

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Tuesday, 7th April, 1998

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PROCEDURAL MOTION

#### REGULATION OF DEBATES ON MOTIONS

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, I beg to move the following Motion:-

(a) THAT, the House may, on a Motion made by any Member, impose a limit in respect of the debate on any particular Motion by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing both such limitations.

(b) THAT, such Motions may be made without notice, provided that such Motion shall not be made in the course of the debate to which it refers unless it is moved after an adjournment of such debate and before the debate is resumed.

Mr. Speaker, Sir, I would like to draw the attention of the hon. Members to your communication from the Chair last week concerning this procedural Motion. It was discovered that there was an anomaly in the Standing Orders and you also drew the attention of the House to the fact that it would be necessary for the House to bring in line this Standing Order and when the House Business Committee met, it did agree that this should be made a Procedural Motion so that when we pass it or resolve it as a House, it will be possible to regulate the subsequent Procedural Motions which will be able to help in the deliberations and in the discussions of such Motions. So, I would like to say that it is normal for the House to regulate its business and, therefore, it is for the House to resolve so that we can now get into planning under subsequent Procedural Motions having resolved on this Procedural Motion. So, I hope that both the old and new Members will be able to dispose of this Procedural Motion without too much ado so that we can move to the next item.

With those few remarks, Mr. Speaker, Sir, I beg to move.

**The Minister for East African and Regional Co-operation** (Mr. Biwott): Mr. Speaker, Sir, I rise to second this Motion. Indeed, this is a procedure which the House normally provides or agrees on how to conduct the business of the House. As it has been mentioned, this is normally provided for in the Standing Orders, but as it happened, there was an omission and until that omission is rectified, the House itself has to regulate itself and provide its own procedures.

Mr. Speaker, Sir, the onus is on the House itself. As a supreme organ, it has absolute authority to do what the House deems fit for its normal conduct of business and here in this Motion, it is calling upon itself to decide on whether or not to limit the time allotted to each speaker in term of duration and also in terms of timing in minutes. As it has been written, the House may allow for that flexibility. Since it is fairly straight forward and self-explanatory, I do not think there is need to say much about it except to commend to the House that we do approve this Motion in order to facilitate the rest of our business. It one of the series of Procedural Motions that we normally adopt before we start the substantive business of the House.

With these few remarks, I beg to second.

*(Question proposed)*

**Dr. Kituyi:** Thank you, Mr. Speaker, Sir. I appreciate that the input of this Motion is that the House is in a crisis. A crisis which is manufactured by ourselves. Any claims of accidental exclusion of important provisions in our Standing Orders is not a honest claim.

**Mr. Obwocha:** On a point of order, Mr. Speaker, Sir. There is a stranger in the House.

**Mr. Speaker:** Which one?

**Mr. Obwocha:** It is one, Mr. David Murathe, who used to be the Member for Gatanga.

**Mr. Speaker:** On what authority are you basing your allegations?

**Mr. Obwocha:** Mr. Speaker, Sir, I am sure you are as conversant as I am that this is an issue that has been in the papers, and I am wondering whether Mr. Murathe is still the Member of Parliament for Gatanga.

## COMMUNICATION FROM THE CHAIR

### RESIGNATION FROM A PARLIAMENTARY SEAT

**Mr. Speaker:** Order! Order! One thing I would like to say at the outset, of course, is that Mr. Speaker does not rely on what he reads or hears. He relies on facts. The facts that have been released over Mr. Murathe's case are as follows:

On 1st April, my office received a letter purportedly conveying the resignation of Mr. Murathe. It bears a signature and, apparently also, a signature of a person describing himself as Mr. Murathe. It also bears a signature and a rubber stamp of a person describing himself as a Mr. Mutungi, an advocate, with a certificate. The signature appearing there is that of Mr. Murathe. Of course, hon. Members will recall that last Wednesday, I accompanied several Members to Bombolulu for that sad funeral. I did ask, on receiving the letter, that Mr. Murathe sees Mr. Speaker to verify the signature that was appearing thereof being mindful of the row that had been going on. Late this morning, Mr. Murathe came to my office and denied that the signature appearing on that paper is his. Then Mr. Speaker did advise Mr. Murathe that since the letter was now in my possession, purportedly written by him to resign; and since he had denied it before Mr. Speaker, it was only right that he puts his denial in writing, which he did.

The fact of the matter is this: I have a letter purportedly written by a Member to resign. I have also letter by that Member saying that he did not resign and that the letter was a forgery. I will do the simplest thing over this saga, which is to take Mr. Murathe's word for now, but direct the Clerk, which I will now do, that he does forward the original letter of the purported resignation plus Mr. Murathe's denial, to those arms of Government which are capable of verifying the truth or otherwise of those signatures appearing there.

I further direct that if there is any forgery, then the necessary legal action should follow. If, in the end, it is confirmed to me that the original letter was written by Mr. Murathe, I will have no option, but to accept it from the date it was handed over to me, and then, of course, other legal consequences will follow. However, if it appears that the letter was forged and it is found that somebody has purported or forged a letter in order to force a Member to resign, then other consequences must follow to the forger. But I want to bring to the attention of this House one fact: Any hon. Member wishing to resign---

**An hon. Member:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! There is one thing I will ask that hon. Member to do: Please, keep to the Standing Orders. When Mr. Speaker is addressing the House, all hon. Members must be silent.

Any Member wishing to resign from this House must bring the resignation letter personally to Mr. Speaker so that I see him and he confirms to me that this is his signature, so that I can accept a signature which I know to be true. For the time being, and until I know all hon. Members by face, when you bring such a letter, you must bring your national identity card so that I can again verify the face appearing on it. Thank you.

**Mr. Ndicho:** On a point of clarification, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Hon. Ndicho, there is no such thing as a point of clarification known to the Standing Orders of this House. I challenge you to show me a particular Standing Order upon which you can stand on a point of clarification. Proceed!

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. I am sorry for bringing up something which is not in the Standing Orders. In fact, I want to seek guidance from the Chair. In 1996, somebody else went to the television and made the announcement that the hon. Member for Lari had resigned his seat. Can Mr. Speaker guide us on what should be done in such a case when somebody who lost the election feels that he must come to this House either by hook or crook and he does something like that? What has been done to Mr. Murathe may be done to another Member.

**Mr. Speaker:** Order! Mr. Ndicho, if you listened to me, I said that I have directed that the two documents be forwarded to the relevant arm of Government which is capable of identifying the signatures and to say whether they were written by the same person or not. It is too early to apportion blame at this particular

moment. I prefer to go by facts. You are at liberty to speculate, Mr. Ndicho, but only outside this House. Look at your Standing Orders. You will be out of order if you speculate!

**The Member for Kitui Central** (Mrs. Ngilu): On a point order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Not on this! I do not think we are going to make this an issue right now.

**An hon. Member:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! As far as the Chair is concerned, I have already made my ruling. That should dispose of the matter. It is the Chair's action, attitude and opinion that counts in the end. It is the Chair that will declare that seat vacant or not. I assure this House, the Chair will never take lightly the matter of resignation of a Member. It is a very grave matter and it is a matter that I will consider very carefully before I ever accept it.

**The Member for Limuru** (Mr. Nyanja): On a point of order, Mr. Speaker, Sir. Justice must not only be---

**Mr. Speaker:** Order! Mr. Nyanja, there is no justice or injustice in this. We are not going to hijack the Business of the House. There is a half hour on Thursday during which every Member is given two minutes to say anything that he may wish. So, he can wait until that time.

Proceed, Dr. Kituyi.

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

**Mr. Speaker:** Order! Order! I do not think there is anything that is going to happen. I have already said I have not declared his seat vacant. I am afraid, Mr. Mwenje, you cannot change that position because you have no power whatsoever to declare that seat vacant. Proceed!

**Mr. Mwenje:** On a point of order, Mr. Speaker. This concerns your ruling.

**Mr. Speaker:** Order! Hon. Members, if you really think you will be on page one of tomorrow's newspapers because you are seeking from me whether Mr. Murathe is an hon. Member or not--- If anybody should be on page one, then it will be Mr. Speaker because I am the one who has made the ruling. In fact, you may not be quoted at all because you are irrelevant to the issue.

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. I rise on an issue that is very crucial to a Member of Parliament. A certain newspaper has reported that Mr. Speaker and the Clerk of the National Assembly have acted in bad faith by accepting a letter of resignation from a third party on behalf of a Member of Parliament. Mr. S.K. Macharia has no right to deliver a letter of resignation by the Member of Parliament for Gatanga constituency, who is from the SDP, an Opposition Party. You should give the hon. Member an opportunity to make a Personal Statement on this matter.

**Speaker:** Order! Order! Mr. Gatabaki, one thing I would like to advise you to do in this House is to state facts, and not wild speculations and accusations. You will have no such freedom to make wild allegations in this House. If I may ask, under what law is the Speaker supposed to turn away a letter which is properly addressed to him? Whether it comes by post, hand or the wind, the Speaker is obligated to read all mail addressed to him. It is not my business to know how it arrives to my Chambers as long as it is addressed to me. Mr. Gatabaki, I am sure that you have absolutely no proof as to how that letter arrived into the Chambers of the Clerk of the National Assembly or my Chambers. In any case, how the letter came to me is absolutely irrelevant. The most important thing is that Mr. Speaker does not act on such a letter until he is satisfied that the hon. Member, indeed, intended to resign. This is exactly what I have told the House, and it is what matters.

Now proceed.

*(Debate on Procedural Motion resumed)*

**Dr. Kituyi:** Thank you, Mr. Speaker, Sir. I will normally stick precisely to the substance of the matter at hand. But I wish to crave the indulgence of the Chair to digress on a relatively personal matter for half a minute.

A section of today's Press, predominantly *The East African Standard* newspaper, has carried some fiction to the effect that I had claimed that some National Convention Executive Council (NCEC) members had offered to pay me money to take over leadership of a political party. I find it primitive and repugnant to me and my standing in this society, that I can ever be considered within the brackets of those who can be seduced by monetary benefit for anything. I totally reject and deny that there has been any such utterance from my person. That is all that I wanted to say as a digression. No amount of blackmail is going to dissuade me from pursuing responsible politics.

**Mr. Speaker:** What are you saying, Dr. Kituyi?

**Dr. Kituyi:** Mr. Speaker, Sir, I am saying that I have important grounds now to contribute on the matter before the House. If you listen to me you will get them. There is something very interesting. If you read the substance of the Motion before the House you will see that it is exactly in the same wording as Standing Order 81

of the old Standing Orders. That is my point of departure. What precedent are we setting? As responsible and honest leaders, are we coming to this House and claiming that the exclusion of Standing Order 81 which existed up to November, 1997 was a mistake of omission or a typographical error? Or, are we saying that there was some bungling up in the process of amending Standing Orders, which had the net effect of excluding an important recommendation, which was contained in written memorandum? That memorandum was presented before the Standing Orders Committee, which was amending the Standing Orders.

Mr. Speaker, Sir, on the basis of my knowledge, I insist that the latter position is the correct rendition of what has happened. I insist that the absence of the original Standing Order 81, which is being introduced as a procedural Motion, is not a mistake of typing entries. It is a mistake reflecting the bungled up process of amending Standing Orders in November, 1997. It reflects the general feeling, which is at least shared by the Opposition, that there is something fundamentally flawed about the new Standing Orders that this House has today. We understand and appreciate the fact that Government business and business of the country must go on. There is that lacuna and unless this Procedural Motion is passed this business cannot go on.

Mr. Speaker, Sir, we need a commitment from the Government side to the effect that we are doing this thing because there is no Standing Orders Committee to expedite the necessary amendments to Standing Orders. We should not set a precedent where there will be piece meal amendments of wrong Standing Orders at the start of the Session as a substitute for looking again at the product of November, 1997.

