Miss Lucy Wambui Mwenja. Nevertheless, this answer is really wanting because all along, the father of this lady has been dealing with the Ministry of Foreign Affairs and International Co-operation. Therefore, it would be wrong for the Assistant Minister to say that the Ministry has not been consulted. Now that I have made him aware and as stated, the Ministry has written to India, how long is it going to take for this lady to get her degree certificate so that she can be able to look for employment? It has taken three years since she completed her degree course. Does it mean that the parents must travel to India to get the certificate when we have the Ministry of Foreign Affairs and International Co-operation in place?

**Mr. Muchilwa:** Mr. Deputy Speaker, Sir, the certificate will be made available to the lady as soon as possible. We cannot give a specific period because we are dealing with a different organisation in India.

**Mr. Kamau:** Mr. Deputy Speaker, Sir, really, even if they are dealing with somebody different in India, this is an old case and the Ministry should know that it is now three years since this lady completed her degree certificate. The Assistant Minister should tell us what is going on. For example, what specific answer has he ever got from his people in India?

**Mr. Muchilwa:** Mr. Deputy Speaker, Sir, I informed the hon. Member that we have written to the institution concerned and are waiting for a reply. As soon as we get a reply and the certificate, the lady can come and collect it.

## QUESTIONS BY PRIVATE NOTICE

### IMPLEMENTATION OF IPPG RECOMMENDATIONS

(**Mrs. Ngilu**) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that chiefs are still forcing people to apply for permits when they want to meet, contrary to the 1997 IPPG recommendations?

(b) What action does the Minister plan to take to ensure that the chiefs observe the law and that these permits are outlawed?

**Mr. Deputy Speaker:** Mrs. Ngilu is not in? The Question is dropped!

*(Question dropped)*

### DISPERSION OF DEMONSTRATING CIVIL SERVANTS

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

(a) Why did the Officer Commanding Central Police Division, Nairobi area, use force to disperse a peaceful demonstration by the retrenched civil servants on Wednesday 29th November, 2000?

(b) How many people were injured and hospitalised as a result of this action by the police officers?

(c) Why did male police officers manhandle women civilians contrary to police regulations?

(d) Could the Minister compensate the complainants and take appropriate disciplinary action against the officers involved?

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

(a) The demonstration by the retrenched civil servants was not peaceful. They defied orders to disperse peacefully. Their activities were a threat to law and order, and, therefore, they had to be dispersed forcefully.

(b) The police used reasonable force to disperse the crowd.

(c) It is not true that the police officers manhandled the civilian women.

(d) Arising from my replies above, part "d" does not arise.

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, anyone who watched television that day or even read the newspapers the following day would not agree with the Minister's answer. I would like to know from the Minister what was not lawful about that procession since peaceful demonstrations are allowed by law. Was it wrong for the retrenchees to ask for their rights? We did not see them carrying any weapons.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, there was nothing wrong in them holding a peaceful demonstration, but they came to Harambee House screaming and shouting. Senior officers from the office spoke to this group and asked them if they had any particular memorandum which they might have wanted to present, but they continued shouting and making it uncomfortable for people to work in the offices. They lay across the road and stopped vehicles from moving and, therefore, they had to be moved.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, last week, the World Bank announced that the money allocated for the retrenchees was Kshs240,000. It is on record that only Kshs40,000 was paid to those retrenchees and that was the reason they were demonstrating. Is the Minister satisfied that the action meted out on those retrenchees when they were clearly fighting for their rightful share was justified? Could he also tell us what happened to the rest of the money for the retrenched civil servants?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, what really happened is that these people were not permanent employees of the Government. Those civil servants who were demonstrating were people who had been taken on temporary terms for the registration purposes, and their share of money came to Kshs40,000. But the other employees did get their rightful share.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, it is very unfortunate that a Minister in charge of security can defend the use of excessive police force on helpless women. Can the Minister tell the House why when goons are hired to demonstrate against the Government they are allowed to go scot-free whereas when people demonstrate to fight for their rights, have to be dispersed? Which law did the demonstrators violate?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I have just explained that they were asked to leave peacefully, but they refused and they continued to disrupt the working in and around the Harambee House. Also, they were being joined by other idlers from the streets.

**Mrs. Mugo:** Mr. Deputy Speaker, Sir, it is very unfortunate that this Government likes to use excessive violence on civilians just because they make noise, or refuse to disperse during a legal demonstration which is allowed by the Constitution. We saw women being clobbered with very heavy clubs and, indeed, four women were floored to the ground. Is that a reasonable force? Were those who were beating poor women to the ground male or female officers, since you said that no men brutalised the civilian women? What is the true position? We saw it on television and in the newspapers. I saw that they were men.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, indeed, they were men, but they did not brutalise those women.

#### CAUSE OF VIOLENCE IN NAIROBI SOUTH B ESTATE

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

(a) Is the Minister aware of the three-day fracas and wanton destruction of property and human life in South B Estate in Makadara Constituency, from Thursday, 30th November, to Saturday, 2nd December, 2000?

(b) What was the cause of this violence and what is the Government doing to contain the situation now and in future?

(c) What disciplinary action is the Government taking against the people who incited the youth on Friday to burn churches, harass and beat innocent residents of South B Estate?

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

(a) I am aware of the two-day violence and destruction of property and not three days as alleged. The violence took place on 30th November, 2000, and 1st December, 2000. The estate was calm on the 2nd of December.

(b) The cause of the violence was a land dispute between the Muslim community in South B and hawkers who were doing business within the vicinity of the mosque. I am not aware of any negative role played by the security personnel as alleged.

(c) A total of 87 suspects were arrested, but were later released. Investigations are still in progress and the released suspects could be arrested later.

**Mr. Mugeke:** Mr. Deputy Speaker, Sir, that issue was brought up by dispute over land. The whole of Mukuru is occupied by very poor Kenyans, and that allocation was carried out by the Government. To avoid causing problems in the future, could the Government come out clean and regularise the occupation of that area? I am sure even the squatters in Embakasi, Mathare and Kasarani still have such problems. To avoid bloodshed, could the Minister confirm that the arrangements that he made to regularise occupation of the slum areas in Nairobi is done? Also, at the same time, security agents at that area were partisan; they were taking sides. In fact, we have in mind a whole Minister, Mr. Shariff Nassir, who did comment on that day---

**Mr. Deputy Speaker:** Order! Ask your Question! This is Question Time! Debate is coming later! Now, ask your Question.

**Mr. Mugeke:** Mr. Deputy Speaker, Sir, I am asking whether the Government can regularise occupation in that area occupied by slum dwellers, from Sinai to Mukuru, and also charge Mr. Nassir. In fact, he incited people to violence.

**Mr. Deputy Speaker:** Order, Mr. Mugeke! One question at a time.

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the hawkers who were occupying that land which truly belonged to the Muslim community are being relocated and they will be given some other piece of land. As far as the other areas are concerned, I think we will have to look at the specific areas that he is talking about.

**Mr. Mugeke:** Mr. Deputy Speaker, Sir, there are people who own houses in Fuata Nyayo. The difference was between the Muslim faithfuls at the mosque and the slum dwellers; they are not hawkers. That is why they burnt down houses. We are asking the Government: Can it regularise occupation in that area?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, I said that those who are affected are being relocated.

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, the debacle occurred on 30th November, 2000, and the Government knew that there was a crisis and violence in that area. Why did the Government not take measures to ensure that the next day there would be no continuation of fracas since they have got so many police officers who keep on following hon. Kirwa and other hon. Members to disperse their Harambees?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, it is true that this incident happened on a Thursday and we took the necessary steps. We brought in extra security personnel into the City, but in the morning when the Muslim leaders went to speak to the Muslim youths around the mosque, we thought that there would be no problem because they seemed to be understanding. But later, another incident occurred and later it was contained.

**Mr. Mugeke:** Mr. Deputy Speaker, Sir, the Minister has not commented on the issue of Government officers inciting people. We have that on record; that a senior Minister incited people. Is the Minister above the law? Or why are they arresting 73 people and leaving the Minister? What action will the Government take against the Minister?

**Maj. Madoka:** Mr. Deputy Speaker, Sir, the Minister denied having made such accusations.

#### ARMED SECURITY FOR KENYA RAILWAYS DIRECTOR

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

(a) Is the Minister aware that the Managing Director, Kenya Railways Corporation, is being guarded by armed policemen both at his office and at his residence in Nairobi?

(b) Could he inform the House why the Government is providing armed security to the Managing Director?

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

(a) It is true that the Managing Director of Kenya Railways has Kenya Railways police officers providing security at his residence at night in Nairobi and at his office. The ones in the office are not armed.

(b) The Kenya Railways services are categorised as essential services and are operated 24-hours a day, spanning the breadth and width of the entire Republic. Often the Managing Director has to attend to operational emergencies at night anywhere from Mombasa to Malaba. As such, there is need for personal security at the residence.

**Eng. Toro:** Mr. Deputy Speaker, Sir, the Assistant Minister's answer is misleading this House. Over the years, the Managing Directors of the Kenya Railways have never had such security arrangements. Instead of armed police officers guarding them, they have had watchmen from the Kenya Railways Corporation. So, what is special about the current Managing Director that he has got to be given armed police officers when previous Managing Directors were not provided with that kind of security arrangement both at the office and the residence?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, apparently, as we all know, the Kenya Railways Corporation is a Government service which, of course, belongs to the wananchi of Kenya. Previously, the former Managing Directors have been guarded by watchmen, but that arrangement is not there at the moment. There is a Formation of Kenya Railways Police under the Assistant Commissioner of Police. So, the Managing Director, being one of the top men in the services, has to utilise that security arrangement.

**Eng. Toro:** Mr. Deputy Speaker, Sir, there is something the Assistant Minister is hiding from this House. He should tell the House the truth because the Managing Director has already allocated vehicles Nos.KAE159F and KAD793M to police officers. They are used by police officers who guard him all the time at home and in his office. That is clearly a misuse of the Kenya Police Force. The Kenya Railways Police was not set up to guard the Managing Director. What is the Assistant Minister hiding about the current Managing Director?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, I am not hiding anything with regard to the facts on the Kenya Railways Corporation. As long as the Kenya Railways Police are there and the Managing Director is the boss there, he has to use them at his home and office.

**Mr. M.A. Galgalo:** On a point of order, Mr. Deputy Speaker, Sir. This is a man who is doing an essential service. Why is the hon. Member on the other side so much concerned about the Managing Director of Kenya Railways Corporation? Can he declare his interest?

**Mr. Deputy Speaker:** Order! No hon. Member will be allowed to gag another hon. Member. As long as the Question he asks is within our Standing Orders, he is free to ask it.

**Mr. Keriri:** Mr. Deputy Speaker, Sir, the Assistant Minister has been asked a question, but I do not think he has answered it properly. Before this Managing Director was employed, the Kenya Railways Corporation had police officers attached to them. There have been several other managing directors, but none of them has ever had policemen with armoured vehicles and guns guarding them. Why should this be the case for this particular one? What is so special about this particular one who has been allowed to use the police force at the highest?

**Mr. Lengees:** Mr. Deputy Speaker, Sir, the Managing Director is not misusing his vehicles. They are only used to transfer the policemen to his residence. The Kenya Railways Police are the ones looking after all the assets of the Kenya Railways Corporation, including the Managing Director who is a top employee.

**Eng. Toro:** Mr. Deputy Speaker, Sir, I do not understand why the Assistant Minister does not want to answer a straightforward question. Why is this particular Managing Director so special compared to the others that he has got to be provided with armed security whereas, the normal watchmen employed by the Kenya Railways Corporation have been doing the job that the security personnel are doing now?

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

**Mr. Deputy Speaker:** How can you stand on a point of order when somebody has asked a question? Proceed.

**Mr. Lengees:** Mr. Deputy Speaker, Sir, I am not refusing to answer the question. I am answering the question the way it is asked here. Secondly, I am not here to answer questions the way he wants them to be answered. I am not aware of the presence of watchmen at the Kenya Railways Corporation. I am aware of the police officers guarding the house of the Managing Director.

**Mr. Ojode:** Mr. Deputy Speaker, Sir, first of all, we would want to know why the Questioner is asking why the Managing Director is being guarded? I am asking that---

**Mr. Deputy Speaker:** Order! I have just ruled a few minutes ago that no Member has a right to gag another Member. As long as Eng. Toro is asking a legitimate question which is allowable under our Standing Orders, he is free to ask it. If hon. Ojode has another agenda, he should address it out of this Chamber and not here.

Next Question!

#### NON-PAYMENT OF DUES TO SUGAR-CANE FARMERS

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

(a) Is the Minister aware that over 4,000 sugar-cane farmers in Nzoia Sugar Belt are starving and will not afford school fees for next year as a result of non-payment of their dues by Nzoia Sugar Company?

(b) Is he further aware that the company owes these farmers over Kshs700 million?

(c) In order to alleviate the suffering of these farmers, could the Minister lend Nzoia Sugar Company monies from Kenya Sugar Authority for onward payment to the farmers?

**The Minister for Rural Development** (Mr. Mohamed): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that over 4,000 sugar-cane farmers in Nzoia Sugar Belt are starving and will not afford school fees for the next year as a result of non-payment of their dues by Nzoia Sugar Company. However, I am aware that despite the cash flow constraints experienced by Nzoia Sugar Company arrangements have been made to advance farmers money to meet urgent financial needs such as school fees.

(b) I am aware that Nzoia Sugar Company owes farmers a sum of Kshs494 million---

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. The wrong Minister is answering this Question. He is not the Minister for Agriculture.

**Mr. Deputy Speaker:** Order, hon. Angwenyi! Who made you an *askari* over others?

**Mr. Angwenyi:** Mr. Obure is the Minister for Agriculture. Has he been removed from that position?

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

**The Minister for Rural Development** (Mr. Mohamed): Thank you, Mr. Deputy Speaker, Sir, for protecting me.

(b) I am aware that Nzoia Sugar Company owed farmers a sum of Kshs494,441,103 as at 30th September, 2000.

(c) It is not possible for the Ministry to lend money to the Nzoia Sugar Company either from the Kenya Sugar Authority or from the Exchequer due to constraints in budgetary allocations and the fact that the Sugar Authority Development was not established for the purpose of enabling companies to repay that.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, in fact, the point of order by hon. Angwenyi was correct. The answer I have is signed by the Minister, Obure, and I do not know why he is giving it to the Minister for Rural Development to answer.

**Mr. Deputy Speaker:** I think you should be more concerned with the contents than with the style.

**Mr. Kombo:** Sometimes the messenger can be the wrong one. Be that as it may, for the last five years whenever we have raised issues on Nzoia Sugar Company we have been told there is financial restructuring taking place. Today, we are being told the same thing. In fact, at times we have been told that there is a Cabinet Paper due to come, to sort out the matter because the problems of Nzoia started right from the inception. When will this restructuring take place? Can the Minister tell us the time frame so that we can solve this problem once and for all?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, restructuring is going on and they are working on it. We hope it will be very soon.

**Dr. Kituyi:** The Minister says there is no money from the Sugar Development Fund to assist in bailing out Nzoia Sugar Factory in its indebtedness to the farmers. Could he explain to this House what the function of the Sugar Development Fund is and why money from that Fund has been used in the past to bail out other sugar factories, but it cannot be used on Nzoia?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, the function of the Sugar Authority is very well known and it is not there to advance companies money.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I have asked a question about the functions of the Sugar Development Fund. The Minister is answering about the function of the Sugar Development Authority. Can he understand the difference?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, the function of the Kenya Sugar Authority is to develop sugar companies, but not to pay debts incurred by farmers.

**Mr. Deputy Speaker:** Order, Mr. Minister! I think you must listen to the question. He is asking you the functions of Kenya Sugar Development Fund and not the Authority.

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, I think I have said what the functions of Kenya Sugar Development Fund are. Its functions include developing the sugar industry.

**Dr. Omamo:** Mr. Deputy Speaker, Sir, from what the Minister is saying, the House can see that Nzoia cane growers are being strangled by the Government. The sister of Nzoia Sugar Company is Muhoroni and it is being strangled by the Government. The brother of Nzoia is Miwani Sugar Factory which is also being strangled by the Government. Could the Minister assure the House that the Government is going to stop strangulating Western Kenya sugar-cane growers and in that way, stop frustrating the sugar industry in Western Kenya?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, the answer is yes. The Government is not frustrating sugar development in Western Kenya and will not.

**Mr. Kombo:** Mr. Deputy Speaker, Sir, I do not think this Government is serious at all. In fact, serious



questions and issues are not treated with the seriousness they deserve. It shows that there is no Government at all. When the Americans - Schaeffer and Associates came to Nzoia they promised to give Kshs600 million and this Government signed a contract to ensure that the Kshs600 million would be given to Nzoia Sugar Factory to pay the farmers. That money has not been given. Can the Minister tell us when Schaeffer and Associates will give us the Kshs600 million that was promised?

**Mr. Mohamed:** Mr. Deputy Speaker, Sir, earlier on, I talked about restructuring and the American money is part of the restructuring programme we are talking about and it is going to come.

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

#### LEGAL AUTHORITY IN CHARGE OF KCC

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

(a) Who is currently the legal authority in charge of the Kenya Co-operative Creameries Limited (KCC)?

(b) How much money has been paid to the receivers to date?

(c) How much money and at what interest rate has Kenya Commercial Bank advanced to the KCC and how much does the company owe the bank, for instance the principal plus interest?

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

(a) The current legal authority running KCC is the official receiver, appointed by Kenya Commercial Bank, who are the debenture holders. The official receiver was appointed on 5th August last year.

(b) The receivers of KCC have been paid an amount of Kshs21.6 million to date.

(c) The Kenya Commercial Bank has advanced a total of Kshs1.8 billion in the form of loans and overdrafts. This sum includes both the principal and interest, accrued since the money was given.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I am very dismayed by the answer given by the Minister. I rarely quarrel with the Minister on coffee or tea, but on this issue of milk, he cannot get away with it. I wish the President of Kenya attends the sittings of the House because some of these injustices caused on the farmer come from the President, who does it in public places. Can the Minister say who is the legal authority, since it cannot be the official receiver? This is a company with shareholders who are the farmers. Can the Minister tell us the position of the farmer? As we stand today, milk affects everyone of us, including you, Mr. Deputy Speaker, hon. Biwott and myself.

**Mr. Deputy Speaker:** Order!

*(Laughter)*

**Mr. Obure:** Mr. Temporary Deputy Speaker, Sir, hon. Gatabaki has asked a very specific question which is: Who is the legal authority in charge of KCC? The answer is very simple. It is the official receiver appointed by KCB, in accordance with the provisions of our laws.

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, can the Minister tell the House what is the breakdown of all the money owing to various milk suppliers and components by KCC and what was the actual date of incurring of some of these expenses?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I am not in a position to give that breakdown because that would be a very major exercise, but should it be necessary, we shall make it available. However, I would like to point out at this stage that the money given both in the form of loans and overdrafts, was given at various dates over a long period of time.

**Mr. Munyao:** Mr. Deputy Speaker, Sir, the Minister said that KCC owes KCB Kshs1.2 billion. How much of that money was authorised by the board of KCC and what authority did the bank have to give that overdraft and loan?

**Mr. Obure:** Mr. Deputy Speaker, Sir, I said the total amount owed by KCC to KCB is Kshs1.8 billion and not Kshs1.2 billion. Secondly, I would like to say that all the transactions relating to loan advances and overdrafts were duly authorised by the directors of KCC.

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

**Mr. Deputy Speaker:** Order! If you look at your Order Paper, you will see that we should start the next Order not later than 3.30 p.m. However, there were issues that had been raised in accordance with the Standing Orders after Question Time, directed and to certain Ministers, and I believe some of them are ready to respond now. If we adjourn, those issues will lapse. I would like to give this opportunity to those Ministers to respond to the issues that were raised with them before we reach 3.30 p.m. The rest of the Questions by Private Notice are deferred.

## WATER SHORTAGE IN MODOGASHE TOWN

- (Mr. Shidiye)** to ask the Minister for Water Development:-
- (a) Is the Minister aware that the residents of Modogashe Town are experiencing extreme water shortage due to the prolonged drought?
  - (b) Is he further aware that the schools and health centres have been closed due to the water crisis?
  - (c) What steps is the Minister taking to alleviate the problem?

*(Question deferred)*

## GOVERNMENT POSITION ON TITANIUM MINING

- (Dr. Ochuodho)** to ask the Minister for Mineral Exploitation:-
- (a) What is the official Government position concerning mining of titanium reserves in Kwale District?
  - (b) Could the Minister consider commissioning an independent study on environmental impact assessment before entering into any contract for this project?

*(Question deferred)*

## PAYMENT OF RATES TO LAIKIPIA COUNTY COUNCIL

- (Mr. Kiunjuri)** to ask the Minister for Local Government:-
- (a) Is the Minister aware that the Ministry owes Laikipia County Council over Kshs81 million in lieu of rates?
  - (b) Is he further aware that the Council has not paid its workers for the last ten months and that they are threatening to go on strike?
  - (c) What urgent measures is the Minister taking to ensure that the payment is made?

*(Question deferred)*

## SUB-DIVISION OF RUAI SEWERAGE LAND

- (Mr. Mwenje)** to ask the Minister for Local Government:-
- (a) Is the Minister aware that a Nairobi councillor has sub-divided 1,000 acres of Ruai Sewerage land without the authority of Nairobi Plot Allocation Committee?
  - (b) Is he further aware that a lot of unsuspecting people have been buying these plots?
  - (c) What action will the Minister take against the councillor and also ensure that wananchi are refunded their money?

*(Question deferred)*

## MISUSE OF LATF MONEY

- (Mr. Ndilinge)** to ask the Minister for Local Government:-
- (a) Is the Minister aware that money disbursed to Makueni County Council through the Local Authority Transfer Fund (LATF) has been misappropriated by senior council officers in collaboration with contractors and a few councillors?
  - (b) Could the Minister provide a breakdown of expenditure on projects in each location indicating the contractors in each case?
  - (c) What action has the Minister taken to punish those involved?

*(Question deferred)*

## ALIENATION OF KANDAGI DAM

- (Mr. Waithaka)** to ask the Minister for Lands and Settlement:-
- (a) Is the Minister aware that the Kandagi dam serving the residents of Tulaga, Muruaki and Githioro Settlement Schemes in South Kinangop Division, is being illegally alienated?

(b) Is he aware that part of the area being alienated is private land, owned by Githioro Farmer's Co-operative Society?

(c) Could the Minister stop the exercise as alienation of the said dam is going to deprive people of their only source of water for their livestock?

*(Question deferred)*

**Mr. Deputy Speaker:** Proceed, Mr. Mudavadi!

**MINISTERIAL STATEMENT**  
SAFETY OF SAAB 340B AIRCRAFT

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I wish to lay on the Table, a Ministerial Statement on the SAAB 340B aircraft owned by Kenya Flamingo, a subsidiary of Kenya Airways. In view of the time, I would like to make the Ministerial Statement available, so that it can be seen.

*(Mr. Mudavadi laid the Statement on the Table)*

**POINT OF ORDER**  
FAILURE TO ISSUE STATEMENT ON KBC

**Mr. Kibaki:** On a point of order, Mr. Deputy Speaker, Sir. The Minister for Information, Transport and Communications promised to issue a Ministerial Statement on KBC on the very false report they published on the 24th of last month. Now, he has been hiding away for two weeks. Now, that he is here, could you ask him to make a statement on that matter?

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, hon. Mwai Kibaki knows that I have not been hiding away. I was with him yesterday and I told him that I have asked for the tapes from the KBC that covered the function when he was the guest of honour in Kisii and I have not yet received them. However, I mentioned to him that the indications are that the reporter who filed the story misrepresented the facts on the ground, but I am yet to see the tapes to have a comprehensive statement. I think I told him that yesterday.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, the Ministerial Statement we had asked the Minister to make is that he should admit that the story was false, and also assure this House, since KBC is maintained by the taxpayers of Kenya, that he will ensure that they do not go on propagating lies to the taxpayers who finance their operations, because they are broke. He has not made that commitment and that is what matters for the future because we want to hold on to it.

**MINISTERIAL STATEMENT**  
BREAK-OUT AT KING'ONG'O PRISON

**The Minister for Home Affairs, Heritage and Sports** (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like to make a Ministerial Statement on the Nyeri Main Prison jail break-out of 4th September, 2000. Following the request for a Ministerial Statement by the hon. Member for Nyeri Town regarding the jail break-out from Nyeri Main Prison, I wish to state as follows:-

On 4th September, 2000, there was a jail break-out at King'ong'o Nyeri's Main Prison. Six prisoners died as a result of commotion caused by the escaping prisoners. The prisoners were held in cell number 4. The cell had nine prisoners, out of which eight attempted to escape---

**Mr. Deputy Speaker:** Order! I know you were requested to make a statement on that issue. However, we want to be quite sure that you are not going to touch on any matter that is already before the court. But more importantly, you would not have the time to read that lengthy statement because we are running out of the time. So, you better lay it on the Table.

**The Minister for Home Affairs, Heritage and Sports** (Mr. Ngala): Mr. Deputy Speaker, Sir, I would like, therefore, to lay on the Table, the Ministerial Statement on the Nyeri Main Prison break-out of 4th September, 2000.

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

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

**BILL**

*Second Reading*

THE STATUTE LAW (MISCELLANEOUS  
AMENDMENTS) BILL

*(The Attorney-General on 5.12.2000)*

**Mr. Deputy Speaker:** Hon. Members, there is clearly no time for continuation of debate on that Bill. Accordingly, I call upon the Vice-President and the Leader of Government Business to move the Motion for Adjournment.

*(Resumption of Debate interrupted  
on 6.12.2000 deferred)*

**MOTION FOR THE ADJOURNMENT**

ADJOURNMENT OF THE HOUSE *SINE DIE*

**The Vice-President** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move:-  
THAT, this House do adjourn *sine die*.

Mr. Deputy Speaker, Sir, I know hon. Members are aware that at about this time, just a few days prior to Jamhuri Day, the House does adjourn in order to go for Christmas, which in any case, will be immediately after next week. It is, indeed, true that we still have a lot of business that needs to be transacted. There are several Bills that we should have dealt with. There are Reports of two House Committees. I am sure that hon. Members will agree that even if we were to embark on any one of those we, perhaps, we will not have finished the work even by the time we do go for Christmas. It is, therefore, the feeling of the Business Committee that this Motion does come here for us to adjourn to be able to go for the Christmas break. There is also some general feeling that maybe, next year, we should come back slightly earlier in order to deal with the pending work. It is on that basis that I have brought this Motion.

Mr. Deputy Speaker, Sir, the other thing that I want to say is that I think this House can pride itself for having made fundamental achievements. One of them is the entrenchment of the independence of this Parliament. It will be recalled that not too long ago this House was able to amend the Constitution to allow the Parliamentary Service Commission to be put in place. It is already in place. The Parliamentary Service Bill has also been enacted. That is very fundamental. There are also some important Bills which have been passed, especially the one on the Banking Act and many others.

Mr. Deputy Speaker, Sir, on matters of the independence of Parliament, let us also agree that we did effect that legislation of amending the Constitution with the belief that we must make sure that the separation of power as stated out in the Constitution will continue to be respected. While, indeed, we are already in the Constitution process and we hope that there will be a review of the Constitution, let us respect that separation of power as set out in the Constitution. This House itself is independent the way we have deemed it to be. Let the Judiciary and the Executive do their work without interference from here. I know sometimes it is extremely tempting for the House to even want to do the work of the Judiciary or the Executive. There is a Constitution which was passed by this Parliament and let us respect it.

Mr. Deputy Speaker, Sir, recently we passed a very important Bill on bank interest rates. I agree with its provisions. We want to see it implemented. We have also agreed that once the implications are positive, we will accept them. If, indeed, we do come to a rough edge, let us also come back and see what we can do about it. The other thing I want to say as a word of caution, is that let us avoid moving towards regulation and control. This is not the first order in the world. There are cases where this regulation may be necessary, like the one on the interest rates. But I think the moment we become a heavily regulated and controlled market, we shall miss out on whatever is happening in the world. Let us agree that we have invoked those regulations and controls to deal with certain emergency cases. But it should not be our normal policy.

Finally, Mr. Deputy Speaker, Sir, I really do hope that the constitutional review process will take off early next year. I hope that we will all support the Constitution Commission headed by Prof. Ghai so that we see light at the end of the tunnel and avert any crisis in this country. As we go for recess, let us go and preach peace for the sake of our own people.

Mr. Deputy Speaker, Sir, I beg to move.

**The Minister for Information, Transport and Communications** (Mr. Mudavadi): Mr. Deputy Speaker, Sir, I stand to second the Leader of Government Business on this Motion. I think it will be a well deserved break for all hon. Members, bearing in mind that this has been an extremely active Session where a lot of far reaching decisions

that will have major implications on our economy have been made. It will be useful that hon. Members seek further consultations with their constituents during the period of recess so that we can come back rejuvenated and be able to tackle other challenges that still abound head on.

I would also urge hon. Members to be in the forefront in preaching reconciliation, particularly during the recess. What we saw in Nairobi South B was a clear indication that there is a lot of tension that is simmering in the various parts of this country. It is important that through consultation and dialogue, hon. Members can provide leadership in their respective areas so that we can ease this tension and be able to allow Kenyans to make decisions without excessive pressure, violence or creating any religious animosity amongst different groups and without any sectionalism being promoted whatsoever.

Mr. Deputy Speaker, Sir, it is clear that the Government is going through a very difficult economic time. I would like to say that economics goes hand-in-hand with politics. I would like to stress that, in order for recovery to be realised, it is not just a question of the reform measures that we put in place, but it is also the conduct of politicians and utterances that come from them, because we are leaders and whatever we say, whether in private or public, can have a major impact on the economy; what investors both local and international look at. We could really shake up investor confidence, if we do not moderate and tailor our statements to show that we would like a whole process of reconstruction to take place in the country. This is because many of the things that we see, and the reports that come through the Media, tend to indicate that there is more of destruction taking place as opposed to reconstruction. I think if we do not do that, we shall not provide a conducive environment for the young people in this country to get jobs and work for the improvement of Kenya in totality. So, I would like to urge the House to be unanimous in supporting this Motion today, and if necessary - and there are issues that are still pending - we could always come back earlier than normal to tackle them. But I think these couple of weeks have brought in the festive mood and we need a break. I would like to request that we all support this Motion.

Mr. Deputy Speaker, Sir, I second the Motion.