What do I mean? In the heart of controversy in the run-up to the last elections, inadequate attention was paid to some critical business of this House, which has led to revisiting matters that were decided upon. These are matters like the Constitutional Review Commission Act and these Standing Orders. The spirit of give and take that we want to cultivate, that spirit of looking at the national interests first, requires that side to listen to our side.

What other critical business is impaired by the new Standing Orders? I hope that the Government will be ready to listen to our reasoning. Most glaringly, the amendments to Standing Orders 147 and 148, which transferred the majority in the audit committees to the Government side is one of those unfortunate amendments which will be reversed when we try to reassert Standing Order 81, which is now being introduced as a procedural Motion.

That is my most important contribution at this stage. The second thing that I want to say is that if the Leader of Government Business was primarily concerned with the crisis that can arise if somebody attempts to do "a shikuku" by speaking on the Presidential Address for eight days, because there is no provision that can stop him---

**Mr. Speaker:** What is a "shikuku"?

**Dr. Kituyi:** Mr. Speaker, Sir, "a shikuku" is a phenomenon that was well known in the House. It was partly the spirit that led to the amendment of Standing Order 81 to limit Hon. Members' contributions to Bills. This happened because the Hon. Martin Shikuku would speak on a Bill for three days. So, that is the "a shikuku" that I am talking about, and I am sure that the Chair understands what I mean.

One would have wanted to contest this but one knows that, responsibly, there is urgent business of the State that we have to deal with which will not allow this. But we want to seek certain accommodation from the Government. This does not reflect the enhanced stature that we expect to be accorded to the Official Leader of Opposition. I am glad to be notified that there is an intention to propose a certain amendment in the procedural Motion down the road.

Secondly, I wish that this procedural Motion were not framed as a Standing Order. The leave of this House would have been sought only for this session, and not for legislating a procedure which is timeless. The Standing Orders have provided---

**Mr. Speaker:** Order! Order! For the guidance of the House, every resolution of the House has a time span. It is limited to the session. It "dies" with the session.

**Dr. Kituyi:** Mr. Speaker, Sir, it is my understanding from consultation that the intention is to create space and have structured business of the House, while the Standing Orders Committee is being constituted to look at the glaring problem of Standing Order 81. Now, the best way would have been to wait for the Standing Orders to come to this House for amendment. The best way would have been to date this procedural Motion, such that it will be superseded by the amendment of Standing Order 81 at a certain set point. But most importantly, I would urge the Government side to accept the fact that we are ready to accommodate their concerns now. We also hope that they will accommodate our concerns about other glaring weaknesses in the Standing Orders as they stand now.

With those few remarks, I beg to support.

**The Minister for Education and Human Resource Development (Mr. Musyoka):** Mr. Speaker, Sir, I

must sincerely thank you for affording me this opportunity to contribute to this Procedural Motion. I believe that the mistake we have been trying to correct with this Motion is, indeed, curable. I will not be acting true to my conscience if I do not also seek to cure another of my serious omissions during this Eighth Session, namely that I did not take the opportunity last time when I had the opportunity to be on the Floor, to congratulate you for being re-elected Speaker; indeed, the very able Speaker of this eighth Parliament. I would also want to say the same about your Deputy Speaker. I had occasion to sit on that Chair for five years in the latter capacity, and I know it is not an easy matter. The fact that you are a Speaker of obviously known calibre is a matter that gives this House confidence.

Mr. Speaker, Sir, allow me to cure that omission which I committed on my own part for not having congratulated you and the Deputy Speaker for his elevation and for you having retained that seat. What we are dealing with in this Motion is a simple matter of limitation, I listened very carefully to Dr. Kituyi, and I think he did make a very well argued case for the general approach to the amendment of the Standing Orders. Let me say that we would have as hon. Members in our position, each one of us, indeed, a new copy of the Standing Orders. Whatever else that will be reflected in this document, I think is also curable over time because these Standing Orders belong also to the House.

I quite agree with hon. Kituyi that I find absolutely very little meaning in the proviso. The particular proviso in this Motion, I think is to me unnecessary, because if we take it that the Leader of Government Business comes with a Motion without necessarily giving notice, so be it, and here we are. As a renowned lawyer, I am sure that you know that you cannot do without limitations. Indeed, one of the statutes passed by this House over time was the Limitation of Actions Act, because you cannot have a timeless thing whether you are talking about "Shikuku or Castro's style approach to debate, there is need to limit discussion. It is also a Motion that we cannot do without as a House and I think when you invited Members to make suggestions last Thursday, it became obvious that you would also be able to hear deliberations from the House Business Committee as well. I know there has been wide consultations over this matter and I like to therefore, commend that the House accepts without much delay really, so that we can move to the next substantive Motion that is before the House that I am sure the Leader of Government Business will be moving, in order to be able to pay attention to the very crucial Motion of having to debate the Presidential address.

With those very remarks I beg to support.

**Mr. Obwocha:** Mr. Speaker, Sir, I will be very brief on this issue. First of all, I want to agree with my brother, Dr. Kituyi, that this mistake did not come because somebody designed it in that manner, but because I think there was some carelessness on the part of the people who were drafting these Standing Orders. Briefly, Sir, when I was a Member of the Standing Orders Committee in the Seventh Parliament and looked at the original draft of that particular Standing Order No.81, it was not changed in respect of this limitation of time as far as Procedural Motion and other Motions are concerned. The only part that we did change were the limitation to Bills because as he says, the Shikukus of this world will take three days and the people of West Mugirango will say that Obwocha will never talk in Parliament. So, we did change the limitations of other debates. Therefore, I would like to say that the Attorney-General's Chambers are not doing a good job because they are the people who drafted the final draft of the Standing Orders and we do not have the privilege of looking at that draft before it came to this House. That is a big mistake and I wish the Attorney-General was here because his Office has made many mistakes.

However, now that this has happened I would like to associate myself that we do not violate the customs and the norms of this House about changing the Standing Orders. We go session by session by providing the limitations as they come to this House.

With those few remarks I beg to support.

**The Minister for Health (Mr. Kalweo):** Mr. Speaker, Sir, I will also be very brief. As hon. Obwocha and Dr. Kituyi have stated, there must be a limitation and if there is something which went wrong when the Standing Orders were being drafted, it is this same House which should sit down and know how to go about it. I remember very well other Bills which Mr. Obwocha has referred had limitations under the previous Standing Orders. I do not see the reason why we should continue debating this Procedural Motion.

So, I beg to support Mr. Speaker, Sir.

**Mr. Anyona:** Mr. Speaker, Sir, thank you very much. I do not think it is right to make light of this very serious matter. We are making light of this matter by saying that it is a procedural matter, small matter, or small oversight and, therefore, we can quickly get over it. I think the importance of what is before the House now, and the importance of what happens before must begin to crystallise so that in future, we do not have situations of this kind. Hon. Obwocha was a member of the sub-committee and also the main committee. I do not know whether I heard him rightly when he said that the fault lies with the Attorney-General. If I did not hear him rightly, I stand

to be corrected. But what is the correct position? The correct position is that I do not think that it is the mistake of the Attorney-General, because this Parliament or the other Parliament did consider and adopt a report of the Standing Orders Committee as Sessional Paper No. 8 of 1997. What the Attorney-General did by way of drafting the Standing Orders clearly emanates from what this report says.

Mr. Speaker, Sir, so the House is quite clear on what we are doing. I would also like to refer to some parts of the report that make this position clear. If I may start from the end---

**Mr. Speaker:** Could I do this Mr. Anyona? To save the House all these problems, I think on Thursday last week, if I am right, in my Communication From the Chair, I said that the Sessional Paper tabled in this House or the document you are referring to, did not take into account what the sub-committee had done. The problem arose from the Sessional Paper that was tabled. I do not think that is in dispute. You do not need to fight over it. There was a problem that arose from that Sessional Paper. I said that on Thursday. So, please, proceed on other basis.

**Mr. Anyona:** Mr. Speaker, Sir, I am aware because that is where the accusation of the Attorney-General is coming in. As you have said, the Standing Orders Committee had no intention and in fact, did not amend the original Standing Order No.81. Unfortunately, in the Sessional Paper, there was a reference to the deletion of Standing Order No.81 as it was before. It is on that basis that the Attorney-General drafted the Standing Order. So, I was trying to say that the Attorney-General has not committed any mistake.

Mr. Speaker, Sir, it is not quite clear, whether what we are doing now is a reinstatement of Standing Order No.81 or we are moving a fresh Motion for a resolution of the House, so that we can deal with the business at hand. I am saying that because the hon. Kalonzo Musyoka said the proviso in the Motion is superfluous.

Mr. Speaker, Sir, the fact of the matter is that the Motion, as it appears on the Order Paper, is a reincarnation and restatement of the original Standing Order No.81 because even the proviso was in it. I was not sure whether we can use provisions of a Standing Order that is already extinguished as a basis for a new resolution of the House to solve the same problem. It is important that the House gets around that problem and deals with the business at hand. I am saying this so that there is a full understanding of the problem we are facing. In fact, no impression must be given that, after we have passed this Motion the matter will be put to rest.

Mr. Speaker, Sir, under Standing Order No.145, the House Business Committee does have power to deal with problems of this kind. But they must deal with these problems within the provisions of the Standing Orders. You do not go fishing out a Standing Order that is already repealed and quoting it as a basis. I am criticising the manner in which the House Business Committee has gone about these amendments.

Mr. Speaker, Sir, under Standing Order No.45, we have provisions for Motions that may be moved with or without notice. Other Standing Orders stipulate whether a notice is required or not. It would have been honest to proceed on the basis of Standing Order No.145, where the House Business Committee has the power to resolve a problem of this kind, but within the standing Orders. This means that the Motion that will be brought before this house will be a Motion, either where a notice is given or it is not given as provided under Standing Order No.45. I must confess that I was not here when--- I do not know whether a notice of Motion was given or not. If it was not, then that is an error.

Mr. Speaker, Sir, I believe that within the provisions of Standing Order No.45(J), a Motion can be brought to this House without a notice, so that the House can resolve a matter like this.

**Mr. Speaker:** Just a moment Mr. Anyona. Are you not contradicting yourself? You are saying that notice ought to have been brought and now you are saying that in a matter like this we do not need a notice under Standing Order No.45. Which is which, Mr. Anyona?

**Mr. Anyona:** Mr. Speaker, Sir, that is not what I said. What I said is that there are two ways of bringing Motions to the House. One is a Motion with prior notice and the other one is a Motion without prior notice. The ones without prior notice fall under Standing Order No.45 and they are listed. On the other hand, 45(J) is a neutral one that deals with any situation, such as this one. If this was going to be done without falling under Standing Order No.45(J), then a notice of Motion was necessary before we started debating this Motion.

Mr. Speaker, Sir, ordinarily, a Motion of this kind is a matter of formality. We have seen that it is not a formality this time round, but we are trying to solve a crisis within the Standing Orders. Therefore, it is my plea that the Eighth Parliament should never again transact business in the manner in which the review of the Standing Orders was done in the Seventh Parliament.

Mr. Speaker, Sir, I am not against anybody and if I were to be, I would be against a lot of people. If you can remember, there was a storm in "a tea cup" in this House which sparked off the amendment of the Standing Orders. There was no intention to meticulously go through the Standing Orders, find out if they are good enough for a multiparty Parliament and a multiparty democracy. Already, that was a false start. When the process of review went on and the report was eventually brought to this House, it was hardly debated. I realised that the

elections were around the corner and many Members were not here, but it is a pitfall we should not repeat in this Parliament and in future.