*(Question proposed)*

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, I rise to support the Motion. While we are on recess, there are three important matters which we would like the Government to give special attention to. First and foremost, there is the question of mining in the Coast region which has come to the notice of all Kenyans. The quantity of titanium and other related minerals, including uranium, that have been found from Mamburi all the way down to Shimoni, are enormous natural resources of Kenya. The Government of the day is in the process of negotiating with a foreign company, and they are trying to rush a case in court, so that they may give them a licence to take over all those resources. That is an action which will be criminal. I am sure that many of us in this House would like to assure that Canadian company that if it takes a licence from this Government, which gives them exclusive mining rights, it shall be dishonoured by the next

Government! The licence will not be recognised!

*(Applause)*

It is not possible for any Government in modern Africa to do what used to be done during colonial times, where mines could be taken over by foreign companies and exploited for the benefit of foreigners. It is very shameful that the Government should think in that direction. That is in addition to the environmental problems *et cetera*. But in terms of ownership, this particular resource, which is the largest ever to be discovered in Kenya, should be mined by the Government of Kenya, so that the earnings from the mining will be revenue for the nation; so that the local area where these minerals are available, can be provided with social services, such as schools and hospitals, and the locals earn better income.

Secondly, the Government must stop misusing chiefs. The chiefs bulldoze and pressurise local people to accept minimal amounts of money for compensation. Once the whole exercise is public, and many Kenyans do not even know about it, it is the greatest disgrace to this nation; that the Government of Kenya uses its own civil servants to harass its citizens, to agree to be paid small amounts of money, so that the natural resources may be misappropriated and given to foreigners! Other countries, like Botswana, which have discovered these wonderful resources, have taken over the mining. They have invited a foreign company with a small shareholding, so that it can provide the technical know how. That is an example of a civilised nation. But here we are, we value foreigners so much so that we are always yielding to them for being given Kshs10 to Kshs15. Why can you not go hungry and accept to defend the integrity of the nation?

*(Applause)*

You had better go hungry but defend the integrity of the nation. We are pleading, as a Parliament, that while we are in recess, let the Minister for Mineral Exploration and his good friend, who is always persuading him not conspire to issue any licence to that Tiomin Company--- That is important.

I would like to talk about security. I said yesterday that there is a parallel police force which is well armed, equipped with motorcars, dressed, and fed, and obviously, they are being paid better salaries than the regular police. The Government must come out clearly on this issue. Yesterday, the Minister was just hiding and saying that these people are part of the police and, yet, they are not. These people are not even under the Commissioner of Police. They are well paid and they are not integrated with the rest of police. What job do they do? Which is this job which takes them around the country in their modern and new vehicles? I would like to say that these people go round the nation intimidating the other police officers, because they say that they are not under them. How can you have two systems of security? You will create conflicts or make people fight between themselves and we shall not have security. While we are talking about security, I hope, as hon. Members of Parliament, we shall have the freedom to hold our meetings without any harassment; otherwise, we will hold the Minister responsible.

**The Assistant Minister for Information, Transport and Communications** (Mr. Lengees): Thank you so much for giving me this chance also to air my views on this very important Motion. The Eighth Parliament, particularly the Fourth Session, has been so active and I support His Excellency the Vice-President and the Deputy Leader of Government Business, for saying that it has been a very active Parliament. For sure, it is important for us to show that, as Members of Parliament, we can solve the problems facing our people without any differences because this Parliament belongs to the Kenyan people. It is also important to ensure that--

**Mr. Kamolleh:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to read a statement when he is supposed to be contributing to the debate?

**The Assistant Minister for Information, Transport and Communications** (Mr. Lengees): Mr. Deputy Speaker, Sir, I am not reading anything! I am only referring to my notes. Mr. Kamolleh, do not interfere with my contribution!

**Mr. Deputy Speaker:** Order! Please, refer to your Standing Order No.65, which says:-

"No Member shall read his speech but he may read short extracts from written and printed papers in support of his argument and may refresh his memory by reference to notes:

Provided that Mr. Speaker may allow a Member to read his speech in particular cases where Mr. Speaker is satisfied that this is necessary for precision in statement of facts."

Mr. Deputy Speaker is satisfied that this is a statement of facts.

*(Laughter)*

**The Assistant Minister for Information, Transport and Communications** (Mr. Lengees): Thank you very much, Mr. Deputy Speaker, Sir. I think Mr. Kamolleh is a little bit idle and that is why he is saying that. I said that what we have observed during this Session of Eighth Parliament, is that we have been working like elders; people who are mature enough to know that we are elected by Kenyans and it is important that we co-operate to see many things go through for the benefit of Kenyans.

I would also like to take this opportunity to comment on the current drought which has been affecting Kenyans, particularly the pastoralists. I would like to thank the Kenyan Government because, in collaboration with the World Food Programme, most parts of the country were properly fed when we had food shortages, particularly in my constituency. Since the feeding exercise started, we have not lost anybody. There were no lives lost and, therefore, we are thanking the Government for that. We would like to request the Government to prolong such food programmes. The World Food Programme should properly monitor these feeding programmes, particularly in areas which lost a lot of cattle. Pastoralists in Samburu, Turkana, Marsabit and Isiolo Districts lost a lot of livestock. In fact, more than 70 per cent of the cattle population was lost. It is also important that the Government introduces some other programmes in order to subsidise these feeding programmes. The Government should introduce restocking programmes in some parts of the country or provide seeds to food crop farmers where the need arises. That is very important.

Mr. Deputy Speaker, Sir, let me touch on an issue that has been burning very much in my own heart. This regards the Question which was raised yesterday by hon. Chege Mbitiru, from Laikipia West Constituency. I would like Kenyans to know that Laikipia is a district for all Kenyans. The Samburus, Pokots, Tugens and Kikuyus have all bought land in that district. The name "Samburu" has been appearing in the Press almost on a daily basis and it even featured in this House yesterday. They have even gone ahead and mentioned a very peaceful, elderly General, who has retired. This is Rtd. General Lengees. How can the Government sit and watch such a highly respected person buying

guns for his people? In fact, Rtd. General Lengees does not own a single cattle ranch in Laikipia, although he comes from Laikipia. Retired General Lengees has a farm in Samburu District and not in Laikipia. All his cattle are in Samburu District. There is a place called Losoko where these animals are kept.

With those remarks, I beg to support.

**Mr. Raila:** Mr. Deputy Speaker, Sir, I rise to support this Motion. In supporting the Motion, I would like to congratulate the House for having spent most of this Session in trying to assert its authority and create its independence. This House has risen to the occasion, to try and play its role as a supreme authority in our country. In doing so, hon. Members have been very conscious of the role of Parliament. We have also known that it would be foolhardy to try to return this country back to the days of controls. However, it is important that we, as a nation, come up with solutions to our problems which address our specific conditions, which make us different from other countries. Because of this, we are not for controls or regulation. But in situations of extreme poverty, such as those existing in our rural countryside, it would be foolhardy to try to leave everything to the market forces. This is because that will make our people continue to live in perpetual poverty. To address the issue of equity, we must talk about a social market economy. In connection with this, we must tame this animal called the multinational corporation by showing him that; "these are the rules, and you are going to play by these rules and if you refuse to do so, then we will set parameters for you."

Mr. Deputy Speaker, Sir, with regard to our local authorities, most of them, particularly those in the urban areas, are in a pathetic state. The management in our local authorities leaves a lot to be desired. Now, we do have multiparty management in most of our local authorities, and this is an issue that we have not addressed as a country. It is important for every political party that has a majority elected leaders in a local authority, to seize the responsibility to ensure that, that local authority is properly managed.

Mr. Deputy Speaker, Sir, we have a serious problem here in Nairobi. The residents continue to suffer because of water shortage. I want to appeal to all our political parties. For example, in Nairobi we have the Democratic Party (DP); in the case of Mombasa, KANU; Nakuru, DP; Kisumu, NDP, and in the case of Kitale, FORD(K). These political parties should ensure that their councillors rise to the occasion to provide the services for which they were elected. In the same breath, I would like to ask the Government to desist from interfering with the management of the local authorities, so that those councillors who have been elected to manage local authorities, can be squarely blamed when they fail to provide services to the citizens of those authorities.

Finally, with regard to the constitutional review process, I would like to say that we can see the light at the end of the tunnel. We would like to appeal to all Kenyans of goodwill to give this latest attempt a chance to succeed. As a country we must accept to give and take. It is time for us, as Kenyans, to agree to negotiate a settlement so that we can have one review process that unifies all of us. If there is goodwill, I am sure a solution can be found. We, as a nation, owe it to the future generations to be tolerant and ensure that each and every Kenyan is given a chance to express his/her views in the constitutional review Process. That way, we will ensure that there is a truly people-driven constitutional review process.

Lastly, I would like to urge the Government to do something about the flooding which is perennially devastating the people of Budulang'i and those of Nyando. This is an issue which has taken too long to be alleviated.

With those few remarks, I beg to support.

**Mr. Kimeto:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute. My main point of contention concerns what was raised yesterday; about insecurity in this country. I would like to take this opportunity to challenge the Minister in charge of internal security over this matter. Before we go on recess, he should call the people who are concerned with the management of security in this country. We do not want to repeat what has happened or what is happening. There must be a method which the Minister in charge of internal security can use to curb insecurity in this country, to enable the citizens of this country to live better and be happy. It is also time all Ministers concerned with the management of various activities in this country sat down in their Ministries and came up with modalities on how to harness rain water in order to assist Kenyans reduce the effects of drought. It is time we looked back to what we have achieved and forward to what we need to achieve. I am appealing to Ministers not to look at themselves but instead, look at what they have done in their various Ministries. Let them not continue in their portfolios until 2002, without any achievement in their respective Ministries. They should be principled and show exactly what they are supposed to do in their respective Ministries.

We should not complain that there is no security, food and water in this country. We are importing so many things. I would like to appeal to the Minister concerned to do something. The Minister should visit countries from where we import food, to see how they feed their people by the end of this year. The Minister should not import food every now and then in an agricultural country like Kenya. They should implement what they see in those countries. We should not import food. It means that we are importing things which Kenyans could grow here. The money which could have been used in Kenya is taken outside the country. I appeal to all Ministers to look into their areas of

operation and see what they have achieved. They should not wait until the year, 2001, and continue complaining about the same things.

I would like to give information to the Minister in charge of children. There are so many street children in Nairobi and other urban centres. What will a country with so many street children who do not go to school look like? Very soon, those children will run the country. They will be so many. They loiter in the streets without any assistance from the Government. Rest assured that soon or later, this Parliament will be run by street children! Why should we not put them in schools, technical institutes and colleges? As soon as they finish their training, they can be used to develop the country. I appeal to the Minister concerned to look after the street children. Some of them are not sick. They can be taken from wherever they are. At the end of the day, they can even donate blood to those who are sick in the hospitals. They can assist in that way. Why should they be left to loiter here and there, and die without any assistance? I would like to appeal to the Minister to think forward.

I would like to congratulate the former Minister for Roads and Public Works, Eng. Kiptoon, for what he gave us during his time. All the Ministers must give out something like Eng. Kiptoon did!

With those few remarks, I beg to support.

**Ms. Karua:** Mr. Deputy Speaker, Sir, I rise in support of the Motion. I have noticed that the Member for Baringo Central has been saying that Members of Parliament should not be part and parcel of the AIDS Committees. As leaders, Members of Parliament are entitled to participate in all programmes that are for the welfare of Kenyans. We have the mandate to do that. It is wrong for a Member of Parliament to contradict Government policy that has actually been approved by this House. Members of Parliament will not control those Committees. They are just members. Some of us do not even chair those Committees. We do intend to fully participate and nobody should intimidate us from doing our duties. It is also wrong for any Member of Parliament to visit constituencies of fellow Members, without having the courtesy to inform them. That also goes for the Member for Baringo Central. We deserve courtesy so that we can be able to work harmoniously.

Mr. Deputy Speaker, Sir, on the issue of security, it is time for Parliament to take stock of what is happening. It is time we thought about security issues while on recess. It is time we came up with a programme of what to do. We clearly need to intervene because the Government has failed to maintain security. The greatest threat that Kenyans face today is from internal security, and not from any external forces. We have to come up either with legislation or with measures that can be able to fill the gap that the Government has left in issues of security.

Mr. Deputy Speaker, Sir, I support what my party leader said about the titanium mining in Mombasa. What I would like to add is this: If the Government, contrary to the wishes of the local people and Members of this Parliament, goes ahead and grants mining licences, this Parliament is not powerless. When we come from recess, a law can be passed to nullify what will have been done. So, let the Tiomin Titanium Mining Company know that anything done in a manner that Kenyans do not want, will be nullified by Parliament, and that Parliament will not agree to have Kenyans exploited in a manner reminiscent of the colonial times. We are through with the colonial period. We will not accept neo-colonialism.

Mr. Deputy Speaker, Sir, the other issue that I would like to touch on is about development in our constituencies. Let the Minister for Finance work with his team, to come up with credible figures that should be allocated to each constituency for development. It is time we stopped being threatened because of lagging behind in development, unless we belong to certain political parties. We are all taxpayers and deserve to have development as Kenyans. Members of Parliament, who are the voice of the electorate, should have a big say in prioritising what their constituents need. So, we are waiting for the Ministry of Finance to implement the Motion that was passed during this Session. I would also like to appeal to Members of the Front Bench to take time, during recess, and go through the Bills that we have not been able to debate so that, when we come back next time and they are published, we do not have a tug of war over what is pending. It is very discouraging to see comments about Bills which indicate that the Minister concerned has not bothered to look at the provisions of certain Bills. It is also very disheartening to see Members of the Cabinet, actually opposing what is on paper as Government policy. I am talking about the Equality Bill. It is quite a matter of public knowledge that the Poverty Reduction Strategy Paper not only mentions the Equality Bill many times, but the Affirmative Action Bill as well. Why should members of the Government, including the Head of State, talk against what is Government policy? Clearly, there is a gap between the information that those Members are having and what is contained in the Bill. Let us now take time and look at the Government policy vis-a-vis those Bills, so that we can come up with a harmonised position and move on.

Finally, we also have to decide what we will do about harassment by the Government when we assemble with our people.

With those few remarks, I beg to support.

**The Minister for Finance (Mr. Okemo):** Mr. Deputy Speaker, Sir, I stand to support this Motion. I would like to make reference to my concluding remarks just before we passed The Central Bank of Kenya (Amendment) Bill.



I think, in the minds of hon. Members, there was an impression created that I was reluctant to implement the Bill that had been passed by this House. I stand here to make the position very clear that the question of the pros and cons of the Bill went through the debate and the House passed the Bill. What we are left with now is to implement the Bill. I want to make it absolutely clear that we are committed to implementing the Bill as passed by this House, plus the various amendments.

*(Applause)*

This afternoon, I had a meeting with the Central Bank of Kenya, commercial banks and the Treasury. We went through the entire Bill as amended, clause by clause, to make sure that we understand what is implied in each clause. I think both sides have a fairly clear understanding. But we will be holding several other meetings before January next year just to be sure that the interpretations are correct. We will also be making reference to the Attorney-General's Office to help us with the interpretations of the various clauses. So, I would like to assure this House that when going on recess, we will be working hard to make sure that we put in place the machinery for implementing the Central Bank of Kenya (Amendment) Bill.

The other thing I would like to put on record is that we did agree here that in doing our budgeting, we will be able to make a provision of 2.5 per cent of the total revenue allocated to the various constituencies. We are just about to start the process of budgeting but right now, I would like to appeal to hon. Members to participate in the consultative process. It is really a key part of the exercise, so that they can be able to prioritise their development activities in the constituency which can then be built up into the national Budget. It is an important process. I would like to appeal to hon. Members, during the district and the community consultative process, to take the centre stage in all the projects that will be generated in their constituencies. So, when we come up with the 2.5 per cent, then they will know where that 2.5 per cent will go. As you know very well, 2.5 per cent will not be adequate. Unless you have a priority list which you have been part of in establishing, the money may not come to good use. I would like to appeal to hon. Members to take part in the Poverty Reduction Strategy Paper consultations.