Mr. Speaker, Sir, I, therefore, expect and hope that after we have been able to solve this problem, the Standing Orders Committee can comprehensively go through the Standing Orders, starting with Standing Order No.81, so that we can have the "old" standing Order No.81 reinstated in its proper place, so that we do not go through these kind of makeshift exercises in future, in our review of the Standing Orders. In fact, we do not want it to end at Standing Order No. 81. First of all, there is need to reconsider hon. Dr. Kituyi's remarks about a "Shikuku." I remember when I first came to this Parliament, I was a little younger and I had just come from school. Sometimes we used to take three to four days. That is the essence of Parliamentary debates. This is not a school debate, but Parliament, where we expect Members to be able to expound the principles and policies that guide their nation. There should be no attempt by anybody to curtail the Members of this Parliament. There is another 'Parliament' by the name of NCEC which is not recognised. There is only one Parliament and if they want to be in Parliament, they had better come here.

*(Applause)*

Let us not try to gag Parliament for whatever reason; not even for convenience. There was a problem in the Sessional Committee, the PAC and the PIC, and, therefore, it was necessary to review the Standing Orders to curtail the freedom of these committees. In the process, we went astray and repealed a Standing Order that is very 'innocent.' Therefore, what I am saying is this: We, in the Opposition, want to use this weakness in the parliamentary process to foster even more, the spirit of accommodation and co-operation. Without that spirit, this House would have been paralysed this afternoon, because we were not prepared to proceed this way. But then this House belongs to Kenyans. If we paralyse the business of this House, we shall not be helping anybody, but rather cutting off our noses to spite our faces. I do not think national leaders need do that.

So, Mr. Speaker, Sir, I would like to plead that when we come to look at the Standing Orders again, the limitation that was imposed on the new Standing Orders, public Bills, private Bills, Sessional Papers and Committee Reports should be lifted. I do not know of any country in the world where there is limitation on matters of that magnitude and seriousness.

*(Applause)*

Let us not give our people the impression that we are not grown up enough to be able to stand up in this Parliament and defend the interests of this nation for as long as it requires us to do so.

Mr. Speaker, Sir, I would also like to say that we do expect, in the spirit of cooperation and accommodation, that the Standing Orders Committee will look again at Standing Order No.147 and Standing Order No.148, and hope that this time round the Government side will not insist on a majority just for the sake of it because this afternoon their majority could not have helped them without the goodwill of the Opposition side. This country is suffering from the bad image of being referred to as corrupt. You know, it does not matter whether or not you believe that you are corrupt, if the country is called corrupt, we are all in it and the process of proving yourself innocent is long. So, let us not give the impression that the Government either wants to audit itself or it has something to hide.

**Mr. Speaker:** Order, Mr. Anyona! As I listen to you, urging that limitation be removed, are you also suggesting that the provision relating to relevance be also waived, because you are becoming irrelevant to the Motion before the House?

**Mr. Anyona:** Mr. Speaker, Sir, the Motion before the House ---

**Mr. Speaker:** Well, I have listened and I have given you a little latitude. Come back to it.

**Mr. Anyona:** Yes, Mr. Speaker, Sir. It arises from those problems and that is why I was trying to elaborate them. But let me say this: This afternoon, we have adopted a gentleman's way of solving problems. I do not think that we could all have agreed that this was the best way to do it. We have indicated that. We do hope that our friends on both Government and Opposition sides will make this House the pride of this nation by dealing with national problems and crises maturely and seriously.

Mr. Speaker, Sir, I beg to support.

*(Question put and agreed to)*

**PROCEDURAL MOTION**

LIMITATION OF DEBATE ON  
THE PRESIDENTIAL ADDRESS

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, the debate on the Motion of Presidential Address be limited to a maximum of Seven Days, with not more than ten minutes for each Member speaking excluding the Mover in moving and replying who shall be limited to twenty minutes in either case.

Mr. Speaker, Sir, this is a tradition which the House is used to. At every State Opening of Parliament, when His Excellency the President addresses the House, we always debate his Speech and this time we would also like to do a similar thing by allocating ourselves time to debate on the Presidential Speech. Since we want to be fair to ourselves so that each person can have sufficient time to say whatever he wants to say on the Presidential Speech, we have this Procedural Motion to enable us coordinate our time.

Mr. Speaker, Sir, since this is a very straightforward Motion, I beg to Move.

**The Minister for Health** (Mr. Kalweo): Mr. Speaker, Sir, I stand to second the Motion. This is a straightforward Procedural Motion, but the most important matter here is that there is the tendency of hon. Members repeating themselves. In the last Parliament, we noticed that there was a tendency by some hon. Members to dwell on the same issues. So, it is important that we avoid such repetition this time round. Within ten minutes, a Member can expound on a topic of his choice very aggressively and pursue any point he would wish to pursue.

So, Mr. Speaker, Sir, I beg to second.

*(Question proposed)*

**Mr. Kathangu:** Ahsante, Bw. Spika. Yale ambayo ningetaka kuyasema hapa, yanahusu majira na nyakati zake. Tunaposema tutampa mhe. Mbunge wakati wakulizungumzia jambo fulani, huwa tumeangalia yule tunayetaka alizungumzie jambo hilo katika majira na wakati gani. Yale yaliyosemwa hapo awali, yalisemwa kwa sababu ya makosa yaliyotendeka miaka au siku zilizopita; makosa yanayohusu kanuni za Bunge. Watu wa nchi hii walikuwa wakilingojea Bunge hili kuzungumzia Hotuba ya Rais tangu siku ya Jumatano lakini hilo bado halijafanyika, na kuna sababu zake. Lakini sababu ambazo Wakenya hawazitaki, Bw. Spika, ni zile ambazo zimeletwa katika Bunge hili, na nchi hii, na watu wanaotaka nyakati ziishe tu ili, watekeleze jambo fulani. Wangelitaka kutekeleza jambo hilo wakati fulani bila ya Wakenya kujua kwamba jambo hilo limetekelezwa.

Kwa hivyo Bw. Spika, yale ningependa kusema ni kwamba, ingawa tumesema siku saba, lakini, zisije zikawa mwaka mmoja. Hizi siku saba zingelianza Jumatano wiki iliyopita, lakini sasa tunaelekea Jumatano nyingine. Kwa hivyo, zile siku saba zimekwisha. Swali ni kwamba, siku saba zitaanza lini na kuisha lini? Tukianza kuhesabu leo, tunamaanisha kwamba, wiki ijayo tutakuwa tumemaliza? Lakini, kama kutakuwa na mambo ambayo yatasababisha shughuli zingine katika nchi hii kutoendelea kwa sababu watu wanangojea wakati wao, hapo ndipo ninasema kwamba huku tukijitengea wakati ambao tutachukua kulizungumzia jambo hili, tuzingatie hii nchi iko katika nyakati na majira gani.

Bw. Spika, huu ni wakati ambao uchumi umedhoofika, na umezungumziwa katika Hotuba ya Rais. Kwa hivyo, dakika 10 hazitoshi kuzungumza kwa sababu nchi hii ina maswala mbali mbali; ya kijamii, kiuchumi, kisiasa na kila swala lina mambo yake. Katika maswala ya kijamii, kuna mambo ya elimu. Ni dakika ngapi kila Mbunge anahitaji ndio aweze kuzungumzia juu ya mambo kama haya? Hata Waziri wa Fedha amekubali kwamba uchumi wetu ni mbaya. Mimi ningependa kusema kwamba, muda wa dakika kumi hautoshi. Na hili si jambo tunaloweza kusema kwamba ni jambo la kawaida na kwa hivyo limalizike mara moja. Bw. Spika, kwa vile Hotuba ya Rais ni muhimu sana, ningependekeza tupewe muda wa dakika 30 kwa kila Mbunge kwa siku 14.

**Mr. Anyona:** Mr. Speaker, Sir, this is truly a Procedural Motion and, therefore, there should not be much ado about it except for one thing: In the Seventh Parliament, maybe the mistake of carrying over some of the weaknesses and problems of the single party Parliament failed to take cognisance of the fact that multi-partyism meant even the operations of Parliament were to be different. So that, in the Seventh Parliament, there was no recognition in terms of dealing with Motions of the Opposition of this kind. Indeed, it was a little late in the day when the Leader of the Official Opposition, the Whips and others were elevated through the National Assembly Remunerations Act to the status that they deserved in the first place.

Mr. Speaker, Sir, we made attempts to solve that anomaly. We pleaded with the other side of the House to give the Opposition the recognition that they deserved as a basis for co-operation. If people do not accept and



respect each other, it is very difficult to co-operate. We kept asking for that. I do not want to blame that side of the House, simply because, the spirit of co-operation was not very strong. So, we were unable. It looked like a battle ground every time we asked for it.

Now, Mr. Speaker, Sir, I must say that towards the end of the life of the Seventh Parliament, this House came back to life. It became alive and took up national issues. Through consensus and co-operation we were able to avert a very serious national crisis. I think that spirit must be continued and nurtured in this Eighth Parliament at the very beginning.

Mr. Speaker, Sir, we have an Official Opposition and other Parliamentary parties. We have a combined Opposition which is almost as large as the Government. I personally believe that this is the strength of this Parliament. That we have two sides that are fairly well balanced. The only thing that is lacking is a requisite treatment and recognition of the status of our side, even by way of the Leader of the Official Opposition. Going by the spirit we have just established in passing the previous Motion, I wanted to propose an amendment to this Motion to be able to bring about that spirit.

Mr. Speaker, Sir, I wish to propose that the Motion be amended by inserting the following proviso at the end of the Motion as it stands on the Order Paper: "Provided that the responder on behalf of the Opposition shall be limited to 20 minutes."

Mr. Speaker, Sir, one of the failures, maybe on our side, is that when, for example, the Government presents a budget, we never have a consolidated response from the Opposition as the alternative to what the Government is offering. So that when you pick and choose from the two sides, you have a much richer product. Everybody goes in his own sweet ways to hit the headlines and we do not get very far in terms of national interests.

Mr. Speaker, Sir, I think it is also part of the discipline of our side, who aspire to be in the Government, to learn how to do these things. So the opportunity should be availed. I would like to plead with our colleagues on this side that you do accept and support this amendment so that the Leader of the Official Opposition can feel a little bit more confident that he can deal with the national issues of this country from the point of view of strength and confidence.

Mr. Speaker, Sir, we are wording it the way we are doing it because it does not necessarily mean that all the time it has to be the Leader of the Official Opposition. Even on the Government side, it is not always the Leader of Government Business who necessarily moves a Motion. So, we want to say: That when there is an indication from the Opposition that one of them is responding to this kind of debate on behalf of the Opposition; responder - this is one the new terminologies in Parliament because they were not there in single party Parliament - they are given 20 minutes equal to the time given to the other side when they move. They have extra 10 minutes because they have the right to reply. When we have the right to reply, we will enjoy the extra 20 minutes or whatever it is. We would like to beg you to support the amendment.

Mr. Speaker, Sir, I beg to move.

**Dr. Kituyi:** Mr. Speaker, Sir, I will not spend a lot of time in seconding this Motion. I think, a fundamental principle has been put in place. That, the evolution of democracy in this country must be spearheaded by the strengthening of the Legislature as an instrument of fairplay and accommodating all the facets of the culture of democracy. One of the important things about that is the recognition of a lead-spokesperson from the Opposition on any serious issue of the day. So, the principle which is enunciated by the proposed amendment should be allowed to develop in all matters dealt with in this House.

With those few remarks, I beg to second.

*(Question, that the words to be  
added be added, proposed)*

**The Minister for East African and Regional Co-operation** (Mr. Biwott): Mr. Speaker, Sir, I rise to offer my remarks on the proposed amendment and also on the Motion as it is. It has always been normal procedure for us to limit debate to ten, 20 or 30 minutes for the Leader of the Official Opposition. But in the spirit of co-operation and maturity of democracy in this country, I think there is need to accord a special role, position or status to the Leader of the Official Opposition. So, the Motion, as drafted at the moment, is a little bit vague. I think it should apply to the Leader of the Official Opposition as opposed to the general Opposition; because, who is the general Opposition? We would like to have one person who is recognised as the Leader of the Official Opposition and we accord him his official leadership role as the Leader of the Official Opposition and give him 20 minutes, just the same as the Leader of Government Business, who, in fact, has extra ten minutes to reply. In this case, we will have given each other ample opportunity---

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir! Is the hon. Biwott, who is supposed to be in charge of co-operation in East Africa, in order to mislead the House by making reference to the role of the Leader of the Official Opposition by implying that it is a personal assignment?

**Mr. Speaker:** I do not know whether both of you are not engaging in an argument! I thought he was expressing your opinion and now you are expressing his. But if you really want to get the gist and spirit of your old amendment, you will find it sitting in Standing Order No.81. Right there! Sitting right there and glaring at us! In Standing Order No.81, which imposes limitation on speeches by Members, you will find everywhere where there is a limitation of debate, the Leader of Government Business is given 30 minutes. You will find in that Standing Order, the Leader of the Official Opposition is also given equal time. So, in my view, if this limitation Motion is to take the spirit of Standing Order No.81 as it is now, then it must do exactly what it is there and what is there is that the Leader of Government Business and Leader of the Official Opposition Party are given the same amount of time. It is there in Standing Order No.81.

**The Minister for East African and Regional Co-operation** (Mr. Biwott): Thank you, Mr. Speaker, Sir, for that clarification. I happened to have been a Member of the Standing Orders Committee and in fact that point was deliberated upon in detail. We wanted to make it as fair as possible to all the Members of this House vis-a-vis the Government view and the alternative view. That is why we decided that the Leader of the Official Opposition shall have his right to reply. At that time the Leader of the Official Opposition was hon. Kijana Wamalwa and today it is somebody else, so it cannot be personal. It is whoever has the mandate of the citizens to sit on the opposite side and present the opposite view to this side.

So, Mr. Speaker, Sir, I do not want to labour--- I think I support the spirit of the Motion and in doing so, I am supporting and recognising the Leader of the Official Opposition; in other words the party that has the majority to qualify to play the role of the Official Opposition in accordance with the provisions of the Standing Orders.

With these few remarks, I support the amendment in that light.

**Mr. Speaker:** You see, Mr. Biwott, in expressing your wish, we understand it as that; just a wish. That is all. So, if there is no other person who wants to speak--- I am afraid Mr. Biwott, you only expressed an opinion.

*(Question that the words to be added  
be added, put and agreed to)*

*(Question of the Motion as amended proposed)*

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly*

That the debate on the Motion of the Presidential Address be limited to a maximum of seven days, with not more than ten minutes for each Member Speaking excluding the Mover in moving and replying who shall be limited to twenty minutes in either case provided that the responder on behalf of the Opposition shall be limited to twenty minutes.

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

**Mr. Speaker:** Order, Mr. Biwott! I am afraid the House does not vote on wishes. It votes on Motions. There was no Motion to amend Mr. Anyona's Motion and the House has decided on it and that is the resolution of the House.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON PRIVATE MEMBERS' MOTIONS

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, I beg to move the following procedural Motion:

That the debate in the Private Members Motions shall be limited in the following manner:

A maximum of two hours with not more than 20 minutes for the Mover, 20 minutes for the Government Official Responder and 10 minutes for each other Member speaking, and that 10 minutes before the time expires the Mover will be called upon to reply.

Mr. Speaker, Sir, this is again a normal procedural Motion. Private Members' Motions are very important in this House and I think it is important for us to allocate time for the Private Members' Motions so that Members can have sufficient time to expound on the contents of their Motions. Therefore, since this is a normal procedural Motion, I beg to move.

**The Minister for Local Authorities** (Prof. Ongeru): Mr. Speaker, Sir, we all recognize the value of Private Members' Motions since they only appear once a week during Parliamentary debates. We believe very firmly that these are the sort of Motions where sufficient research would have been done by the Mover in order to give further insights on the matter to be deliberated before the House.

I second this Motion with the full realisation that we need a full measure of the debate on Private Members' Motions which are brought into this House in the spirit of assisting in the democracy that we have started, one of co-operation. They are always welcome as long as they are articulated in a manner which makes the House move the debate forward.

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

*(Question proposed)*

*(Question put and agreed to)*

### PROCEDURAL MOTION

#### LIMITATION OF DEBATE ON PRIVATE MEMBERS' MOTIONS

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, I beg to move the following procedural Motion:-

THAT, the debate on any Motion for the Adjournment of the House to a day other than the next normal Sitting Day shall be limited to a maximum of three hours with not more than five minutes for each Member speaking.

Mr. Speaker, Sir, this is a very important Procedural Motion. When the House does plan to go on any adjournment or recess, Members would always want to speak on any national issue. When the House Business Committee met, it did consider the hours that should be allocated and the time to start the business of the House. The three hours allocated here is a change from the two hours allocated in the previous Parliament. This will give sufficient time to Members of Parliament to be able to say what they feel is of national importance when the House is preparing to go on any adjournment. With those remarks, I beg to move.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Speaker, Sir, I rise to second this Procedural Motion.

It is, indeed, true, as the Leader of Government Business has said, that in its deliberations, the House Business Committee did see it fit to propose to this House that rather than the two hours which has been customary, we should have three hours for any Motion of Adjournment. The reason is that this House is now much larger than the Seventh Parliament. In any case, the whole idea behind the Motion of Adjournment is to allow as many Members as possible to be able to make their contributions especially when the House is being adjourned. The reason of coming with this Motion is that in the past, there were two parts to that Motion of Adjournment. One of them was when the House was going to adjourn for more than nine days and the period allotted for debate was two hours. If the recess was shorter, then the debate was to be limited to 30 minutes only. The House Business Committee found out that an adjournment is always an adjournment and all Members who want to contribute should be able to make that contribution. It is in that spirit that the Motion has been formulated.

With those remarks, I beg to second.

*(Question proposed)*

*(Question put and agreed to)*

**MOTION**

## THANKS FOR THE PRESIDENTIAL ADDRESS

**The Minister for Lands and Settlement** (Mr. Ngala): Mr. Speaker, Sir, I beg to Move:-

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on 31st March, 1998.

Mr. Speaker, Sir, I would like to take this opportunity to thank His Excellency the President for appointing me the Leader of Government Business. I feel humbled and I have taken this responsibility with all the delight and I would like to urge my colleagues to develop a rapport where we can be able to work together on both sides of the House. We need this House to be guided by the Parliamentary procedures and the attitudes that we require in this House.

Mr. Speaker, Sir, the Speech made by His Excellency the President in this august House on 31st March, 1998 was a focused one and it dealt with real issues which affect our people at this particular moment. The challenges ahead of us are real. They need a commitment from us, as representatives, that we are able to deal with these issues more firmly and come out with resolutions and answers to the problems that are facing this country. The President did attempt to give us a lead in trying to suggest the areas which are of great concern. I think His Excellency the President touched on poverty, unemployment, agricultural sector, infrastructure and the reforms that are going on in this country. These are very genuine areas where the Government has set its direction so that we can benefit from the reforms. But as we go through the reforms, we have experienced problems of the vulnerable groups. As we go through this process, it is important for us to make sure that what we do will not impact heavily on our people.

Mr. Speaker, Sir, His Excellency the President talked about peace in this country. Peace is very important and we need it. It is a commodity that we cannot do without. I want to support the President in his statement that we should try as much as possible to make sure that we maintain peace in this country. As representatives, we have a duty to make sure that we appear to be concerned about maintaining peace in this country. We need to be facilitators of peace in this country. I think the President said that it is wrong for us elected leaders to support activities which are not peace oriented. So, I think we have a role to play in making sure that peace is maintained in this country. This is because we need investments in this country. It was referred to in the Presidential Speech that we need domestic and international investments. We need investments because we need to create employment. For tourism, we need peace, otherwise it will be badly affected by chaos. Some of us who come from regions where tourism is very important would like to assure tourists that we will do everything possible to protect touristic places, so that there is peace and they can come to visit the country and enjoy our facilities.

Mr. Speaker, Sir, mine is to support the Presidential address during the State opening of Parliament. With those few remarks, I beg to move.

**The Minister for Planning and National Development** (Prof. Saitoti): Mr. Speaker, Sir, I rise to second this Motion. On the very outset, let me say that the intent of the Speech is an exposition of public policy. This Speech cannot be all-inclusive and is not exhaustive for that matter. What this Speech is intended to do is to trigger off the debate in this House, on the fundamentals of public policy. I hope that hon. Members who are going to contribute to this Speech will be able to see the Speech from that point of view; namely, it cannot cover everything. But it is supposed to trigger off the debate which is very important.

Mr. Speaker, Sir, the Speech is fundamental and I only want to pinpoint within the confined time, the things which I think are important. The Speech by His Excellency the President made it very clear that since we do have the Constitution of Kenya Review Commission Act, which was passed by the last Parliament, this Parliament can be able to look into this matter. If this Parliament deems it fit to re-look at this Act, to ensure that the appropriate mechanisms for constitutional review as required are put in place, it can be done.

Mr. Speaker, Sir, I am greatly encouraged to know that there is an inter-party committee which was formed last week and chaired by the Attorney-General, to look into the Act and see whether there is any possibility either to amend the Act, or not to amend it at all. Nothing is much more important today than to lay out the machinery for this nation to move into the 21st Century. The Constitution is what holds the people together. If there are deficiencies, then we get into problems with the society. I feel that this House has a duty to lay down the mechanism for the people of this country to give their views and vision of what kind of society and country they want. We want to have a constitution that is firstly, going to unite us all, that recognises the citizens. We do not want a constitution that recognises a tribe or race. I think we must be steadfast and firm to have a constitution that puts us together, and not which disintegrates us. The mechanism of going into that constitution is as

important as the end product in itself. So, I hope this is an issue that is going to be looked into. I am talking about the constitution because the other matters about peace and stability of this nation are inter-twined and held in a magnetic form by the constitution. It is my hope that, that view will be held in question.

Mr. Speaker, Sir, for the benefit of those who were not here during the Seventh Parliament, I would like to say that we agreed to the Act and deal at that time, within the framework of the IPPG. During that time, there were suspicions that perhaps, whichever party won would renege on establishing a constitutional review or amendment. That Act has done one important thing, namely, that the Government which won through KANU is obligated to ensuring that the mechanism for constitutional review will be carried out. If it is felt, and I think that is what the President said, that certain aspects were left out, or maybe the Act itself is not all-inclusive; a euphemism which is used so often, well and good, let us look into it. But I want to say that this Parliament has a duty to lay the hopes of the Kenyan people. As we sit here, let us look at the composition of our own population. We are almost 30 million. But how is it in terms of age?

The other day, I was looking at the data at the Ministry of Planning and National Development. Those under 19 years form 58 per cent of the population. Under 30 years, we have more than 65 per cent. We must ensure that we do not destroy the hope and the future of the youth. The future of this nation belongs to the youth.

These youths have been brought up in a unitary manner, in a national way of looking into things and in a patriotic manner. This Parliament must approach issues that way. I would like to appeal to the other side of the House to join with us to pursue the issues as Members of Parliament. Let us forget the narrow political positions or partisan views. We have a duty to prepare our youth and nation for the 21st Century.

The issues about the economy which were touched on here are very difficult. We have the problem of poverty and employment. I am glad to see that the Minister for Finance is here. This is because he spoke about these issues.