Finally, Mr. Deputy Speaker, Sir, I would like to inform the House that I will be coming to them from time to time in order for us to work together to ensure that the Donde Bill is implemented as smoothly as possible. During the recess, I will also take the trouble to try and put together names of the experts which will be brought to this House for approval as soon as we come back from the recess.

With those few remarks, I beg to support.

*(Applause)*

**Mr. Muite:** Mr. Deputy Speaker, Sir, as we go on recess, I would like to appeal to the Government to focus on two issues. The first one is security, or rather insecurity. Insecurity in this country is completely out of hand. No person in any area of the country, whether in the reserves or urban centres, is able to live in peace. We go to bed but we cannot sleep properly because of fear that we will be attacked. When your wife is driving to your home, you have got fear as to whether or not she will arrive safely. People are being killed and robbed right, left and centre. It is despicable that there are no solutions to these crimes in the sense that the perpetrators are not being arrested. I would ask the Government to take the issue of insecurity seriously. They have got to motivate the police. Although the Government kept denying it, it is a fact that the police officers were planning to go on strike. We must improve their emoluments and living conditions if we are going to tackle the issue of insecurity. Unless we get the economy going, with the increasing levels of poverty, we are not going to be able to resolve the issue of insecurity.

Mr. Deputy Speaker, Sir, when we talk about poverty eradication, I would suggest to this Government that they, again focus on how to improve on agriculture, productivity and the pay package of those who are involved in all sectors of agriculture, be it coffee, tea, sugar and so on. How can we revive our agriculture by ensuring that our farmers are earning enough? We will not be able to revive the economy in this country unless we come up with policies that will increase production and the incomes of the farmers. That is the route to take if we are going to eradicate poverty. Even as we talk about economic liberalisation, it is not that we want to go back to the regime of controls. But we must come up with economic arrangements that favour the majority of our people rather than a few multinationals at the expense of the Kenyan people. We must have the interest and the welfare of our people uppermost in any programmes that are undertaken. Those are the ones we need to give priority to. Otherwise, unless we focus on these issues, we are not going to get out of the deep hole into which we have sunk as a country. We will not be able to restore confidence in this country unless the economic reforms and the Civil Service Retrenchment Programme, which is part of the economic reforms, go hand in hand with a constitutional and political settlement. As long as we have got this stalemate, we should forget about the issue of confidence. The underpinning issue about the economy is

confidence by us as Kenyans in our own nation. But until we have got in place a government that people feel has been elected by a majority and they have got confidence in it to implement economic policies that will benefit a majority of the people, the issue of confidence and economic revival will remain a mirage. So, we must stop this habit where the Government thinks that it can impose a constitutional reform process on the people of this country. We know that the reason why there is this stalemate is because somebody somewhere wants to control the process so that he can control the end product. We also know that the reason why that somebody somewhere wants to control the process is because they want to delete Section 9 of the Constitution, so that they can run again. So, let us put the interest of this country ahead of individual interests because at the end of the day, we are all Kenyans. If things blow up, the war will not spare somebody because they were supporting KANU or because they were in the Opposition. We are in this thing all of us together; we must retrace our steps. We cannot have a successful constitutional reform process unless there is consensus. We must evolve consensus. No successful constitutional reform has ever been undertaken in any country, anywhere in history, unless you, first, build a consensus. That is what we are asking that we should do.

**Mr. M.A. Galgalo:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity. First and foremost, we have the Poverty Eradication Commission which is headed by Dr. Gilbert Oluoch. Then, we have a parallel body; that is, the Poverty Reduction Strategy Paper (PRSP) run by the Treasury. Poverty Eradication Commission is very important for this country.

Unless "poverty eradication" translates into revitalisation of this country's economy through the revival of stalled projects such as Bura and Tana Irrigation Schemes, the Garsen Rice Project being undertaken by the Tana and Athi Rivers Development Authority (TARDA), Ramisi Sugar Factory, amongst other projects, I would not understand what it means.

We are, therefore, urging the Government to understand that it is due to our shortcomings that this country is not moving forward. We have complained that the economy is ailing, the weather has been bad, the agricultural sector is doing badly, and yet some parts of this country are worst hit by these problems. In marginalised areas, such as northern Kenya, there is no food, water or security.

The issue of insecurity in northern Kenya was raised here by Dr. Ali yesterday. When there was a Government in Somalia, there was a defence pact between the Kenya Government and Ethiopia. When Somalia collapsed, the pact was withdrawn. We have watched the North Eastern Provincial Commissioner (PC) accuse the Ethiopian Government of invading Kenya. Unless and until we strengthen the security system in this country, particularly in northern Kenya, even people in Nairobi will not have peace. If we do not control the inflow of illegal firearms, we will not have peace anywhere in this country.

So, we are urging the Government to intensify security in border areas and stop any invasion of this country by foreign governments. The Minister of State, Office of the President, in charge of internal security, yesterday told us that the killings that took place in Wajir District recently were an Ajuuran/Garren affair. That is nonsense! It is an issue involving two governments; one Government is supporting a militia group to cause chaos in the other country, and vice-versa.

We are sovereign States; why can we not see things this way? Both countries are members of the Inter-Governmental Authority on Development (IGAD) and the Organisation of African Unity (OAU). Why are we suffering so much? I would like to urge the Minister of State, Office of the President, in charge of internal security, not to play about with the lives of our people. We are all equal in this country, and we deserve equal attention. When the Government supplies us with relief food, it thinks that we are satisfied with that.

We have lost livestock, because there is no water. We have lost the few livestock that we had due to lack of veterinary medicine; all the holding grounds have been dished out to some people. Our people have been subjected to a lot of suffering as though we are not part of this nation, or as if that part of the country is an occupied territory!

*(Applause)*

I wonder where the Minister of State, Office of the President, in charge of internal security is; I cannot see him here! Where is he?

**Hon. Members:** He has gone hiding!

**Mr. M.A. Galgalo:** Mr. Deputy Speaker, Sir, we have been advised to co-exist with wildlife in this country. Wild animals have destroyed our crops and killed our people. For the last seven years, the Kenya Wildlife Service (KWS) has not compensated anybody for losing their kith and kin to wildlife.

Mr. Deputy Speaker, Sir, I support the Motion.

**Mrs. Ngilu:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity. I rise to support the Motion.

As we proceed to recess, there are two things which we need to take into consideration. Every hon. Member, who has contributed to this Motion, has talked about insecurity. I would like to add my voice to that issue; as we go out

there, all of us are worried as much as our constituents. While we have been told that the Government has made every effort to curb insecurity in this country, we have serious doubts about what the Government is doing to contain the situation.

Last night, I was shocked to watch on television, the Secretary to the Teachers Service Commission (TSC), warn teachers that unless they take the current transfers seriously, he will retrench them. Already, so many civil servants have been retrenched, but they are yet to receive their so-called "soft landing" money. Actually, the current insecurity situation in this country can partly be attributed to the retrenchment of those civil servants. Certainly, some of the retrenched civil servants have joined gangs that have been terrorising Kenyans in the streets. As long as people have no employment and hence no food to eat, they will, certainly, not sit and watch a few individuals enjoy their lives and go about their duties normally as though nothing has happened. We may wake up to a rude shock in January, 2001 and see that teachers, who will be supposed to resume classes, on strike. They have said that they will not resume classes in January, next year. To date, the Government has not implemented the second and third phases of the salary package it offered them in 1997. We have not heard the Government say whether it will implement the new salaries for teachers or not.

Mr. Deputy Speaker, Sir, the constitutional review process is, once again, with us. We know that the Government has already tried to start the KANU/NDP process despite the fact that Kenyans have rejected them. We are aware the Government has set aside some funds for that purpose. I would like to say that those funds should be used properly to, first and foremost, educate Kenyans. There are very many non-governmental organisations, which are ready to provide civic education to Kenyans.

I watched the President on television last night, castigating NGOs. I think, whenever he hears about NGOs, he gets sleepless nights. I would like to assure the President that if it were not for the development efforts of NGOs, churches and Muslim organisations, this country would have collapsed. It is due to the collective effort of those organisations that we have some development in this country.

Mr. Deputy Speaker, Sir, there is another thing which the Government needs to address immediately. Up to now, we have seen the Government support and license only one broadcasting house to broadcast throughout the country, namely, the Kenya Broadcasting Corporation (KBC). I believe that every Kenyan has a right to choose the broadcasting stations to watch or listen to. We now have the Nation Television and FM Radio Stations and Capital FM Radio Station, among others. Kenyans would like to have all these broadcasting stations given total freedom to broadcast throughout the country, and not only in selected areas, as the stations I have mentioned have been licensed to broadcast within a range of 100 kilometres. We should open the airwaves, so that Kenyans countrywide can know what is happening. The Government policy of gagging the Press, so that Kenyans can only listen to the KBC, which broadcasts lies and misrepresent issues continuously, should be dropped!

With those remarks, I support the Motion.

**Mr. Nyachae:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to the Motion. As we adjourn, we are going to meet Kenyans who are full of misery, and whether or not we are achieving what people expect us to achieve, it remains a very big question. We seem to be spending so much time going round in circles, chasing and censoring one another and ignoring what the people expect us to do for them. The sooner the Government and the other parties, and all of us in leadership, agree that we need to draw up a priority programme of what needs to be done for the people of this country as opposed to petty disagreements, the better.

This year, in my own view, very little has been achieved by this House. We have done very little for the people of Kenya and as we go on recess, we must think very carefully as to what we are going to do next year. It is not a question of coming here and simply talk and end up with no results that can benefit wananchi. Why do I say that we are spending so much time fighting, quarrelling and censoring one another? This is because of what is happening out there. No week has passed without hearing hon. Members raising the question of harassment out there in this House. Why is it that every time leaders are going to meet their constituents and other Kenyans, there is always a problem between the Government and the other leaders who are not in the Government? Why is that instead of encouraging leaders to talk to their people in order to understand problems leaders are instead being told that you must not talk to the people? That means that you must be separated from your own people.

In that case, I believe that when we are talking about insecurity, we are aggravating insecurity because we are misdirecting the efforts of the police officers. Instead of giving the police officers assignments to deal with insecurity and crime in the country, half of the police officers in this country are being used to harass politicians who are elected as leaders, and yet they are not criminals. Therefore, the sooner we change our efforts in dealing with insecurity, by utilising the police in the right way as laid down in law, the better for this country.

I want to continue talking about that issue of infighting within the leadership. All of us here are leaders, and that is why I am calling it infighting among the leaders. If you listen to KBC---

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

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

**Dr. Kituyi:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunitunukia fursa ya kuchangia hii Hoja. Mimi nitaipanga Hoja hii ambayo inasema Wabunge waende nyumbani kwa sababu wakati huu tuna kazi nyingi sana ya kufanya hapa. Kuna Miswada na Hoja nyingi mbele ya Bunge ambayo tunatakiwa kuangalia, lakini wengine wanataka wapewe likizo kwa sababu wanataka kwenda Krismasi. Sioni maana yoyote kwa Bunge kufungwa kwa miezi mitatu wakati hatujabuni Sheria za Watoto na Penal Code, na kuanza kusikiza kwa nini Serikali haionyeshi kwamba ina mwelekeo kuhusu sheria za kupigana na ufisadi na kutowajibika. Huu sio wakati wa kwenda nyumbani, ingawa wengi wanapendelea kwenda nyumbani.

Nimekuwa nikifikiria juu ya ile vurumai ambayo imetokea katika vitongoji vya Nairobi. Hiyo shida iliyokuwepo katika mtaa wa South B ni kielelezo kuhusu shida za umma katika taifa la Kenya - kwamba kuna shida kubwa, na chochote kidogo kinaweza kuleta vurumai, vurugu na kutokuwa na sheria katika nchi yetu. Jukumu kubwa sana ni la Serikali. Kukiwa na shida, Serikali hii inajitolea kujaribu kuizima, lakini hiyo shida ikipita, haijulizi ni nini chanzo chake na haina fikira endelezi kuhusu ni mbinu gani itatumia ili kukinga hizo shida zisitokee tena. Sasa tumesahau mambo ya maafa ya *kumi kumi* na tutasubiri hadi watu wengine wauawe kutokana na kunywa *chang'aa* yenye methanol ndio tujulize tena ni nini chanzo cha shida hiyo. Hakuna fikira katika Serikali kutafuta ni kwa njia gani tutaondoa hiyo shida.

Ule mgomo ambao ulikuwa umeitishwa na polisi umepita. Serikali haitajaribu kujiuliza swali hili: Ni nini kiini cha hiyo shida ili kusuluhisha kabla ya onyo lingine la mgomo kutoka kwa maofisa wa polisi. Vile vile, tunajua kwamba mwezi wa kwanza mwaka ujao walimu watagoma. Hii Serikali itasubiri hadi wagome ndio waanze kujibwatabwata ili kutafuta mbinu gani inaweza kutumiwa kuzuia huo mgomo usienee, badala ya kuanza hivi sasa kutafuta mbinu za kuzuia mgomo usitokee.

Hili Bunge linastahili kuwa Bunge la heshima. Heshima haiwezi kukamilika katika Bunge hili kama Wabunge wanaongea kiupuzi na kitoto, hasa wakiwa huko kwao. Umemsikia Waziri mmoja katika Ofisi ya Rais amenukuliwa kwamba aliwaambia vijana: "Mkipigwa, nendeni mkapigane." Halafu, kesho yake anakuja Bungeni na bendera ya Serikali; Waziri wa Serikali katika Ofisi ya Rais! Umemsikia mwingine hapa; haongei humu Bungeni, lakini akifika huko kwake, na anaongea Kikipigisigis--- Alisema kwamba watu wa Mageuzi wakifika kule kwake watapigwa. Hakuna mtu yeyote katika Serikali amemlaumu mhe. Sang wakati alitamka haya matusi! Hatuwezi kuwa na heshima na kuitwa "waheshimiwa" kama miongoni mwetu kuna wale ambao wana fikira za kitoto na matamshi ya kijinga, na hakuna yeyote katika Serikali anawaeleza ya kuwa wanawaibisha! Kama Serikali yenyewe haijiheshimu na kuona aibu, kwa hisani na niaba ya Bunge hili, tunahitaji mbinu nyingine zitafutwe kwa kuwafanya walio Serikalini walipishwe madhambi yao ili waone ni vibaya, aibu na uzembe kutamka matamshi ambayo sio ya heshima mbele ya watu.

Bw. Naibu Spika wa Muda, juzi tuliongea kuhusu vita na kutokuwa na amani katika sehemu za kaskazini mwa Kenya. Nimetembelea Lokichoggio, Lokitaung, Kakuma, Moyale, Marsabit na Modogashe. Hizi sehemu ni tofauti na sehemu nyingine katika nchi hii. Wakati tulipokuwa tukiongea kuhusu shida za kaskazini mwa Kenya, Wabunge wengi ambao hawatoki upande huo hawakuwa katika Bunge kwa sababu, kwao, hayo ni mambo ya nchi za nje! Hatuwezi tukajigamba kwamba tunajenga nchi moja kama sisi viongozi tunajihusisha tu na shida zinapotokea katika sehemu zetu. Kama ndege ya Serikali ya Sudan inaweza kuangusha bomu katika sehemu ya Lokichoggio iliyoko katika taifa la Kenya na sisi Wabunge hatuhusiki na jambo hili, ni aibu sana kudai kwamba sisi ni viongozi wa kitaifa! Imekuwa desturi ya Serikali ya Moi kutumia matamshi mabaya kuhusu Upinzani wakati Bunge liko katika likizo. Rais Moi ndiye anayeongoza katika mambo haya, na wengine wanafuata nyayo zake kwa kuleta vurugu kwa watu wanaofanya mikutano yao.

Tumefikia kiwango cha kuwaeleza kuwa hatuombi watafanyie heshima ama watupe amani. Wakiendelea na utovu wa adabu, tutawaonyesha kwamba sio wao peke yao ambao wanaweza kukosa adabu. Wakivuruga mikutano yetu, sisi pia tutavuruga mikutano yao! Wakitutusi, wataona cha mtema kuni!

**The Assistant Minister for Education, Science and Technology (Mr. Karauri):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Motion. I would first wish to urge the Minister for Finance to restructure the DDCs. Presently, although we say that DDCs talk for the local people, they do not. There is no District Commissioner who works in his own district. If you talk about a district like Murang'a, Kitui or any other district in the country, the DC certainly comes from another district. He is the one who chairs those meetings. The heads of departments all come from outside that district. If, therefore, we talk about DDCs as the machinery that arranges and prioritises development for that district, then we are not telling the truth because the membership of the

DDC is not local. I am asking very strongly that this must be restructured. Let the local people have a say and even elect their own chairmen for these DDCs. Let the majority of the membership be from that local district so that they can arrange their priorities.

I wish to take this opportunity to urge Members of Parliament who are members of boards of governors of secondary schools in their constituencies and who are also members of District Education Boards (DEBs) to attend the meetings that are convened. If they do so, they can minimise the problem of the Government and the Ministry of Education by articulating those issues that they bring to Parliament. They can assist in ensuring that school funds are properly spent or appropriated. They can also ensure that fees guidelines set by the Ministry are strictly adhered to. If Members of Parliament ignore meetings of boards of governors of secondary schools in their constituencies and also those of DEB, matters that are passed there by other members become subject of questions in this House. Whereas, if they had attended those meetings they would have given their views and they may succeed in influencing what finally becomes the decision of the board of governors or DEB.

I wish to commend Members who have discovered the use of Parliament. I am saying this because there are many Members who, after having been elected, would rather talk out there in Harambees, public barazas and other fora, about legislation and what Parliament and the Government should do. Some of them even fear that if they brought up an issue here concerning the welfare of the people, Members from KANU would oppose. You have seen, by example here, that Members who have discovered Parliament, like hon. Donde, hon. Oloo-Aringo and others, know that any matter that pertains to the people who elected us and is beneficial to them, will be supported by all sides of the House.

I am urging Members to use the House properly. If they did, and they did not have those unfounded fears, even the constitutional review commissions we are talking about would not have come about. Members would have consulted with their constituents, the churches or anyone from outside and brought to this House matters which they think must be changed. This House would have changed them. This would have saved the country colossal sums of money that will now be used by commissions. They would also have saved the country the confusion of setting up different commissions. Let Members have faith in this Parliament and bring here issues that truly pertain to the people and are beneficial to them and both sides of the House will support them instead of talking out there. Meru District is one of the districts that get a lot of rainfall. Therefore, it is surprising that my district never got the *El Nino* funds. Bridges and roads were destroyed during the *El Nino* rains and there are no funds to repair them.

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

I beg to support.

**The Temporary Deputy Speaker** (Mr. Musila): I request hon. Members not to stand until the person speaking has finished his time! The more notorious you are, the more you are not seen!

**Mrs. Sinyo:** Mr. Temporary Deputy Speaker, Sir, I rise to oppose this Motion very strongly because, while we are all thinking of Christmas, a time of festivity, maybe the Government has in plan many things that they will do while we are on recess. This is a year that my constituents and I will live to regret that we had this Government ruling us. I would want this Government to recall about the constitutional review whereby we have had consultations. I wonder why we stand here to say we need further consultations if we have never done them. If we could recall the meetings we had at Safari Park and Bomas of Kenya, that is what is called consultation. That is the real vocabulary meaning of consultation. We have done this as the people of Kenya. The Government of this day has put this aside and flushed it.

The stakeholders' interests that were written in that first Constitutional Review Act have all been ignored. With the coming up of the Parliamentary Committee of hon. Raila, many stakeholders, like the women, people with disabilities who were represented in the original Constitutional Review Act, were all forgotten. This is very saddening because, while we have a Government which is of the people, by the people and for the people, the women of Kenya and the people with disabilities are, first and foremost, people of Kenya. To follow that very strongly, we see that this Government has preferences in treatment of its citizens. When we think of the retrenchment, the Government has been very vindictive to women and very discriminative against people with disabilities. I have letters on my desk where people with disabilities have been victimised and have received letters of retrenchment. I have letters where women who are 22 years old have received letters of retrenchment and yet men who are 55 years, and some going to 60 years, are renewing their contracts and they are still in the Civil Service. I am informed that even those who are 70 years old are still in the Civil Service. I oppose this recess because this Government should take special time and look into these grievances. Where do we take this young generation who have not even utilised their energy? You will find that a person with a disability who always has to depend on others is given a package of Kshs40,000, and half of this will go

to his assistance. What do you do with the remaining Kshs20,000 and these are people who are taxpayers? Much consideration needs to be taken and we should not go into recess, until we have achieved something like this in our constituencies. We look forward to that day. It is very malicious when it comes to my constituency.

Mr. Temporary Deputy Speaker, Sir, I was appeased that we were going to have a survey of the population of people with disabilities but since the last census of 1999, there was no mention or agenda of that sort in it. Today, the year 2000 is over and this was just lip service and the Government of the day is so much used to this and there is no way I can agree we go for recess when we have not been described as people with disabilities, that there is a way forward of knowing our numbers for this Government to be able to cater for us even in the Poverty Eradication Programme and Constituency AIDs Committees. How will they target us when they do not know even our numbers or even how many children need to go to school? How will the Ministry of Education prepare for them?

Mr. Temporary Deputy Speaker, Sir, it is very saddening for me when I hear, like yesterday, over the news that teachers are going on strike because of payment and some because the TSC is threatening that they will be retrenched. For my constituency, if there is any job in this Government that you will find dominated by people with disabilities it is in the TSC. It is saddening for this Government, that from 1997, they have done nothing about the salaries of the teachers. It means, deliberately and wilfully, they are making the people with disabilities suffer. I want to inform this House that while the colleges have been closed, if there are many people out there who are suffering, it is the trained people with disabilities who have the qualifications from colleges but they cannot get jobs anywhere. It is so saddening, since they have the papers and the training but even the private schools cannot absorb them and so the public schools and they languish and they have all these complaints and concerns on my desk. Why should we go on recess?

**The Temporary Deputy Speaker** (Mr. Musila) Order, Madam! Your time is up!

Mr. Kones!

**Mr. Kones:** Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to support this Motion for Adjournment. We go on recess with a lot of problems in our constituencies. One is that it is now about six months since we passed the Roads Board Bill and we also formed the District Roads Committees. These committees have been sitting out there idle. We have been promised, time and again, from this House, that, funds will be released to the constituencies or rather to the districts and up to now, nothing is happening. I think it is important for this House to know that the Roads Bill was introduced to this country about three years ago and up to now nothing has happened. We are just about to end our Session, and five years in Parliament, without this Roads Bill actually working on the ground.

Mr. Temporary Deputy Speaker, Sir, I think it is sad that we have been given many promises. It is now raining in our constituencies and we have to prepare the roads. We have been told that we will get Kshs5 million and everybody is waiting. Our constituents think the Members are misusing this money and nothing is happening. I think it is time for the Minister in charge to tell this country whether really, this Roads Bill will be implemented or not. I think there is no point trying to go around it. There is money that is levied from fuel that is meant for road maintenance and we do not know how it is utilised. I think something must be done about this.

Mr. Temporary Deputy Speaker, Sir, the other thing is about the Constitution. I think it is now three years since we started going round and round about the Constitution. It is high time the Government came out clearly really, whether they want a review of the Constitution of this country or not. We are being told today there is this; we are going to accommodate these views, but it looks like there is nothing going to happen. I think this time round, where we have Professor Ghai who has come out and tried to shed some light on these issues and told Kenyans that there is something wrong about these two processes going on, let us use this opportunity. Let us tell the Government, at least for once, "use your brains and allow Kenyans to write a Constitution". We went through Bomas of Kenya, Safari Park and so on. We have had so many meetings and the Government is deliberate on this. They just want to take Kenyans round in circles. The Government must tell us. If we are not going to have a new Constitution, then we walk with the old Constitution and plan our future with it, rather than take us in circles and they know when they are going to surprise us with something funny.

Mr. Temporary Deputy Speaker, Sir, the other thing I want to talk about is insecurity. We have been talking about insecurity and, somehow, the Government seems to give a deaf ear to this. I have a case in point where some Member from my district has kind of staged some thuggery with an intention of blaming some political opponents. Let me tell this House that in Bomet District, there is no maize plantation. All the maize in Bomet was harvested in June and July and every field today is flat. For anybody to talk about running into a maize plantation after an attempted robbery on him is all rubbish! There is nothing like that! This is something that certain people are trying to stage-manage, so that they can blame me or some other Members of Parliament. They are trying to introduce the police in Bomet District to go and harass us, and me particularly, because they want to portray that there is some insecurity in Bomet. There is nothing like that. This is all stage-managed! We have suffered a lot from this. So, the other time, some

other Member also from those areas said that, "if Kones passes through this town, stone him". The other day, I was grilled by the CID for saying the truth and this same Member who is saying "stone Kones" is sitting very comfortably in the Government.

Mr. Temporary Deputy Speaker, Sir, we are running a big risk on insecurity. Some Members are taken as if they are second to the system of this country. The fact that I am expressing an alternative view or I have an alternative opinion, and I am not thinking like KANU, does not mean I am dangerous to this State, and I do not have to be eliminated that way.

*(Applause)*

I want to be assured of my security. I am not going to tolerate a situation where a whole Member of Government stands and incites the youth, that "if you see Kones here, lynch him" and he just moves around. That has been done to me three times. I have been stoned three times in my district. I reported to the police and they told me they will take action and no action has been taken. I have decided I am not going to report. There is no point because I am reporting to the same people who are being used to harass me! How are they going to take me seriously?

Mr. Temporary Deputy Speaker, Sir, the other day, we were humiliated and molested at hon. Kirwa's constituency. We reported and nothing happened!

**The Temporary Deputy Speaker** (Mr. Musila): Order, Mr. Kones. Your time is over!

Mr. Karume!

**Mr. Karume:** Bw. Naibu Spika wa Muda, asante sana. Mimi ninasimama kuunga mkono twende tukapumzike, lakini ningeiomba Serikali hii ya Kenya ianze kuwafikiria wananchi wa Kenya, na zaidi watoto wadogo. Hii ni kwa sababu Serikali hii, ukiangalia kwa vitendo, haifikirii mambo ya wananchi wa Kenya hata kidogo. Inasema kwa mdomo, lakini kwa vitendo, hakuna kitu inafanya.

Bw. Naibu Spika wa Muda, tulipigania nchi hii ili watoto wetu wapate matunda ya Kenya, kazi ya kufanya na wajisaidie kwa sababu Wakenya wana uhodari wa kufanya kazi. Lakini watafanya kazi wapi? Tukiangalia wale watu ambao wako na viwanda vidogo katika nchi hii ni Wahindi, na Wahindi wakisaidiwa na Serikali hii ya Kenya, wanaleta watoto wao kutoka India na kwingineko na hawajui kuzungumza Kiswahili au Kiingereza. Lakini wakifika hapa katika Kenya, wanapewa vibali vya kufanya kazi na Serikali hii ya Kenya kule katika Idara ya Immigration ili waajiriwe kufanya kazi tofauti na hakuna mmoja wao ambaye anaweza kuajiri Mkenya hata mmoja. Kwa hivyo, wakati umefika Serikali iwafikirie wananchi wa Kenya kwa sababu wamekuwa maskini na haiwafikirii hata kidogo!

Bw. Naibu Spika wa Muda, wakati tulipata Uhuru wetu tulikuwa na matumaini makubwa kuwa Serikali ingetaifisha mali na kuwapa wananchi wetu uwezo wa kuyasimamia. Lakini haya yote hayakutendeka. Mali yetu inamilikiwa na Wahindi na Waesia. Hawa ndio wanaoajiriwa. Wananchi wetu wanabaki bila kazi. Huu ni Uhuru gani? Ikiwa Serikali hii haitafikiria vizuri juu ya swala hili, basi wananchi watakasirika na kupigania Uhuru kwa mara ya pili. Jambo hili litatokea hivi karibuni. Ni vizuri Rais na Serikali wafikirie juu ya umaskini wa wananchi wetu kwa sababu hatutaki kuona maovu katika nchi hii. Hatutaki kuwaona wananchi wetu wakipigana kama inavyofanyika katika mataifa mengine. Lakini wananchi wanaoharibu Serikali zao na kupigana si kwa sababu hali yao huwa ni mbaya kama yetu. Wakenya ni watu watulivu na wanaipenda nchi yao. Kwa hivyo, ni vizuri Serikali hii ifikirie zaidi.

Bw. Naibu Spika wa Muda, viongozi wetu husema kwamba hakuna ukabila hapa nchini. Ni kweli kuwa wananchi wetu hawana ukabila hata kidogo. Ukabila nchini hupaliliwa na viongozi fulani wanaosema hakuna ukabila nchini. Kwa mfano, watu wengi huajiriwa kazi katika misingi ya kikabila. Kuna baadhi ya kabila hapa nchini ambazo hazina Katibu Mkuu Serikalini. Ni aibu kuona kwamba ikiwa mwananchi fulani amefutwa kazi ni lazima mtu wa kabila lake aajiriwe. Ikiwa mwananchi wa kabila fulani amefutwa kazi na pengine mtu wa kabila lake aajiriwe, basi wanaajiri mtu wa kabila tofauti. Je, huu si ukabila? Hatuwezi kuamini kuwa katika Serikali hii hakuna ukabila. Udanganyifu umejaa katika Serikali hii na hata watoto wakati mwingine hawapendi kusikiliza na kuwaona viongozi fulani katika runinga kwa sababu kila wakati, hawa hawa wanahubiri ukabila. Ni lazima Serikali ifikirie kwa undani sana juu ya swala hili la ukabila.

Bw. Naibu Spika wa Muda, vita vya kikabila tulivyoshuhudia huko Molo, Kericho, Kisii, Mkoa wa Magharibi, Eldoret, Burnt Forest, Mombasa na kwingineko havikuwa vizuri. Serikali iliunda tume ya kuchunguza chanzo cha vita, ikiongozwa na Jaji Akiwumi--- Jaji Akiwumi ni mkora na alitoroka kwao huko Ghana kwa sababu ya ukora wake! Hapa kwetu tunawakaribisha hata wakora! Hata mimi alinitusi kortini. Hata hivyo, ripoti ya tume hii haijawahi kusomwa na raia wetu. Hatujui watu wetu walikufa kwa sababu gani na nini kilikuwa chanzo cha vita hivyo vya kikabila.