Mr. Speaker, Sir, the problem we have here is that about 43 per cent of our population is living below poverty line. The overriding issue and concern of this House must be that of working out and formulating the methodologies for poverty alleviation of our people. Discussing and talking will not solve the problem. We must take concrete actions of solving the problems. That is what our people are looking for. Our people are looking upon this House to come out with solutions to the problems of unemployment. These twin problems, the problem of poverty and unemployment can only be sorted out in an economy which is growing. We are not going to have an economy which is growing if indeed, there is instability in this country. Not only are we going to be unable to get foreign investment but, even the local investors will find it difficult to save and put their money here. It is us, through our own actions and words that are going to create the enabling environment. I think we can agree to disagree on other political issues, but when it comes to the interest of the nation, let us put our nation's interests first. Let us remember those people who elected us. They elected us to come and solve problems, not to come and fight but to come together in the spirit of co-operation - a word which is now gaining much currency. Mr.

Speaker, Sir, I am very pleased to note that this House has already started on a very good course. Those who were here in the Seventh Parliament will recall that about this time, when we were talking about this issue, the debates were very heated, the emotions were very high. We almost came to blows. I really hope, and I appeal to both sides of the House to refrain from sinking to the bottom, as we almost did during the Seventh Parliament. If you were not in this House, you must remember seeing or reading about hon. Members getting hold of the Mace, the authority of Parliament. Hon. Members even tried to get to blows. We are not here to fight. We are here to argue. It is the power of persuasion that will carry the day. Let us do that because at the very end of the day, if we have poverty in this country, and it does not know the difference between political parties; it is our people who have a problem. If we have no drugs, it is not those who are in KANU who will have problems, but any other party will have it.

So, those issues which have to do with the interests of our people, should be given priority, and let us work together to achieve them. There are important issues which we may also have to look into. I am sure you must have heard what the Government has said concerning education. Our education system needs to be looked into. The Minister for Education and Human Resource Development has already announced that a commission will be set up and this is in recognition of the dynamism of education. Education has to keep on being changed, and we cannot assume that what we actually put in more than ten years ago, is up-to-date. We must study what is happening elsewhere. We must ask ourselves whether we are really preparing the right manpower for the type of economy that we are having. Again, this is an issue that we must look into.

Mr. Speaker, Sir, before I sit down, let us resolve together that we will work in a spirit of brotherhood in matters which affect our people. Let us accept that we are here to find solutions to the problems facing our people.

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

*(Question proposed)*

**Prof. Anyang'-Nyong'o:** Mr. Speaker, Sir, I stand to contribute to this Motion. I would like to warn the House that, currently, there seems to be euphoria in the mass media and elsewhere, that somehow things are improving. There seems to be euphoria over the President's Speech, which, as usual, did say some apparently positive things, but without necessarily stating in concrete terms - like what the former Vice-President and Minister for Planning and National Development said - on how exactly the Government is going to achieve the proposals. I assure my fellow Professor that if I were in the right shoes, I would return him to his former post.

Mr. Speaker, Sir, it is important to understand that if you look at our economy today, there is a lot of inertia - a lot of inaction. The Minister for Finance today tried to come out in the mass media with proposals as to what the Government should do to jump-start the economy. These proposals again fell far short of concrete measures that can take this country out of the present economic doldrums. I do not think that the problem lies with salaries. The problem lies with efficiency and cost-effectiveness. There is very little efficiency in the Civil Service. The personnel that is deployed in the Public Service is not cost-effectively used. Hence the economy tends to drag towards lethargy and inertia.

Mr. Speaker, Sir, for example, the recent recruitment into the armed forces was the biggest recruitment so far, in post-Independent Kenya, except that one which was done soon after Independence. About 2,500 recruits were mobilised into the armed forces purely to create jobs. These 2,500 recruits have not been supplied with army boots, nets, nor are they in a position to go to the regular exercises required of the armed forces, precisely because the army at the moment does not have wherewithal to do all these things. It is even said that in certain barracks they do not have blankets. To add insult to injury, the War Memorial Hospital is in tatters. This is a reflection of the health services in the other parts of the country.

Mr. Speaker, Sir, the only tragedy is finally the tragedy that has hit the health services and it has also hit the army which is usually protected under what you might call "privileged services". This shows the poor state of our economy. It also shows that in spite of the apparently positive Speech that the President gave, the Government has no ability whatsoever, to run the social welfare services effectively - that is education and health which are extremely important for our human resources. As I speak now, one of the reasons why we have problems in our schools is because first, capital development in schools has suffered because by and large, this has now been confined to harambee contributions.

The other reason is that, because there is poverty in the country, most schools cannot engage in effective capital development. Therefore, dormitories are in a state of disrepair. The Government has paid no attention whatsoever over the last 10 years to the issue of maintenance and sustenance of institutions. You only need to go to Government Ministries to realise that maintenance and sustenance of institutions is reflected in the extent to which Government buildings are in a horrible state of disrepair. I would like to challenge the Minister for Agriculture to tell us what condition the office of the Minister for Agriculture is in at the moment; whether it is not true that during the El Nino rains, the Minister had to dodge water pouring from the leaking roof by shifting his table from one corner to another and putting a bucket here and there to collect that water. That is the Ministry of Agriculture.

Mr. Speaker, Sir, if a Government Minister's office is in such a terrible state of disrepair, what about the other institutions in the nation? I am, therefore, in no opposition whatsoever to applaud the President's Speech because, however positive it is, it flies in the face of the reality of the current status of the current country's economy.

Mr. Speaker, Sir, the former Vice-President and Minister for Planning and National Planning has spoken very well about the alleviation of poverty. My dear friend, hon. Prof. Saitoti, has said that we need concrete measures of sorting out our problems and these will not happen if we do not encourage Kenyans to engage in dialogue on how we are going through this situation of adverse and abject poverty. He has said that about 45 per cent of our population lives below the poverty line. I would raise the figure. I would say that about 65 per cent of our population lives below the poverty line. Why do I say so? In terms of real wages, they have consistently fallen in this country over the last 15 years, and even those who apparently have effective purchasing power that can put them within the middle income group, have fallen below that in the group.

When somebody, however much he earns, cannot purchase what he expects from life with that salary, there is relative poverty. In this country, we have real and relative poverty and the rate of relative poverty is climbing very fast. Why do I say so? At the moment, our foreign debt stands at US\$7 billion or more. Our GDP also stands at US\$7 billion or more. In other words, we are as rich as we are indebted. If you do simple arithmetic, you would conclude that we are not rich at all. We are a nation which could easily be declared bankrupt. So, even those 35 per cent of us who say they live above poverty line, they are not really rich. We have a few people who

might be having houses, wealth and so on, but when you add all that, that wealth does not add up to national wealth, which is more important. If we have a few people living beside very poor people, that wealth is very precarious because they can be attacked with pangas, their houses can be set on fire and so forth. Too many people are too poor and they cannot afford to see you enjoying the kind of life you are enjoying because for them, that is not the world they live in.

Mr. Speaker, Sir, this country is in dire need of economic salvation. This country is sitting on the precipice of disaster. This country is a country where injustice is written so large that, the inscription: "For the welfare of society and the just Government of men" does not make sense to the 65 per cent of Kenyans who live below the poverty line. Those who think they live above poverty line, let them know that so much injustice, indeed, makes their life chances on this world extremely precarious.

Mr. Speaker, Sir, I would like to say something about the current dialogue about constitutional review. We must realise that Kenyans need a new social contract with their governors. After 45 years of Independence, the majority of which we have been misgoverned, we need to go to the fundamentals and say: What kind of constitutional dispensation would make it possible for us to become Kenyans? The biggest crisis in this country is that we have a crisis of becoming Kenyans. We do not realise that one of the things that we should have achieved, over the last 45 years, was to progressively become Kenyans. But I am sad to say that over the last 10 years, we have increasingly become tribesmen and individuals. The tempo of discourse in this country has been more on who is from what ethnic group and not who is a Kenyan. When the Government is being formed, we think of ethnic groups; when evils are committed, those who commit them are forgiven because they belong to the right ethnic group. This is the tragedy in this country. As we begin debating a new Constitution, let us think very seriously whether we are prepared to become Kenyans.

Mr. Speaker, Sir, I beg to support.

**The Minister for Education and Human Resource Development** (Mr. Musyoka): Thank you, Mr. Speaker, Sir. Let me begin by thanking His Excellency the President for the very solid exposition of public policy that is contained in his Speech. I seek the indulgence of the House because it is my intention to make reference to one or two aspects of the Speech that I find particularly uplifting.

Mr. Speaker, Sir, having listened to hon. Prof. Anyang'-Nyong'o, one cannot agree with him, more so, especially when he becomes emotional about the plight of the poor in this country. We all share the feeling that majority of our people live below the poverty line, as quoted by the Minister for Planning and National Development. This is a matter that should concern all of us. I think that is precisely why His Excellency the President, in his goodness, invited any hon. Member, particularly those on the other side, to join hands with him in addressing the urgent issues of the day; the issues that affect and afflict the common man. I do not intend to dwell at length on the definition of the common man, but we in this House rightfully represent the common men. All of us who were elected to this House, I believe were elected on the promises we made to the electorate. I think it should behove all of us to be serious, dedicated and committed to the public good and, particularly, what amounts to national good and national interest.

After the collapse of the Cold War, the world expected to reap what was commonly referred to as the "peace dividends," but what do we have instead? We have heard of places hitherto unheard of. Indeed, we have heard of the split up of the former Yugoslavia into many countries, some of them - I am sure some hon. Members would be excused for not remembering - Serbia, Montenegro and so forth. These are direct consequences of the collapse of the Cold War and instead of reaping the "peace dividends", we have instead witnessed hot wars.

Another direct derivative of the collapse of the Cold War is what I like to refer to as ethnic sentiments. Ethnicity is a matter that the hon. Prof. Anyang'-Nyong'o has just referred to. Nowadays, people find it so easy to refer to themselves by the tribes they come from. It is a matter of which I think, as a people, we should be ashamed of. It is a matter that we should endeavour to fight and this is why His Excellency the President invites every Kenyan to stand with him, so that we can end up with one country and one people and not with so many tribes and ethnic groupings that have become a common trait. As one speaks about these matters, he should be forgiven for being emotional. Again, it is what the world expected. We expected that there would be democracy and some of us believed that it is, indeed, democracy that we are addressing. I want, therefore, to touch very briefly on an issue that I feel very strongly about and that is the matter of the supremacy of this august House.

Mr. Speaker, Sir, that is a matter that the President referred to and if I can quote him, he said:-

"It beholds all of us, therefore, to uphold the supremacy of this Parliament as a beacon of hope and source of trust and security for our people".

When, therefore, some of us make it their business to mislead themselves and those they representing to believe that the people made a mistake by electing them to Parliament and, therefore, would want to have national issues discussed out of this House, I beg to differ. Therefore, organisations registered or not registered, whose business is

mainly their business to want to arrogate to themselves the responsibility of knowing what is in their best national interests even when it comes to constitution making, a new constitution dispensation should realise that it is the supreme responsibility of this House. Therefore, I would want to call on my hon. colleagues to uphold this.

Let me tell you another thing that really impresses me is when His Excellency the President says that:-

"Irrespective of our party affiliations, we must join hands in order to address these difficult economic challenges."

He makes no hiding of the fact that, this country is engulfed at the present moment, in serious economic challenges. That is the challenge of poverty and, I think, my colleagues who are better qualified to comment on these social issues have already spoken on this matter. The point that I want to highlight is that irrespective of our party affiliations, we are in this House.

May I quote almost verbatim what a one-time candidate for the Presidency in the United States of America and I know many colleagues like to refer to that great democrat, the Rev. Jesse Jackson, who is no stranger to Kenyans. One time, he was running for the highest office in the United States and he was running against Michael Dukakis on the Democratic Party ticket. He said at the party congress and I wonder whether some of my colleagues were able to attend that congress in reference to himself, that he studied theology while Michael Dukakis studied law. He said that with regard to his ancestors, his own ancestors came to America in slave ships and people did not want to accept that slavery was the worst form of human rights abuse. But that is not the point that I am making. He goes on to say that his forefathers came to the United States in slave ships while Michael Dukakis forefathers went to the United States in immigrant ships, but he said: "Whatever was the original ship, we are in the same boat tonight".

I wanted to quote that because I find it relevant. That is what the President is telling us as Parliamentarians and fellow leaders that we have to own up and accept that we have responsibilities both to ourselves and to the people that we represent and, therefore, it is really our responsibility to ensure that the supremacy of this House is not challenged. We have come in here as hon. Members and, therefore, whether we are in KANU, DP or SDP, we are charged with that responsibility of delivering to the people, otherwise, the conclusion would be pretty obvious. Come the next election, all of us perhaps will be out of this House. We should feel that we have an onerous responsibility. We have to live up to the expectations of the Kenyan people.

May I thank you, Mr. Speaker, Sir, and indeed, the whole House for having taken time to come and share in the national tragedy and grief that befell this country. I am referring to the Bombolulu tragedy. This House took it upon itself to adjourn for that very worthy cause. That was a matter that moved not just the people of Mazeras and Coast Province in general because all Kenyans were appreciative of that show of solidarity.

In fact, as a result of the death of these young and illustrious Kenyans, I saw an opportunity for our coming together. That, when this country gets engulfed in a crisis, we come together. I think we have to learn from that. We would be doing those girls great justice if, indeed, we could continue to witness what I personally witnessed in that, His Excellency the President was leading all of us in mourning the death of these young girls. The Official Leader of the Opposition was there, led by you, Mr. Speaker, Sir, as you took it upon yourself to come all the way. You could easily have adjourned the House and then gone to your offices, but you chose to come along with the hon. Members to share in this grief. I saw a great chance of this country coming together as a result of that tragedy. How I wish that we could honour these young girls by perpetuating that spirit of co-operation, so that everyday when we come to this House, instead of wanting to mudsling each other, we address issues. Of course, we have to differ as of necessity. We also accept that. When we were engulfed last Thursday in some discussions and disagreements over the composition of the Business Committee of the House, some of us said: "What a show of shame! We have been trying to come together and look at what KANU is trying to do". I do not believe that we will have to agree every step of the way, but we can agree over issues. That in itself did not mean disagreements and, therefore, we should let the co-operation that we are talking about to grow and get closer to each other as we address these issues.

Mr. Speaker, Sir, the President is able to acknowledge that some of the basic needs like shelter are basic human rights. If I had time, I would want to address the House and talk to my colleagues about this matter, but really I feel that we need to support His Excellency the President totally in his address that he gave to the House when he officially opened this session.

I beg to support.

**The Member for Ndiwa** (Mr. Ojode): Thank you, Mr. Speaker, Sir, for giving me this opportunity to talk about the Presidential Speech. It really worries me to see an hon. Member and a Minister come forward and talk about the poverty in Kenya. Some of those who are talking about poverty have created that poverty. What is the Government doing in order to stop them from looting the economy of this country? If we want to be serious, and I do not think we will have a healthy debate when the same looters come up here and say "We need to do



something about the poverty of this country---"

**The Minister for Education and Human Resource Development** (Mr. Musyoka): On a point of order, Mr. Speaker, Sir.

**The Member for Ndhiwa** (Mr. Ojode): What point of order?

**Mr. Speaker:** Order, Mr. Ojode! You have not become the Speaker.

*(Laughter)*

**The Minister for Education and Human Resource Development** (Mr. Musyoka): Mr. Speaker, Sir, much as I hate to interrupt my hon. colleague, is he in order to impute improper motives on the part of hon. Members? I have just been speaking and I have a feeling that he could even be referring to me because I have been addressing the very serious issue of poverty alleviation to which I and the KANU Government are committed to. Is he in order to therefore, suggest that Ministers are involved in looting without substantiating?

**Mr. Speaker:** Order! Order! Mr. Ojode, you have been here for five years. May I invite you to look again at your Standing Orders, particularly the section that talks about contents of speeches. Among the provisions thereof is that Members must use civil language to each other and to others. Members shall not make allegations which they cannot prove. So, I do not think it is right or parliamentary, and within the Standing Orders, for a Member to allege generally that Members are looters. In fact, to refer to Members as looters is unparliamentary. So, can you clear off that area. I am sure Mr. Ojode, you can find appropriate language.

**The Member for Ndhiwa** (Mr. Ojode): Thank you, Mr. Speaker, Sir. It is common knowledge that the majority of those who are talking about corruption are themselves corrupt. The reason why I am saying that is because---

**Mr. Speaker:** Order, Mr. Ojode! When you have already been given guidance by the Chair, I am sure you will be in much safer grounds to abide by the guidance given by the Chair. So, can you use civil language to other Members?

**The Member for Migori** (Mr. Achola): On a point of order, Mr. Speaker, Sir. Could the hon. Member not be asked to substantiate, instead of being told that the word "looting" is unparliamentary?

**Mr. Speaker:** Mr. Achola, having been here, you have also heard my ruling as to what amounts to substantiation. Do you look at your Standing Orders? If you really want to discuss any hon. Member, bring a substantive Motion against that Member and discuss anything under the sun under that Motion. General accusations will not do. Mr. Ojode, I am sure, having guided you enough, you will do better. By the way, the more you are interrupted either by the side opposite, your own side or the Chair, the more your minutes trickle away.

**The Member for Ndhiwa** (Mr. Ojode): Thank you, Mr. Speaker, Sir. I hope they are not going to interrupt me again. We heard the Minister for Finance speaking yesterday with regard to payment of Kshs38 billion as accrued domestic interest on loans. If the Minister was serious, he could have told us what the principal amount was and where that money was spent. The Ministry of Health cannot streamline the health centres in this country because the Minister is not in control of the Ministry.

The Ministry of Health is being run by a junior officer, Mr. Boit, the head of Kenya Medical Training Centre (KMTC). That is why in Ndhiwa Constituency, we still talk of cholera. I almost missed coming to this House because majority of my people died of cholera. On a serious note, there will be no meaningful debate in this House if looting still continues. In our newspapers, we read of the Goldenberg scam of Kshs13 billion, other financial scandals by Mr. Somaia and so on. All that money goes into the pockets of two or three individuals in this House.

**The Member for Migori** (Mr. Achola): On a point of order, Mr. Speaker, Sir. Will my colleague tell us who are these two "looters" he is claiming are in this House?

**Mr. Speaker:** Order! You have been sitting in this House and you have heard three or four previous speakers discussing issues. Why are the two of you so keen on discussing people? Have you read some funny things somewhere? Shall we discuss issues?

Proceed, Mr. Ojode?

**The Member for Ndhiwa** (Mr. Ojode): Thank you, Mr. Speaker, Sir, for protecting me. We need to be very serious in our discussion. In fact, the Eighth Parliament will not just talk for the sake of it, but it will be better for us to say the truth in order to build a healthy Kenya. It is true that we do not have a functional health delivery- system in the Ministry of Health. That is why we cannot get enough drugs supplied to various health centres in this country. We import a lot of drugs but they are diverted to private hospitals. This is being done

because the Minister for Health does not stay in the office and he is not in control of his Ministry. If you go to any hospital, whether in Laikipia East or Ndhiwa constituency, you will find that patients share beds.

**The Member for Samburu East** (Mr. Leshore): On a point order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Ojode! What is wrong with you not complying with my order? What is it, Mr. Leshore?

**The Member for Samburu East** (Mr. Leshore): Mr. Speaker, Sir, is the hon. Ojode in order to impute improper motive on hon. Kalweo by saying the hon. Kalweo does not control his Ministry while we know that hon. Kalweo is a very active Minister in this Government?

**Mr. Speaker:** Order! Mr. Leshore, one thing we must not do is to stop hon. Members expressing their opinions. That is your opinion and you are entitled to it. Proceed, Mr. Ojode.

**The Member for Ndhiwa** (Mr. Ojode): Mr. Speaker, Sir, I would like to mention something about our roads. We have a road which was tarmacked two years ago, but it is really in bad condition. Money had already been paid to T.M. Contractors. The *El nino* rains caused a lot of havoc in Ndhiwa constituency. Schools have no blackwalls. This came as a result of damage to walls by *El nino* rains. I would like to appeal to the Minister for Education to come to the rescue of Ndhiwa people by sending money, so that we can buy blackboards or repair the damaged walls. The *El nino* also affected a number of schools in the neighbouring Nyatike Constituency, that is Kabuto, near the lake. The Minister has not even bothered to go to that area and find out why the schools have not been opened by now. It is true that we have abundant resources in this country, but these resources cannot be utilised because the Government is not ready to give out some money to our people so that they can exploit them.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

In conclusion, Mr. Deputy Speaker, Sir, I would also like to appeal to the Ministers to go to the field and get first-hand information about the operations of their Ministries.

**The Assistant Minister for Planning and National Development** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Presidential Speech which was made during the State Opening of this august House. First of all, I would like to congratulate both you and Mr. Speaker for having been elected as the Deputy Speaker and the Speaker, respectively.

I would like also to congratulate our President for calling a spade a spade and not a big spoon in his speech. Let me quote one sentence he said in his opening remarks:- "There are many problems facing our country and people. Foremost among these, are poverty and unemployment. Many of our people are unable to satisfy their basic needs such as adequate and balanced food."

Mr. Deputy Speaker, Sir, the main problem we have in this country is poor collection of revenue. If revenue in this country was properly collected, we would not be complaining of lack of funds to maintain our roads, run our educational institutions and so on. I would like to congratulate the newly appointed Minister for Finance for coming out openly and putting in place stringent measures to ensure that people pay taxes. There are many people in this country who evade paying taxes, although they know that it is their responsibility to pay taxes in this country. Why are these people not paying tax as they ought to? It is because, in the taxation department and other Government departments, people no longer adhere to the Official Secrets Act. Information is divulged to outsiders who in turn alert the would-be tax payers in this country. Shockingly, the evaders get away scot-free.

Mr. Deputy Speaker, Sir, what we need in this country is to be honest and upright by paying taxes. Once enough revenue has been collected, then we can say that this country is economically viable. Year in year out, we have been talking about agricultural banks enabling our farmers to borrow money for their farming activities. Unfortunately, this has never materialised. We need to invite foreign investors to come and invest their money in this country, because there is enough security. Let them come, and we should be able to establish the agricultural banks.

Mr. Deputy Speaker, Sir, the rains have just started as we are debating in this House, and our poor farmers cannot plant crops because the *El Nino* phenomenon derailed all their efforts. First of all, some farmers have no planting seeds because of poor harvests of the maize and wheat crops. They cannot plant their crops this year. We want to help those farmers because we should not be importers of food in this country. This country has enough arable land on which food crops can be planted to satisfy our people's needs and export the surplus to the neighbouring countries which do not grow cereal crops.

Mr. Deputy Speaker, Sir, sometimes, we blame civil servants and politicians. However, I think the leaders should carry the heaviest burden of blame. When I talk about leaders, I am referring to the elected, appointed and nominated leaders in this country. Most of our people are not doing their work. Maybe one of these days, we would recommend that we have an ombudsman; somebody to supervise them and make sure that they perform their duties.

Mr. Deputy Speaker, Sir, there was a time when the Official Secrets Act was being implemented. Today, I know the fellows who are in-charge of internal security and the rest are able officers, but there is one mistake we are making. Today, our intelligence officers go to *barazas* and political rallies where they sit with members of area security teams and introduce themselves as District Security Intelligence Officers (DSIO). By doing so they cease to be effective, because they will not collect any information and inform the Government accordingly. Why are people not collecting revenue? Why are things going wrong? We need to go back and think twice. We have to be leaders to lead and not to be led by other people.