Bw. Naibu Spika wa Muda, mimi nilikuwa kijana mdogo wakati wa harakati za kupigania Uhuru wa nchi hii na niliwakiliza Jomo Kenyatta, Achieng-Oneko na viongozi wengine wakiwahutubia wananchi. Bw. Achieng-Oneko aliwatukana Wazungu na kusema hao ni watu wabaya sana. Ni aibu kuona, wakati huu ambao tuna Uhuru

wetu, mhe. Kirwa na wengine wakikatazwa kuwahutubia wananchi wao.

Kwa hayo machache, ninaunga mkono Hoja hii.

**The Attorney-General** (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I just want to talk on one subject only because I think it is extremely important for the life of this nation. This is the making of the new Constitution. Let me say, from the onset, that the Government is committed to a people-driven and a people-centred constitutional review.

Mr. Temporary Deputy Speaker, Sir, as far as the objectives of the constitutional review are concerned the Act we have today did not, in any way, amend the objectives of the constitutional review process in terms of it being people-driven in the sense that people must be consulted. The current Act now says that the Commission must go round the country, taking the views of the people. In terms of functions and powers of the Commission, they remain intact in that no aspect of our Constitution will be left untouched. Each and every matter that is normally provided for in the Constitution is subject to review.

Mr. Temporary Deputy Speaker, Sir, I really want to make an appeal, because we know that there are now two parallel processes going on; one instituted through Parliament and another one by what has now come to be called the Ufungamano Initiative. When you talk to Kenyans - and I talk with them widely from Mombasa to everywhere I go - you will find that the views on the contents of the Constitution they want, are broadly similar. I can say with some degree of certainty, that even if these two processes go on to the very end, the end product that will come out will be broadly similar. There may be some differences on the details, but they will be broadly similar, particularly if they reflect the views of the people of Kenya. But why go on with the two processes? As you all know, the two processes tend to divide the nation when the nation should be uniting on a matter such as the Constitution. Constitutional processes in other parts of the world, properly undertaken, have, in fact, united the people. The very process itself is a uniting factor. What we have now are people on both sides remaining in their cocoons, with their prejudices and expressing pessimism that nothing will ever come out. That is not the way to approach the constitutional review process.

I think the time has now come when we must let the past go. To quote from the Bible, St. Paul says we must forget the past. Jesus, of course, also said we must forgive the past and look at this whole thing with a fresh mind. Fortunately, we now have a person internationally recognised as one of the top constitutional experts in the world. A person who is also a Kenyan; he is not an expatriate or from the moon. He is a true Kenyan. A person who has managed to help other countries to forge their own constitutions. For that, he has been honoured by those countries; he has been given the highest orders and awards by those countries because of what he has achieved. But he was only able to achieve that self statute--- In some of those countries, the differences that were there were even wider than the differences we have in Kenya. Those countries were divided on religious, racial and ethnic basis, very deeply. But they were able to forget their differences and begin afresh. They were able to come together and formulate new constitutions for those countries. The same thing can happen here.

As the Government has stated, and if it becomes necessary during this consultative process--- I would urge that the opportunity offered by Prof. Ghai should be grasped by everybody. The Government will bring the Act to be amended so that we can have a unified constitutional process for this country.

With those few remarks, I beg to support.

**Dr. Omamo:** Thank you, Mr. Temporary Deputy Speaker, Sir. Like the Attorney-General, I want to speak only on one topic because it is very important to the nation. This is the shortage of sugar in Kenya and why the shortage is there. As hon. Members go home, they will find their voters forming queues to get sugar at the retail shops. Some of them will not be lucky because there is not sufficient sugar at the retail shops. Why is this so? It is because the retail shopkeepers have got less sugar from the agents, who find less sugar at the factory stores. Why is this so? This is because the factory stalls have not got enough bags from the mills. Why is this so? This is because the mills have not got enough sugar-cane to crush from the cane yard. Why is this so? This is because the farmers have not supplied the sugar-cane to the cane yard. Why is this so? Why should the Kenyan sugar-cane farmer not supply sufficient cane to the cane yard? What is frustrating the Kenyan sugar-cane farmer? What has gone wrong in the sugar industry?

Mr. Temporary Deputy Speaker, Sir, last month, I had an opportunity to visit India, Swaziland and South Africa to observe their sugar industries and learn from them. Believe me, in India, the sugar-cane farmer and the sugar industry is vibrant. The farmers there are very happy. In Swaziland, the farmers too are very happy. In India, the farmer is paid for his cane every month. In Swaziland, the farmer supplies the sugar-cane and in two weeks, he or she is paid, while in South Africa, the farmer supplies his or her sugar-cane and at the end of the month, he or she is paid. I would like to appeal to the Kenyan Government that we should put our heads together and see what we should do to help Kenya become self sufficient in sugar for domestic consumption to begin with. There is enough land in this country to help the Kenyan farmer to produce enough sugar for export; there is enough land in this country which, if put under irrigation - and there is plenty of water - can be used to produce more and more sugar for export. Why do we not do



this? The answer is that it is a function of planning and management. I would like to appeal to the Kenyan Government that we should put our heads together because in the Government, we have got people with "good" heads. Let us put the "good" heads together from the Government side, from the Opposition and the experts so as to salvage the Kenyan sugar industry.

Mr. Temporary Deputy Speaker, Sir, take the example of Mauritius which produces a lot of sugar than we do and, yet, this is a small country compared to Kenya. I know that this can be done and let us use the recess to give the Government proper time for proper planning to be done for self sufficiency in sugar. If that is done, Miwani Sugar Company will be out of the bush, Muhoroni and Nzoia Sugar Companies will be out of the bush and maybe Hamisi Sugar Company could be rehabilitated and new one started elsewhere. Mr. Temporary Deputy Speaker, Sir, I beg to support.

**Mr. Ndilinge:** Mr. Temporary Deputy Speaker, Sir, first of all, I would like to thank the hon. Members of this House from both sides, but before I say much, I would like to address the issue of security. Any country without security is not a country. It is only the other day when we saw churches and mosques being burnt down. If we have reached a point of burning down a holy building such as a mosque or a church, I can say that God is not on our side. It is high time Kenyans repented their sins to God.

It is high time that we asked ourselves, as leaders, how these skirmishes started. We know that this came up as a result of utterances made by our leaders, because if you can recall, some of the leaders who call themselves "leaders" are the ones who incited people to burn down the church and even the mosque.

*(Applause)*

I think God does not know whether you are a Muslim or a Christian because all human beings are equal before the eyes of God. So, it is high time that we behaved like leaders. We should not go into a church or a mosque, pretend that we are God's followers when we are Satan's. Still on the issue of security in this country, I would have been happy if the Minister of State, Office of the President in charge of Provincial Administration and Internal Security was here, because I want to talk about my life.

**Mr. Kirwa:** Bw. Kamotho atamwambia!

**Mr. Ndilinge:** Mr. Temporary Deputy Speaker, Sir, there have been cars trailing me every weekend, and these cars belong to hired thugs. It is only the other time when some fellows wanted to poison me; luckily, they wanted to do that in drinking areas, but I stopped drinking, and so they were not lucky. Since they know that I stopped drinking, they have now started hiring thugs to trail me because some of the fellows who want to kill me are my political rivals.

**Hon. Members:** Who are those people? Name them!

**Mr. Ndilinge:** Mr. Temporary Deputy Speaker, Sir, the time has come when leaders should know that leaders come and go. There used to be leaders sometime back, but they are not there now. We are here today as leaders, but we shall not be there tomorrow. There will be new leaders. So, whoever thinks that he is indispensable should know that leaders come and go.

On the issue of communication, I would like to take this opportunity to thank the Minister for Roads and Public Works because if the Chair can recall, since 1992 when I joined Parliament, I have urged that Ministry to open up a road to my home. Suppose I had died between today and 1992, the body would have been taken for burial in---

**Hon. Members:** Langata!

**Mr. Ndilinge:** Not Langata! The Government would have spent a lot of money hiring a helicopter to airlift my body, but I am happy to say that the Minister opened up the road just the other week and, therefore, I have to thank the Ministry.

**Hon. Members:** Do not die soon!

**Mr. Ndilinge:** Mr. Temporary Deputy Speaker, Sir, so the thugs should be told that although the road has been opened, I am not willing to die soon. So, they should stop their malpractice and know that I am a Kenyan by right.

With regard to agriculture, I also want to urge the Minister for Agriculture to ensure that something is done to revive the Kenya Meat Commission.

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

**Mr. Mwenda:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion.

First, I want to make some brief comments concerning the Ministry of Education. In the middle of this year, around July and August, the Ministry of Education embarked on what they were calling "countrywide transfer of

teachers". An attempt by the Ministry of Education to balance the staffing of teachers in this country was frustrated by the teachers. There was strong opposition from the teachers union; the Kenya National Union of Teachers (KNUT). For those of us who took time to find out where and why this Union was opposed to the transfer of teachers, I realised that, nearly all the branches that came up to oppose the transfer of teachers were from districts where there was overstaffing. None of the Union branches from the districts which are understaffed came up to oppose the transfers. Why is it that only the teachers' Union from districts which are overstaffed are opposed to the countrywide transfer of teachers? In my humble opinion, this is selfishness on the part of the Union leaders. This is because the reasons which were being advanced that, "you are disturbing pupils when they are being prepared for the examinations", is a lame excuse.

In this country, we have pupils and students who have never had teachers for the whole year and nobody bothered to ask who will prepare those pupils who have never had teachers from the beginning of the year. They were lucky enough, at least, they had teachers up to the end of the second term. How about those areas where there were no teachers from the beginning of the term?

Mr. Temporary Deputy Speaker, Sir, there was another excuse that, by transferring teachers, you are going to break families. To me, I think they were insulting the teachers. We have various categories of civil servants in this country and they work far away from their homes and they leave their wives, husbands and children behind, but their families are intact! For somebody to insinuate that when a teacher goes to work away from his wife, his wife will run away, is actually insulting the teachers. I am requesting the Ministry to ensure that by the beginning of the year, there is balancing of teachers countrywide, without giving in to this "arm-twisting" by the Union or the blackmailing by the teachers. It is an act of extreme arrogance on the part of teachers to say that they cannot work away from their home districts. When they were being employed they never said anything and they were not employed to teach only in their home districts. The Ministry must be firm enough to refuse to be blackmailed by the teachers. If they do not want to work, then they must go home. The children of this country, irrespective of their districts of origin, have equal rights and they deserve to be taught. A child in Moyale, Tharaka and in Kitui Central deserves to be taught just like any other child.

Mr. Temporary Deputy Speaker, Sir, the second issue that I want to touch on is that, as we go out there, we are going to face "a monster" in the name of the Provincial Administration. The Provincial Administration, more than any other section of the Government, has done a lot of harm to this nation; starting from the PC, DC, DOs, the Chiefs and Assistant Chiefs. I want to give an example here. In Tharaka District which borders Meru North District; the DCs in the two districts have gone ahead to create administrative boundaries on top of others. There is a situation where we have a chief answerable to the DC in Tharaka and another chief answerable to DC in Nyambene. These two chiefs have the same administrative unit. What "hell" is that? This is being done by the provincial and district administration. What interest does the DC have in expanding his area of jurisdiction? He will serve a particular area for one year and then he will go away. He will leave the mess to us, the elected representatives of the people. We shall be left cleansing problems that were created by the DCs who have already gone on transfer. As Members of Parliament, we fear our electorate and we will want to fight for those units because we do not want them to be scrapped and we do not want them chopped off to another district. This is one practice that must come to an end. As a result of this confusion, there are ethnic clashes and tension between communities which are completely unnecessary. Members of the Provincial Administration are also guilty of theft of relief food.

Mr. Temporary Deputy Speaker, Sir, when the President came to Meru the other day, he gave 12,000 bags of relief maize to the four districts of Meru and each district was supposed to get 3,000 bags of relief maize. But in Tharaka District, particularly, almost 500 bags of maize were stolen by the chiefs and the DOs.

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

Mr. Haji, the Floor is yours.

**The Assistant Minister, Office of the President** (Mr. Haji): Mr. Temporary Deputy Speaker, Sir, first of all, I would like to pass my Ramadhan and Christmas greetings to the Chair and the hon. Members because I think we shall be on recess during the Christmas holidays. It is a great coincidence that both the Idd and Christmas holidays will almost fall under the same week.

From the onset, I would like to support the Motion. But in the meantime, I would like to concentrate on two very important issues concerning the posting of teachers. It is a true fact that all Kenyans deserve to be served by their brothers and sisters who are working for the Government or for any other organisation. It is also a known fact that there are districts with excess teachers while others do not have sufficient teachers. So, it will be really very unfair for those teachers who will be posted to go and serve those parts of the country which do not have enough teachers to refuse to go and serve pupils in those areas. I would like to support the TSC's stand and its Secretary, Mr. Sogomo. He should not succumb to intimidation. He should not allow himself to be dictated to by people who are paid by taxpayers' money.

Secondly, I would like to talk about Ijara District. It is very disappointing that this district was launched on 20th May, 2000. So far, it is only the (District Commissioner) DC and maybe one or two officers who have reported to that station. All the other officers who have been posted have camped at Garissa instead of going to Ijara, simply because they think that there is no electricity in Ijara, as if they were born in homes where there was electricity. We know that they were born in grass-thatched, mud houses without light and water. Those are the conditions under which they should go and serve other people. They should also know that they are dealing with people who know their rights. We know that they have been paid disturbance allowance and if they do not want to work, they should refund that allowance and report back to their Ministries or go and report at Ijara. We also know that they are paid house allowance to go and serve the people in Ijara, yet they are not serving Ijara people. I want to give an ultimatum here that, by 31st December, 2000, if these officers do not report, we will take this matter very seriously and go to the Ministries concerned to make sure that we are treated like any other district in this country.

Mr. Temporary Deputy Speaker, Sir, I would like to suggest that, on the Constitutional Review Process, Prof. Ghai has a very difficult task. He started on a very good note and I hope the Ufungamano Group will also co-operate in the discussions which he has initiated because that is good for all of us and the country as a whole. It is also the way forward. We know that there is need for us to review the Constitution and the right way through which the Constitutional Review Process should be done is through the Select Committee of Parliament, and by those who were appointed to go and review the Constitution. I think if they can come together somewhere along the way, we will save this country a lot of disturbances and misunderstanding. This is because in my community, we say that, "carrying the table" and "pulling the table" has the same intention of taking it somewhere. But which is the best way, pulling it or carrying it? When you carry it, you will take it safely, but if you push or pull it, you are likely to break the leg.

So, we do not want to see anybody breaking his leg. The Government should look into the matter of the KMC. It is a vital industry for this country. Thank you.

**Mr. N. Nyagah:** Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity given. While I appreciate the fact that we are going on Christmas recess, I would like to take this opportunity to---

**Mr. Kathangu:** Bw. Naibu Spika wa Muda, hatuwezi kukubali watu kumi kutoka chama kimoja kuzungumza! Hata sisi tuna maoni!

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

Proceed, hon. Nyagah!

**Mr. N. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I think it should also be appreciated that I have not talked on the Floor of this House for a very long time. That is because of the role that I play in this House. While appreciating the fact that I am as good as any other Member, let me continue. I have two subjects that I would like to talk about.

The first one has to do with the Constituency AIDS Committees. On the 9th of November, 1999, the intention of this House was for the Government to address the issue of AIDS in Kenya. It was agreed upon that, at that time, the AIDS Committee will be empowered to receive the money from donors. I think it is important to know what has happened. We want the Government to come out clean on this matter. Of late, there has been changes where the US\$30 million of the US\$50 million, which ought to have gone to the constituencies, will go into an agency called the United Nations Development Programme (UNDP). Currently, Maendeleo ya Wanawake Organisation (MYWO) has been asked to do a proposal for Kshs600 million. The other proposal is that the AIDS money should go through the DDCs. Essentially, that means that the Government has used this House to access itself to US\$50 million, and use it in the manner in which it has always used money which has come into its possession. That is one area that Members of Parliament must address.