Mr. Deputy Speaker, Sir, co-operation has been shown by both sides of this House since the last general elections. I would like ---

**An hon. Member:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member, who is on the Floor and who is also an Assistant Minister, to tell us about the ills of the Government; should he not rather tell us what the Government has done about these security intelligence officers who introduce themselves in *barazas* thereby rendering themselves ineffective in their duties?

**The Assistant Minister for Planning and National Development** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I think the new hon. Member needs to sit down a bit and learn the Standing Orders and ethics of this House. I was expressing my opinion and I have the right to give some guidance to this House. I was saying that if the officers stop being introduced or introducing themselves in public places, they would be effective intelligence collectors. That is what I meant, and I would repeat here that we want to put ourselves right before we put things right in this country.

In conclusion, I would like to appeal to the Agricultural Finance Corporation (AFC) to provide funds this year for the planting of grains in this country.

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

**Mr. Kathangu:** Ahsante sana, Bw. Naibu Spika, kwa kunipa fursa hii tena ili nizungumzie jambo hili linalohusiana na Hotuba ya Rais siku ya Ufunguzi wa Bunge hili. Kwenye Hotuba yake, Rais alizungumzia mambo manne yakiwemo upatanishi na mazungumzo baina ya vyama mbalimbali vya kisiasa na Wabunge. Jambo la pili lilikuwa juu ya umaskini na kutokuweko na kazi. Pia, alizungumza juu ya uchumi, ukulima, utalii na mambo yanayohusiana na Katiba ya nchi hii.

Bw. Naibu Spika, ninaona mambo mengi sana kama vile wivu na nia mbaya yaliyofichwa kwa kupambwa kwa maneno matamu. Hotuba tunayozungumzia, ikilinganishwa na ile Rais alitoa katika Bunge hili mwaka jana, inaonyesha mambo mawili ambayo ni mazuri. Kwanza, Rais aliongea juu ya ukame na El Nino. Mwaka huu anaongea juu ya El Nino hali mwaka jana aliongea juu ya ukame. Katika ukurasa wa saba wa Hotuba yake ya mwaka jana, kwa lugha ya kimombo, anasema:

"Hon. Members you will recall that many parts of our country experienced severely reduced rains. As a result, many parts of the country, especially the North Eastern areas, were severely affected by the drought. The main food growing areas of the country also realised very poor harvests".

Mwaka huu katika Hotuba yake, ukurasa wa tisa amesema:

"Mr. Speaker, Sir, as hon. Members will recall, in 1996 Kenya was affected by a severe drought which seriously undermined food production in the major food growing areas of the country. Following the El Nino rains of 1997 and early this year, food crops were destroyed and severely damaged our roads and also increased the incidence of water-borne diseases."

Bw. Naibu Spika, ningependa kusema kwamba, katika Hotuba ya Rais, tunatakiwa pia kama nchi tuwe tunazingatia mambo ambayo yanaharibu uchumi wa nchi hii na ni gani yanayoongeza maradhi na umaskini katika nchi hii. Mimi nimeingia katika Bunge hili mwaka huu ingawa nimekuwa nikisikiza kwa makini Hotuba za Rais tangu 1963. Kila mmoja ambaye amekuwa akihusika katika Serikali hii amekuwa akizungumzia umaskini, maradhi, ujinga na mengine mengi bila kutoa suluhisho.

Bw. Naibu Spika, tangu 1963 hadi mwaka huu tumekuwa tukizungumza juu ya kuwa na uelewano ili tuwe na amani. Hakuna vile maskini ama wagonjwa wanaweza kuwa na amani ndani ya roho zao. Nasi hatuwezi kuwa na amani baina yetu huku tukiwa na njaa. Ikiwa tunatafuta amani katika nchi hii ni lazima tufikirie njia za kupata vyakula. Lakini, vitapatikanaje ikiwa mashamba yamemilikiwa na watu 3,000 peke yao? Rais anapozungumzia juu ya nyanda ambazo zinakuza chakula, nyanda hizo ni za watu wachache. Kwa hivyo, hakuna

vile wananchi wanavyoweza kupata nafasi ya kulima. Hata kusipokuwa na El Nino ama ukame, watu 3,000 katika nchi hii wakiamua kwamba hawatalima, watu milioni 24 watakaa bila chakula. Kwa hivyo, kuna unafiki; na kuna unafiki huo miongoni mwa Wabunge katika Jumba hili pia. Zamani, mimi nilikuwa askari na nimemsikia Waziri msaidizi Bw. Sumbeiywo ambaye pia alikuwa askari akiongea juu ya usalama. Anaongea juu ya mambo haya akijua kwamba, hakuna usalama katika nchi hii ikiwa usalama huo hauambatani na kifo cha mtu mmoja. Kwa mfano, Mjerumani mmoja aliuliwa na pia watoto 22 wakauawa katika shule ya wasichana ya Bombolulu. Watu hawataki kusema kwamba, waliuawa. Wanasema kwamba walikufa kwenye moto. Je, ni moto gani katika bweni unaoweza kuikumba nyumba nzima mara moja na iwe bahati kwa wachache kutoroka? Lakini sisi hatuangalii mambo ya usalama huo tunashughulika kujua ni nani atakapoenda kwa mazishi ili aonekane kwa picha kwamba alihudhuria mazishi hayo. Hatushughuliki na chanzo cha tukio hilo. Wale wa kulinda usalama hawafanyi kazi.

Bw. Naibu Spika, tunapoangalia suala la umaskini, inafaa tuzingatie masuala juu ya kanuni na utumiaji wa mashamba hayo. Haifai kutoa hybrid maize kutoka Nyanda za Juu hadi Machakos kama mbegu; maanake haifai kule Machakos. Pia haifai kupelekea wakulima mbolea mbaya. Je, tutakosa kuwa maskini na kufa njaa? Wale watendao vitendo hivyo wanajijua.

Bw. Naibu Spika, lazima Serikali ijue kwamba kuna mabomu saba ambayo yatalipuka katika nchi hii na inafaa tuhakikishe kwamba hayalipuki. Bomu moja ni kwamba, ni lazima sheria na kanuni za utumiaji wa mashamba ama ukulima zianganiswe upya, ndio nchi hii iweze kujisimamia kwa chakula na tutoke kwa umaskini.

Bw. Naibu Spika, pili, ni watu wengi sana katika nchi hii ambao hawana kazi. Kazi ya kwanza kwa mwanadamu ni kulima shamba. Kwa hivyo, ikiwa mtu hana shamba, hana kazi. Ikiwa mtu hana kazi, ni lazima aende kuomba kazi. Wakati huu tumesikia Mawaziri kadhaa wakisema kwamba, watawafuta kazi watu wengi sana ili uchumi wetu ukue. Hio inamaanisha kwamba mamilioni ya Wakenya wataongezeka katika soko la kutafuta kazi. Ingefaa wawe wanazingatia suala la kuongeza nafasi za kazi badala ya kuwafuta watu kazi. Hii ni kuonyesha kwamba, fikra na mawazo yetu hayajali maslahi ya watu wa nchi hii. Bw. Naibu Spika, bomu lingine ni njaa. Ikiwa sisi hatulimi kwa sababu hatuna mashamba, ni lazima tuwategeme wale wachache ambao wamemiliki mashamba. Wale ambao wanaagiza vyakula kutoka ng'ambo wanafanya hivyo kibiashara, kwa hivyo inakuwa ngumu kwa yule aliye na njaa kupata chakula. Kwa hivyo, nikiangalia mabomu haya ukiwemo ukosefu wa nyumba na kazi, kunakuwa na njaa milele.

Bw. Naibu Spika, hakuna vile afya ya wananchi wetu itakuwa nzuri ikiwa hatutaangalia suala la ukosefu wa madawa katika hospitali zetu. Kwa sababu wale madaktari ambao wanasimamia hospitali zetu wamepeleka kule biashara zao binafsi.

Bw. Naibu Spika, bomu la mwisho ambalo litalipuka nchini litakuwa la ulafi na uongo. Mwaka wa 1977, Muungano wa Afrika Mashariki (East African Community) ulianguka. Nchi zote za Afrika Mashariki zimelipa wale watu ambao walikuwa wameajiriwa na East African Community ilhali katika nchi yetu hatujafanya hivyo. Hii inamaanisha kwamba, kuna fedha ambazo zilitengwa kuwalipa wale waajiriwa na hadi leo hawajalipwa.

**The Member for Emgwen (Mr. Leting):** Thank you, Mr. Deputy Speaker, Sir, for awarding me this opportunity to make a few comments. I will restrict my comments to poverty and unemployment. I would like to comment on the contributions of the earlier speakers, especially by hon. Prof. Anyang'-Nyong'o and other Members. I was amazed because I thought the Presidential Speech was a guideline on what we are supposed to deliberate and zero in on concrete action. In a Speech of that nature, I do not think it is possible to include actions or proposals. That is why we are here. We are here for that as Members of Parliament. On poverty and unemployment, it is good to say that 65 per cent of Kenyans live below the poverty line. But what next? It is purely academic to say 65 per cent of Kenyans live below the poverty line. But that is why we are here too, to find ways and means of lowering this percentage. This is why I was saying I am glad that the latter contributors were more general than the earlier ones who seemed to have been trying to find scapegoats for the predicament that we are facing today in Kenya. Today, we are facing a lot of problems, economic, social, cultural, etcetera. But what we have to do is to find solutions. I am glad that the Eighth Parliament is composed of Members of various backgrounds. That is why we are expected by the Kenyan people to come up with solutions to some of these problems and we can only do that---

**The Member for Ndhiwa (Mr. Ojode):** On a point of order, Mr. Speaker, Sir!

**Mr. Deputy Speaker:** Give him a chance, he is a new Member.

**The Member for Emgwen (Mr. Leting):** Yes, I have got that privilege and I can speak for as long as I want. So, in tackling practical proposals, I agree with one of the proposals that on the problem of poverty and unemployment, the Government needs to come up with practical approaches to unemployment and alleviation of poverty. At the moment, the way I see it, we, as a government, have not made any tangible proposals to improve on agriculture which majority of our people depend on. The farmers need a lot of assistance from the Government in planting, getting seeds and advice. But at the moment, we do not have those programmes. For example, if I

come across some farmer or peasant who asks me how he can find enough seeds to plant due to the high cost of seeds--- At the moment, the prices of seeds are too high. So, these are some of the practical cases that we should be handling. How we can feed ourselves, how we can help people with farms. I did not know that we had only 3,000 people who own land in Kenya. I thought they were more than that. Now, those who are outside the 3,000 are prepared to feed themselves if we give them proper assistance in terms of inputs.

Most of us who are farmers are aware that farming has become too difficult and expensive. It is true that the Government has attempted to make importation of farm implements duty-free. But that is negated by the fact that if you take those machineries for service, the spare parts are not exempted from duty and you end up paying more than you would have even paid when importing a tractor. So, that area has to be looked into. There are no extension services any more because the officers who have been employed have no vehicles, no facilities and are, therefore, unable to render any services to the farmers. The fuel we use for farming, especially diesel, is also becoming very expensive and farmers can hardly afford. The small scale farmers lack capital. How do we help them to produce enough food to eat, even if they cannot earn anything?

On pricing, most of us know that since the liberalisation of the economy, the person who has suffered most in this country is the farmer, because of pricing of items. Most of you know the prices of cereals, sugar-cane; it has upset the farmers completely. Unless something is done through this Parliament and not necessarily waiting for the government to act alone, the farmer is going to have more trouble. My feeling is that we should at least help Kenyans to feed themselves through subsistence farming. In other words, can we encourage the introduction of traditional foods which are more resistant to problems of drought and disease and easy to grow, so that even if farmers are not able to sell, they will be able to feed themselves?