What are the achievements of what we are saying? The Attorney-General, before going on recess, ought to have brought the Industrial Bill before this House, so that we can discuss amongst other things, the issue of parallel imports to this country. That way, we can cater for the excess of 2.5 million Kenyans who suffer from AIDS. Therefore, it means that between now and the time when we come back, that issue will not have been addressed, other than the issue of prevention.

The second issue that I would like to take up is the one that was discussed in this House yesterday. It was the issue of insecurity in the country. The Special Anti-Crime Squad Unit (SACSU) based in Gigiri and supervised by Mr. Kavila, is an illegal unit. It is not in the Standing Orders of the Police Force, which gives the Commissioner of Police powers to run the Police Force. Why do I say that it is an illegal unit? It was not formed through any legal machinery or the Forces Act. They have been involved in arresting people dealing with chang'aa, car robberies and murders! They have the power, which is also illegal, to arrest and release people from any police station. The power to release a person from a police station is vested in the Officer Commanding Station (OCS). But that squad has the power to do it. It has done that in the past. Why are we creating so many security units to address the issue of insecurity and yet, on the ground, there is a lot of insecurity? Those are some of the issues that we would like to ask the Office of the

President to look at, and harmonise all security operations.

The Kenya Anti-Corruption Authority (KACA) is a creation of Parliament. The National Security Intelligence Services (NSIS) should now be used by the Government to do research and collect information on crime syndicates to break them. One single European, in the name of Mr. Patrick Shaw (the late), contained crime in this country. Why can the whole Police Force not be able to do that? The NSIS should be used to help out in insecurity matters.

With those few remarks, I beg to support.

**Mr. Kirwa:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity, to support the Motion on recess. The other day we went to the CID Headquarters. As hon. Kones wrote a statement, I tried to observe what goes on there. I noticed a number of things. I was able to ask some of the police constables and officers there: "What do the three colours of the Police Force stand for?" None of them could answer me because they do not know. It is a system that they have inherited and they do not understand it.

What I am coming to is this: We are going for recess in the next four months or so. We have not seriously taken into consideration why we must go on recess at this particular time. This is a system that we inherited from the British. At this time, they have winter. Here in Kenya, we do not have any winter! It could make much meaning if our recess would have been one-and-half months. I do not understand the rationale of going on recess for four months, when we do not have winter in Kenya. It makes sense for us to come back in February and go back to plant in April for one month. But the problem in Kenya is that in April, when we are supposed to be planting maize in Trans Nzoia, we are here! When we finish planting, we go on recess in May for three weeks, when we do not plant anything!

So, the objective of this argument is that Parliament must have its own calendar. It does not have to conform with the British calendar. We should have a calendar that takes cognisance of the seasons and the needs of Kenyans. In that calendar, we must be able to determine when the next general elections will be held. Sections 58 and 59 of the Constitution provides for one person, who is also a Member of this House, the prerogative to dissolve this House without notice! The insecurity on the part of Members of Parliament is designed to create a situation where no Member of Parliament is clear on the programmes in his constituency.

It is high time that this House enacted a law that elections shall be held every five years, on a particular date. We should not leave it to one person, who hides with "a secret weapon", to unleash it at any time without any notice. We must monitor that situation as a nation. That goes hand in hand with the issue of governance. The Government has forgotten that it has been given the responsibility to govern this nation. That responsibility must also be carried out according to the law. This House has enacted several laws, but none of them is being respected. One such law is the creation of the District Roads Committees (DRCs). I remember before we went on recess last year, there was the urgency that we must pass the DRC Bill because this is the only way we can have money for the development of various infrastructure. As we are talking, one year later, there is no single penny given to the DRCs for the construction of various roads network. It is unfortunate because this Government is reluctant to share the responsibility of governance with the various organs of Government. For the information of the Ministers present, the Government means the three arms of the Government; that is, Parliament, Judiciary and the Executive. This Parliament is not an appendix of the Executive and the laws we pass here must be respected.

Mr. Temporary Deputy Speaker, Sir, the other thing which also confirms that this Government seems to be gradually losing direction is the fact that some of the laws we pass here are assented to by the Head of State and yet, later on, the Government position seems to contradict the very position we have taken and which the President himself has assented to. This is unfortunate.

With those few remarks, I beg to support.

**Mr. Ndicho:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to wish my colleagues a merry Christmas and a happy New Year, and Ramadhan too.

Secondly, I wish to condemn in the strongest terms possible, the ever-growing evil of tribalism in this country. I have got a vision that one day we will be united as a country. It does not pay to harass and beat up fellow Kenyans. If you go to Uganda today, Ugandans are thinking as one nation. When they meet in Europe or America, Dubai or anywhere else, they recognise each other as Ugandans. But when Kenyans meet outside there, they still see themselves as Luos, Luhyas, Kikuyus and Kambas. We must preach about the unity of this nation. Tribalism has torn this country apart and I am appealing to all hon. Members to condemn tribalism, so that when we meet outside, we see each other as fellow Kenyans and not as Luos, Kikuyus, Kambas or Kalenjin. We must come together the way we started in 1963.

When we were under colonialism, the Mzungu was mistreating us and referring to us as "niggers" or black people. They did not take into consideration our tribal lines and they continued to mistreat us because of our colour. I do not understand why we have divided ourselves along tribal lines 37 years since Independence. It is high time that we also taught our children that we belong to one nation called Kenya. If you go to a primary school today, very little

boys and girls are addressing each other as Kikuyu, Luos or Kambas. We have taught our children that we are divided along tribal lines. We must condemn this evil and eradicate it once and for all, right from the President down to the smallest person. We do not want the President to denounce tribalism and then, we continue preaching the same.

I am challenging our President who has got three years to go, to leave behind a legacy of a united nation. Today, we have disintegrated into the 42 units that constitute Kenya. I am asking President Moi to ensure that we remain united as we were when he took over on 28th October, 1978.

Mr. Temporary Deputy Speaker, Sir, I am very concerned about our own people as Kenyans, whether they are Somalis from Wajir or anywhere else. Yesterday, I wanted to talk about that invasion from Ethiopia by comparing it with what happened between Egypt and Israel in 1967. Israel has a holiday where everybody is on recess, including the army and the police. One day, Egypt attacked Israel when they were all on that holiday, but the Israelis retaliated and pushed Egypt up to Cairo. They overran Cairo for seven days and since that time, Egypt has never dreamt of attacking Israel. I do not see the reason why a small nation like Ethiopia is attacking our people in Wajir. This Government has got the best machinery it can use to retaliate. Next time they do that, the Kenya Army should overrun Addis Ababa. I do not want to hear again that Kenyans have been attacked by another nation. What is the army doing there?

**Mr. Kihara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not want to interrupt my colleague, hon. Ndicho, but is it not out of order to attack a friendly country?

**Mr. Ndicho:** What does he mean by "a friendly country" when they are attacking our people?

With those few remarks, I beg to support.

**Mr. Muturi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion of Adjournment. It is important that the House do adjourn for a short while so that we can also have some rest.

Mr. Temporary Deputy Speaker, Sir, of late, it has become fashionable in Government to discuss poverty reduction. We all know that a lot of funds have been expended on seminars to discuss ways of reducing poverty. But this House has not been told whether the initiatives that are currently being undertaken have replaced the Poverty Eradication Commission headed by Dr. Gilbert Oluoch, a former Member of this House. This Commission also deals with the issue of poverty reduction. Is there any planning left in us? We are spending funds going round the country asking DCs and other government functionaries including Members of Parliament to attend seminars to discuss poverty reduction and yet, the Government has set up the Poverty Eradication Commission. What message are we sending to Kenyans? It looks to me that we have become too gullible to accept everything that is put to us by the World Bank and the IMF merely because we are going to be given a grant. As a nation, it is high time we stood firm and said no because we have our plans. So, if they want to bring any proposal to assist us, that proposal must fit within our own programmes.

Mr. Temporary Deputy Speaker, Sir, as we talk about poverty eradication, it is pertinent to appreciate the fact that our road infrastructure, which is an essential component of poverty eradication, is in a state of total disrepair.

Mr. Temporary Deputy Speaker, Sir, we have talked of having piped water in every household countrywide by the Year 2000. The Year 2000 is now almost coming to an end, but even in my Nairobi residence, there is no water. So, really, I must wonder whether we are seriously addressing the issue of poverty reduction. Are we not getting tired of writing and reading Papers, which are filling the cabinets in Government offices? We have read Papers, which have been brilliantly written by Kenyans. But, at the end of the day, all that end up by having totally misplaced ideas, coming from all manner of the so-called "consultants from the West", and more so from the multinational donors.

I am mindful of the fact that many of my colleagues have talked about the enactment of the Kenya Roads Board (KRB) Act late last year before we proceeded to a recess. That issue has been raised here, and I would like to fully associate myself with the sentiments expressed by hon. Kirwa, that, to date, not a penny has been expended on the District Road Committees (DRCs) from the KRB. Even as we talk here, a DRCs meeting is scheduled to take place at Mbagathi tomorrow. We quite clearly agreed that 16 per cent of the Road Maintenance Levy Fund (RMLF) money will go direct to the constituencies, while 24 per cent goes to the districts. Now, you can see how the whole matter is being handled. The Ministry of Roads and Public Works Headquarters is cunningly retaining the 24 per cent, which is supposed to be disbursed to the districts, on the basis of on-going projects in the districts, so as to control that money. We decided that 24 per cent of the RMLF money should go direct to the district, so that every district could prioritise the roads to be rehabilitated, but what are we witnessing now?

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

**Mr. Khamasi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving an opportunity to contribute to the Motion of Adjournment *sine die*.

First of all, I would like to congratulate this House for work well done during this Session. I feel proud that I belong to the Eighth Parliament, because we have done what no other Parliament has ever done before. I think one

thing is very clear here. A good law is that which can be applied. It is useless to make any law which cannot be applied. We did enact the Kenya Roads Board (KRB) Act towards the end of 1999, but as my friends have said, there are many complications in that law; up to now, that law is not applicable. It is, therefore, incumbent upon the Minister for Roads and Public Works to ensure that, that law is applied, so that the money that is supposed to be channelled direct to the constituencies is sent there. Roads in my own constituency are very dilapidated. We need that money to repair those roads.

As a Commissioner of the Parliamentary Service Commission (PSC), I would like to congratulate hon. Members for having enacted the PSC Act. All that I would like to plead with hon. Members to do now is that they should go ahead and ensure that the business calendar of this House is determined by this Parliament. The PSC will bring here a Bill seeking to regulate our business calendar. This is not a question of taking powers from anybody. We want to regulate our own business calendar.

Mr. Temporary Deputy Speaker, Sir, I would like to take off my hat for Prof. Pal Ghai, who was nominated to lead what is commonly referred to as the "Raila Committee". I would like the idea of referring to that Committee as the "Raila Committee" to cease forthwith because it is misdirecting this nation. We want to support that which we have started, because none of the constitutional review teams, be it Raila-led or not, can be successful in reviewing the Constitution of this country. If we fail to take advantage of the "olive branch" extended to us by that well-known scholar, we will have made one of the greatest mistakes. We need to come together. As any other intelligent person, Prof. Ghai knows very well that without us coming together, there is no way we can have a successful review of the Constitution. It is, therefore, incumbent upon us to ensure that we take that offer. If the exercise flops, it will send very wrong signals to the international community. No investor will ever think of coming to invest in this country because "there will be no light at the end of the tunnel". So, as Members of Parliament, we should sit together and support him.

I would also like to take off my hat for what has happened in this country. We have seen a holder of a very important office in this country, namely, the Chief of General Staff, going home peacefully, saying that he had done his bit; he said that he wanted to leave Kenya a happy and united country. I would like to ask other office holders of that status to think along the same line. We know that it is necessary when you have served Kenyans to say: "Goodbye; let me go home in peace and leave Kenyans in peace".

*(Applause)*

So, other people who hold similar offices should know that it is necessary that they adopt the attitude of the former Chief of General Staff.

With those few remarks, I support.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion.

Mr. Temporary Deputy Speaker, Sir, this House is going on recess today before we have tackled some of the most important issues in this country. As we go home today, we do not know our position on the HIV/AIDS campaign; we do not know when the KRB Act is going to be implemented. For the last six months, not a single shilling has been sent to the districts or constituencies to repair roads. We have not even asked where the money that has been collected under the Roads Maintenance Fuel Levy is, and yet the hon. Members of this House are anxious to go home and get paid for three or four months for doing nothing.

**An hon. Member:** Cross over to this side!

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, I will not cross over to that side because it could be worse than this side. Hon. Members from that side sometimes propose amendments that are against the interests of this country's people.

Mr. Temporary Deputy Speaker, Sir, this House will end up being a laughing stock in this country. The Executive believes that this House is toothless and, therefore, cannot do anything. I can give you two or three examples. The Government committed itself to raise the pay for teachers, and yet when it was supposed to implement it, it reneged. But, what action did this House take with respect to teachers' pay rise? Nothing! This same House passed the Constitutional of Kenya Review (Amendment) Act and it was even assented to, and yet it backtracked and reversed that same Act that they had passed. This same House is the one which passed the Kenya Roads Board Act to seal off all those "looting loopholes" of the Executive. As we stand here today, we have collected Kshs46 billion for Fuel Levy Fund, but which hon. Member can tell me today whether that money has been spent in his or her constituency? But have we questioned where the money has gone? We did not! We went ahead and forgot the past and enacted a law that should have been implemented from 1st of July this year. To date, nothing has been done.

Mr. Temporary Deputy Speaker, Sir, the Government goes about its business the same old way by sending

money to the districts treasuries so that the DCs and the district accountants can get a way of siphoning that amount to their own pockets. Then, we say that we are concerned about the welfare of our people. This is the same House where a Minister came and said: "This country has surrendered its sovereignty to the developed partners." Yet, we do not question it, and you are telling me to cross over. Do hon. Members from the Opposition side question that? Have they done that in unison? They have not! We have not! All of us have not done that. We have surrendered the Independence that we struggled to get in this country to the developed partners. A Minister comes to this House and says: "We cannot do this because the World Bank and the IMF would send us to hell," then we just laugh around and say: "Oh, that Minister is performing well." This country, as we were told by the Leader of the Official Opposition, is insecure. The security officers only know how to disperse peaceful Harambee meetings. Instead of pursuing and dispersing criminals, they pursue politicians. Today, it could be me, and tomorrow it might be you.

In this country, we have agreed to adopt cost-sharing in provision of medical services, and yet 73 per cent of our people live below the poverty line. Therefore, they cannot afford medical care. I wish we could stand up and be counted.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Keynan:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I would like to comment on the recent skirmishes in Nairobi South B.

A lot has been said about that particular incident, but I would like to go on record that there is no war between Muslims and Christians in this country, and it will never be because Kenyans are very peaceful and religion cuts across tribes. We say that common sense is not common. We have had statements that have been attributed to a senior Cabinet Minister, and I would like those statements to be treated with the contempt that they deserve. This is because in human life, there is a cycle - there is the first stage of production, and then you become bald. But eventually, when you cross over to the stage of senility, there is nothing else good that an individual can do. Those are some of the criminals who are supposed to be arrested.

I do not remember at any given time, when there were skirmishes between Muslims and Christians in this country. Whoever created the notion that one day there will be skirmishes between Muslims and Christians in this country is a madman who is supposed to be in prison. What happened in South "C" is an act of hooliganism. Those are the very perpetrators who are supposed to be arrested. More than anything else, the squatter problem is a cancer to this country. We want the Government to take action. If that land belongs to the Muslims, let it be given to them. Let those squatters be settled where they are supposed to be. I want to blame the police because if they had acted swiftly, they would have contained the situation. I tend to get the feeling sometimes that they were even encouraging those people to fight. There must have been some signs that some skirmishes were about to occur. We are fed up with this scenario that is being created of clans fighting one another at one time, and Muslims fighting Christians at another. I do not think that the Kenya, in this millennium, is prepared for such a challenge. Sometimes there has been a tendency by the Press to refer to Muslims as --- It is not true at all, and it will never be there.

It would have been fortunate if they had come today with a report from the World Bank on the status of the Kenya Meat Commission (KMC). The former CGS, Gen. Mulinge, who has been named recently as one of the biggest beneficiaries of ADC in addition to what he has done to KMC, should do a favour to Kenyans and retire. Of course, he did not retire honourably from the military. We know he was removed by force. Politically, he has been hounded out. He will still remain a hounded man in the history of this country. We want him to return that land. So many innocent livestock farmers are suffering because of the greed of that man. If he wants to remain a man of stature and one that Kenyans will remember, let him do a favour to Kenyans and return that land. They have used a company called "Numerical Machines Limited", which is a fake company that is not even registered with the Registrar of Companies, to grab the entire holding grounds of KMC.

There is also the issue of the Teachers Service Commission (TSC). We have heard somebody by the name of Mr. Adongo resisting the transfer of teachers. The teaching profession is a noble one. I am beginning to feel that Mr. Adongo has lost the moral authority to lead teachers when he says that 40,000 teachers are being transferred. Ten million children are out of school because there are few teachers. I would like to ask the TSC that if any teacher refuses to go to the station where he has been posted, let him be retrenched so that those districts can be given a chance to employ their daughters and sons who have been jobless for the last five years. That is the only way we can have justice.

There is also the issue of insecurity. Time and time again, we have talked about this particular issue. We are spending a lot of national resources on the Kenya Army. These people should be deployed to build roads, bridges, sink boreholes and to guard our borders. Why are we paying billions of shillings annually to stay in power? We are being attacked all over. There is no time we will be proud of this era.

With those few sentiments, I support the Motion.

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

**Capt. Ntwiga:** Thank you, Mr. Deputy Speaker, Sir. May I take this opportunity, first of all, to register my appreciation for being associated with this dynamic Eighth Parliament which has done a lot of good for this country, especially by passing various Motions towards the recovery of the economy of this country.

Apart from mentioning those Motions and Bills, because most Members know about them, I want at the same time to register my other concern. Since I am relatively new in this Parliament, having just finished one year, but, traditionally, I am made to understand that during this kind of Motion for Adjournment, members of staff from the Office of the President are supposed to sit in the Chamber, so that they take into consideration whatever the Members deliberate on during the debate period. Their absence shows that we are somehow not taken seriously by the Office of the President for that matter. This is because I expect them to hear what we are talking here so that they can address these matters while we are on recess simply because most of the issues Members of Parliament are talking about revolve around insecurity in the country. So, that is my concern, having been in this Parliament for one year.

Mr. Deputy Speaker, Sir, I also want to register my disappointment at the way the Front Bench answers Members' Questions here. The answers, especially those on my part which I have got from the Front Bench, leave a lot to be desired. I expect the Front Bench to correct that position when the House resumes. This is because once we ask questions here, we mean business, since we have done a lot of research on them and we expect the best out of the Front Bench. Since they do not live up to their expectations, they have been taking this House for granted and this is a point they should note.

Mr. Deputy Speaker, Sir, another thing that I want to talk about are the various Bills we have passed here. For this House not to be "a toothless bulldog", we are asking Members to take whatever action possible, to make sure that whatever Act we pass here, for example, the Kenya Roads Board Act, is effected, otherwise we will not achieve anything. Tomorrow, we are having a workshop at Mbagathi on the operation of the Kenya Roads Board where the DRCs are coming in. I am made to understand that even the Chairman of the Energy Committee is not one of the speakers in this seminar and you will realise that it was the House Committee on Energy which initiated this programme of poverty eradication by bringing the DRCs into effect. Therefore, I expect tomorrow that the KRB, which is supposed to be in operation, should be in operation as from tomorrow's workshop. Therefore, we should be addressed by the Chairman of the Kenya Roads Board, and not the Permanent Secretary in the Ministry of Roads and Public Works, so that these DRCs are effective. This is the first step forward to make the Poverty Reduction Strategy Paper effective. If this method is not going to be undertaken, that is the DRCS in the constituencies, then there is no use of calling for the empty rhetoric and workshops in various fora to discuss things which we already know in the constituencies. We know how to eradicate poverty and one way is through these District Roads Committees. If this is not going to be effected as from tomorrow, then I think this House is being taken for granted by the Executive, for that matter. I also understand that the 16 per cent is the only provision we shall be given in the constituencies. The 24 per cent is nowhere, and it is an Act of Parliament and there is nowhere we have done any amendments. Therefore, I expect the members of Parliament to contribute a lot to that Paper tomorrow.

I support the Motion.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, I would like to take this opportunity to wish my colleagues a merry Christmas and a happy new year. I feel happy that I am associated with this Eighth Parliament, and this Session in particular, when the House has achieved a great deal for the nation. We are going for recess at a time when we have very little to appreciate in terms of Government's achievements. The other side of the House has let us down badly in implementation of certain policies and programmes that have been approved by this House. It is unfortunate that although we pass Acts, they are not implemented. It is high time we had a Standing Committee on implementation of all Motions and Acts of Parliament passed here which will follow up, monitor and see to it that those Acts and Motions are implemented.

Mr. Deputy Speaker, Sir, I have an issue to pickup with the multinationals of this country that are misbehaving. The other day, 112 hon. Members opposed the issue of Guinness International Limited acquiring the East African Breweries Limited. We are getting criminals in the nature of multinationals operating in this country. Guinness International Limited is led by crooks. I have with me information to the effect that their managing director in UK was imprisoned for five years in 1990 because of manipulating the stock market. This is now taking place in this country. The same manipulation is also being practised by the East African Breweries where they are even "fixing



justice". Lawyers are being paid colossal sums of money in order to fix justice. This is terrible when you find this kind of situation taking place in this country. Lawyers are now being used as conduits to facilitate corruption in this country. This should not happen, particularly when we are pointing an accusing finger at the public sector and saying it is corrupt when that same corruption is being perpetuated in the private sector. I have documents here to prove what I am saying. In a recent case, involving Kiambu General Transporters Agency, a legal firm was paid Kshs25 million to facilitate "fixing of justice". For a lawyer to be paid Kshs25 million, he has to do a job that is worth Kshs5 billion. I am wondering whether East African Breweries Limited can afford to pay such money in order to "fix justice".

**Mr. Karume:** On a point of information, Mr. Deputy Speaker, Sir. I declare my interest that I am one of the shareholders of Kiambu General Transporters Agency. But the information I want to give to the hon. Member is that in the same case, the East African Breweries had a lawyer in the name of Kilonzo who was paid Kshs25 million to "fix justice". Kiambu General Transporters Agency had only two lawyers, namely, Messrs. Gatonye and Kimani who they only paid Kshs6 million.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. Hon. Kariuki is referring to some documents which have also been referred to by hon. Karume. Could he lay them on the Table so that we know what he is talking about?

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, I will do that with honour when I finish my contribution.

**Mr. Deputy Speaker:** Order! Mr. Kariuki, you do not even have to wait for the Chair to make a ruling. If you have got documents to support your case, then lay them on the Table.

**Mr. Kariuki:** Mr. Deputy Speaker, Sir, I will do that with honour.

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

Mr. Deputy Speaker, Sir, as I said, it is very unfortunate when professionals are used as conduits to facilitate corruption. In addition, reputable legal firms are being used for that purpose to exploit their own wananchi, to the benefit of multinationals. These very multinationals are dismissing our own local people and replacing them with half-baked expatriates who are not experts at all. The difference between them and the local people is that they have white colour. They are paid very handsome salaries or ten times as much as the local people. They are also being used in the transportation and distribution of beer taken by Europeans. Are we having neo-colonialism in this country? Are we saying that our own brothers and sisters cannot carry out very small tasks or jobs that have hitherto been done by local people? We are becoming a disgrace unto ourselves if we have to fight our own brothers and sisters in order to perpetuate foreign interests. We do not at all condemn foreigners; we love them very much; they are our friends, but I think there are some of them who come to operate in this country and do nothing else other than exploiting our own people.

Mr. Deputy Speaker, Sir, I beg to support the Adjournment Motion.

**The Assistant Minister for Finance and Planning** (Mr. Lomada): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to also join my colleagues and say something about the Motion of Adjournment. This Motion is good because it will pave way for us to go home, help and work with our people who have always been waiting for us. Now, we will work with them full time.

I would like to thank the hon. Members of the House for the way our Motions have been carried. The hon. Members of this Eighth Parliament have shown maturity in their business because whatever Motion we have had, we have always agreed on it and quite a number of Motions that will help the country at large have actually been passed. I would like this kind of spirit to continue, so that whatever we do is agreed upon.

I would like to thank the Government for looking at the welfare of the people of this country, especially this year and last year when there was a prolonged drought. I would like to point out that quite a number of our people have suffered, because they could not grow and harvest any crop, especially in the dry areas. I really want to thank the Government and continue to ask for more support, so that our people do not die due to starvation.

I would like to ask the Government to supply more relief food to the Pokot and Turkana people and the other areas which experience this particular problem. I know very well that the famine has come as a result of the weather pattern. I would like to appeal to quite a number of our areas where agriculture can be practised to put more effort and produce enough food so that our people can feed on and also boost the economy of this country.

I would also like to request the Government Ministries to look into the problems of West Pokot, especially when it comes to initiating projects. I would like to say that there are quite a number of projects that have not been started by the Government, but I thank it for the assistance it has given us. I would like to appeal to the Government to initiate many projects to the people of West Pokot because this is an area that was left behind for many years. Therefore, we would like many projects to be initiated in the area just like other districts.

Mr. Deputy Speaker, Sir, I would like to appeal to the Ministry of Health to make sure that it supplies enough

drugs to the clinics and hospitals within West Pokot District. I would like to say that there are few hospitals and clinics in my constituency that have not been supplied with the required drugs. I would like to request the Ministry to supply enough drugs to those hospitals and clinics.

I would also like to say something about the Ministry of Agriculture which is very important. I would like the Minister to spare time and visit the people of Sigor Constituency, especially Lelan, where we grow pyrethrum. I would like to say that my people grow this crop very well. I would also like to state that the pyrethrin content of this pyrethrum is the best in this country it is number one. I would like to say that there is no region which can challenge the pyrethrum from West Pokot. Therefore, I would like the Minister to spare time, visit the area and encourage these farmers.

I would like to touch on the question of security which has been discussed by quite a number of hon. Members in this House. Security is very important in this country and I would like our Government to address the issue of insecurity. A police officer called Lotacha Cheresek was killed sometime last month by some Marakwet people. I would like to appeal to the Government to make sure the people responsible for this crime are taken to court.

With those few remarks, I support the Motion.

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, I want to thank you in a very sincere way and wish you a merry Christmas.

I want to address this House on a very important issue which concerns the lives of Kenyans. We can talk about the DRCs, rain, famine relief *et cetera*, but the most important subject today which should be addressed by Members of Parliament is none other than the issue which concerns the lives of the very Kenyans who voted them to this august House. This pandemic called HIV/AIDS, if we are not careful--

*(Loud consultations)*

**Mr. Deputy Speaker:** Order!

**Mr. Nyanja:** Mr. Deputy Speaker, Sir, could you protect me from this Front Bench? These are the people who should take these issues very seriously. May I draw the attention of the House, through the Chair, to the disaster of the bomb blast on 7th August, 1998. At that time, I saw one remarkable and historical thing. The party leaders in this country, His Excellency, Hon. Daniel Toroitich arap Moi, hon. Mwai Kibaki, hon. Kijana Wamalwa and hon. Charity Ngilu, boarded one vehicle because Kenya was attacked.

**An hon. Member:** That was very normal and very good!

**Mr. Nyanja:** That was very normal and good. But they should not end there. We only lost about 250 lives because of the bomb blast, but today, Kenya is losing between 500 to 600 lives daily because of the HIV/AIDS scourge. This means that if you calculate, we are having two bomb blasts every day! However, we have not seen these political leaders address this issue together and collectively. This means, therefore, they really do not understand. This killer is called "a silent epidemic"; it does not blow up like the AK-47 or the bomb blast. I am calling upon the leaders, not necessarily the party leaders, but all leaders in this country, especially Members of Parliament who are charged with the responsibility of participating in the Constituency AIDS Control Committees (CACs). They have refused! We are told that we must be 70 per cent in the registration of these committees.

**An hon. Member:** No money!

**Mr. Nyanja:** We have been told that there is money. We have Ministers and we want to believe the donor community because they say that they have this money, on condition that in 70 per cent of our CACs, Members of Parliament do organise themselves. It is a pity that only 68 Members out of 210 Members of Parliament have responded, because they have buried many Kenyans who have died out of this pandemic. May I appeal to my fellow colleagues here in Parliament, including you, Mr. Deputy Speaker, because you are a Member of Parliament; if you have not buried any person in your constituency, burials have been going on everyday! So, will you take heed and roll the ball back to the donors; let us fulfil that conditionality because it is so simple.

Mr. Deputy Speaker, Sir, we are told that 20 per cent of all our daughters in secondary schools are HIV/AIDS positive. My constituency was the first to be registered and launched by the Government, including the World Bank Country Director, Harold Wackman. But since then, I have gone to every school, primary and secondary, and I have discovered that it is true. More than 20 per cent of our girls in secondary schools are HIV/AIDS positive. Because of this anomaly, I have taken these girls for HIV/AIDS tests and they are testing positive. There have been video shows taken to the schools. The resource people have gone to schools and the response is good. So, we need this money so that we can help the orphans, the HIV/AIDS victims and even the infected and uninfected together.

I have also had database for the orphans, the widows and widowers who are supposed to be helped because, in the name of poverty reduction, this money will be used by the constituency to help them eradicate poverty. They are supposed to lead us because they are in the Government. They have not been registered in this country. How will they

help their people? That is very serious. We borrowed a leaf from our neighbours in Uganda. Hon. Museveni talks on the radio and tells his people: "The HIV/AIDS is killing a lot of people. You must use condoms! The ship will be delayed! So, you must reduce and go slow!"

*(Question put and agreed to)*

**ADJOURNMENT**

**Mr. Deputy Speaker:** Hon. Members, we have now come to the end of this debate and the Fourth Session of the Eighth Parliament. May I take this opportunity to wish those of us who profess the Muslim religion a successful Ramadhan. At the end of it, I hope they will emerge "purified" and energised to serve their God and Kenyans.

For those of us who profess the Christian faith, I wish them a merry Christmas and a very happy new year. To all of you and all Kenyans, I wish you a very happy Jamhuri Day, come next week on Tuesday. We have achieved many things in this Session. Let that be the benchmark to try and achieve better than what we have done in this Session. May God bless you.

Therefore, this House stands adjourned *sine die*.

The House rose at 6.35 p.m.