In concluding, Mr. Deputy Speaker, Sir, we have to approach the question of unemployment by stressing more on agriculture because it is the easiest to manage, to deal with and overcome. In that approach, we separate subsistence agriculture from commercial agriculture. I would like to repeat that we came to this House to work together. We have pledged that we want to co-operate, we are a new team from both sides and we should trust one another. So, let us not begin saying there are looters on that side, or there are eaters on this side. Let us forget that and say we are all Members of Parliament. Thank you.

**Mr. Deputy Speaker:** Order! Order! Will new hon. Members, kindly, remember to introduce themselves by announcing their names and their constituencies to help both the House and the HANSARD reporters to recognise them when they speak.

**The Member for Kisauni** (Mr. Maitha): Thank you, Mr. Deputy Speaker, Sir. I stand to speak on the Presidential Speech, which is under debate at the moment. But, first of all, I want to thank my constituents for electing me to Parliament this time. I also want to say that I do not regret being on the Opposition side, having struggled for many years to come to Parliament on a KANU ticket, but I did not succeed. I am very happy indeed.

Mr. Deputy Speaker, Sir, the President, in his Speech, talked of co-operation between Members of Parliament. As history says, we have had two Presidents in this country since Independence. We have had---

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

**Mr. Deputy Speaker:** But that is his maiden speech!

**The Member for Kisauni** (Mr. Maitha): What I wanted to say is that since Independence, we have had Presidents Kenyatta and Moi leading the Government of the Republic of Kenya. What I want to say is that we can always have good Presidents but their Governments can easily be spoiled by those who are given the responsibility to take care of them.

Mr. Deputy Speaker, Sir, this is the first time for me to be a Member of Parliament, but I have been following contributions by hon. Members of Parliament in this House. I have also heard of many things happening in this House. The Government side has been taking the Opposition Members of Parliament as enemies - people who can be fought always - and who should not be helped by the Government. I want to remind those on the Government side that once we are elected, we come here to legislate laws which will govern this Republic. So, we all work for the Government. So, whether you are in the Opposition or KANU, we all work for the same nation. The issue of Opposition and the Government sides in this House should not arise because we are all working for the nation. We were elected to this House by the people of this country and we are all answerable to them.

Mr. Deputy Speaker, Sir, I would have been elected into this Parliament a long time ago but on the Government side, there are those people who call themselves the "direct line people." The meaning of that is that there are people who pretend to be close to the President, eat with him, dine with him and talk with him at any time. They have taken the responsibility of even securing public funds in the name of the President. They have

been targeting people and more especially Asians using the name of the President. During the course of debate in this Parliament, I will expose and table documents, even taped cassettes to prove that the name of the President is being misused by those calling themselves "direct liners" to secure money. These "direct liners" are the ones causing a lot of problems in this country. For example, the clashes, the letters which are being posted to Members of Parliament, leaflets warning other tribes that they will be killed and all sorts of things. Even the hon. Members of Parliament sitting on the KANU side are scared of one another because some of them are "direct liners." If they talk openly about anything, they will be reported because somebody has got a direct line somewhere. This habit should stop because the President has already said that he needs to work with everybody. I am saying this because some KANU Members of Parliament have been complaining that they find it more difficult to see the President than hon. Raila, who walks in and out of State House. This is because of the "direct-line people."

Mr. Deputy Speaker, Sir, the President talked of the need to encourage farmers in order to promote farming. How can we encourage the farmers in Coast Province if the Government has killed the Ramisi Sugar Company which has not been revived ever since; the Mariakani Mills Factory and the Kenya Cashewnuts, Kilifi, where the farmers are going to lose Kshs42 million because of dubious transactions which are now going on to kill that factory which belongs to the farmers? The Bixa Factory in Kwale District is dying because it has been monopolised by a certain person who is connected to a "direct-line person", and the farmers are forced to sell that commodity at a fixed price. If we are talking about liberalisation, why do we not liberalise cashewnuts, bixa and everything, so that the farmers in Coast Province would make sure that they earn something out of it?

Mr. Deputy Speaker, Sir, whenever the President comes to the Coast Province to solicit for votes, he has always been telling the Giriama to drink their *mnazi* but after he gets his votes, people are arrested and taken to courts. We have to be true to ourselves and our people. Whenever we tell the public something, it has to be a true thing. The President should not come to the Coast Province and say: "Watu wanywe mnazi" kwa sababu anataka kura and after the elections, people are arrested. I promise to table in this House receipts of the fines which people have been paying because of drinking *mnazi*. In fact, when I read the IPPG Report, a Traditional Liquor Licensing Court should have been made available within the Administration so that people could apply for licences. But this has not been the case. The police are extorting a lot of money from our people.

With those remarks, I beg to support.

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

First and foremost, I would like to thank the people of Hamisi Constituency for re-electing me into this House again. The records will show that I was re-elected into this House with an overwhelming majority and that is why I must thank the people of Hamisi.

Secondly, I would like to take this opportunity to thank His Excellency the President, on my behalf and that of the people of Hamisi for appointing me as an Assistant Minister when he first formed his Government. I would like to assure him and the people of Hamisi that I will serve this nation with dedication and I will perform my duties to the best of my ability.

Thirdly, I want to congratulate Mr. Speaker and his deputy for having been elected to run the business of this House. I wish you the best of luck in your duties and I hope we are going to work together for the betterment of this nation.

Mr. Deputy Speaker, Sir, in his Speech, His Excellency the President called for unity among all the Members of Parliament as elected leaders. It is high time that we should forget about our party affiliations and unite together when it comes to important national matters. In the previous Parliament, we were divided and did not face our problems as a team. But I believe with the new spirit of co-operation, we are going to achieve something.

Mr. Deputy Speaker, Sir, the President called for the support and encouragement of farmers. I have said in this House that if farmers in this country are given the necessary support and encouragement, they are able to feed this nation. There will be no need to import any foodstuffs. We are one of the very blessed countries with very fertile soils and as I said, if we support our farmers, they will be able to feed this nation. How are we going to support them?

First of all, it is by lowering the prices of farm inputs like fertilisers. You find that the prices of farm inputs are too high. Most of our farmers are not able to afford these commodities. This is why they go for the local manure which does not give good produce. Therefore, I would urge the Minister for Finance to waive tax on things like fertilisers and other farm inputs so that we can promote the farmers in this country.

Mr. Deputy Speaker, Sir, in his address, the President called for the Minister for Finance to find ways and means of getting maximum revenue collection. This is very important. The taxes that are collected in this

country amount to a lot of money that can support this country. We may even not need any foreign aid! But on the other hand, collecting taxes is one thing and putting the same tax to use is one thing. Mwananchi will be comfortable if these taxes that are being collected are used to do what they are meant for. It is very sad for wananchi to pay taxes and then, at the end of the day, the services are not delivered. This is one of the things that are probably leading to some people evading to pay taxes.

The President also touched on corruption. There is need for us to unite and fight corruption. In the past, our Government has been accused of corruption, but I think it is just a few officers in the Government and politicians who are tarnishing the name of this country. I am very impressed with the stand that the President has taken now. We should go for these individuals and not the Government. It is not the Government that is corrupt. It is just a few officers and politicians, who are making us to have a bad name. We should go for these people because the rest of the country is suffering because of these few individuals. Donors are withholding their support because of a few corrupt individuals. Therefore, it is the responsibility of our good Government to hunt for these corrupt individuals so that---

**The Member for Sirisia** (Mr. Munyasia): On a point of order, Mr. Deputy Speaker, Sir. Many of us on this side of the House have been thinking that the economy of this country is being messed up by the whole of that side. But hon. Khaniri says, "no, it is only a few of them". Would I be in order to ask him to name these few, so that the others can be clean?

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): Mr. Deputy Speaker, Sir, hon. 'Munyasa', who distorted his name to become Munyasia, wants to spoil my time. I am not here to name individuals. I am making my contributions to the Presidential Speech. Hon. Munyasia will have his time to say what he wants to say.

**The Member for Migori** (Mr. Achola): On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that, that answer is correct? It is not sufficient because he did not substantiate!

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): Mr. Deputy Speaker, Sir, hon. Achola is an old Member of this House. I believe he knows that this is not Question Time. I am making my contribution.

**Mr. Deputy Speaker:** Order! Order! Hon. Khaniri, you will do yourself a lot of justice if you left contentious issues out of your speech. I will allow you to carry on for the moment, but if you return to that tenor, I am afraid you will have to substantiate, and I will insist that you do it.

**The Assistant Minister for Public Works and Housing** (Mr. Khaniri): Thank you, Mr. Deputy Speaker, Sir.

His Excellency the President urged us not to use this august House as a tool to make personalised attacks on individuals, but to discuss important matters that wananchi sent us to do here. In the last Parliament, we had very ugly incidents whereby we even had some Members who tried to run away with the Mace. This is lowering the dignity of this House. As Members of Parliament, we are looked upon by wananchi to discuss important matters like poverty, unemployment and crime which are engulfing our country now. We should look for ways and means of solving these problems. Since we have five years to go, I would like to urge my fellow Members of Parliament to have the interests of Kenyans at heart when we are deliberating on matters in this House. We should forget about our own interests.

With those few remarks, I beg to support.

**The Member for Kabete** (Mr. Muite): Mr. Deputy Speaker, Sir, as we mourn the unfortunate girls in Mombasa who were buried, the other day, this nation is entitled to know the cause of the fire. Many Kenyans do not have faith that the police force in this country will conduct independent truthful investigations. If they do, we do not trust that they will publicise the findings of the investigations. More important than mourning these girls, we have got to ensure that this sort of tragedy does not occur again. It is unacceptable that we are now going into the third week, and even a preliminary report has not been made by this Government, as to what leads they have; what investigations they are doing--- By this time, we should have been told by the police, and this Government that our preliminary report investigations indicate that it may have been a petrol bomb or an electrical fault, and investigations are continuing. We are just left in darkness. We have not been told anything.

*(Hon. Kalweo interjected)*

Mr. Deputy Speaker, Sir, will you protect me from this Meru person who had the tragedy of coming back to this House!

**The Minister for Health** (Mr. Kalweo): On a point of order, Mr. Deputy Speaker, Sir. Is the hon.

Member in order to point at me and refer to me as a 'Meru person'? What have I to do with whatever he is alleging to do here? He should go down there himself and see what we are talking about! Why should he address me directly? He should address the Chair instead of referring to me as a Meru hon. Member. He did not bring me here! Who is he?

**Mr. Deputy Speaker:** Order! Hon. Members, please, stop addressing each other across the Floor. You should address the Chair.

Carry on, hon. Muite.

**The Member for Kabete (Mr. Muite):** Mr. Deputy Speaker, Sir, four years ago, Tanzania, our neighbour, lost 42 girls in identical circumstances. They went and brought Scotland Yard detectives to carry out investigations because the Tanzanians wanted to know the cause of the fire. Finally, it was established that the cause of the fire was a candle that was carelessly left burning.

As a nation, we want to know the truth about the Bombolulu tragedy - the cause of the fire. I am calling on this Government through the Chair, to tell us, today or tomorrow, as a preliminary report, what their investigations have so far revealed. What indications are there? Was it a petrol bomb, a candle, or an electrical fault? What was it?

Mr. Deputy Speaker, Sir, the other point I would like to make relates to a very important statement that was made by the President when he talked about the Constitution of Kenya Review Commission Act. He invited the hon. Members from the Opposition and KANU to come together and discuss that issue. I would like to say that given the track record of this Government, a number of Kenyans are sceptical on its sincerity and good faith. But we accept that statement in good faith and we will act on it in good faith. But much more important than statements in this country is the demonstration of sincerity through actions. We want to see the KANU Government demonstrating their sincerity that they now want to engage everybody in dialogue on an acceptable procedure to be followed in looking at the new Constitution which we want to have. Therefore, it is very important that the Government knows that some of us are a little sceptical and they should move with speed. We need to engage everybody because you know what your friends think about you. You are with them all the time and you are discussing with them all the time. It is your enemies you need to engage; those people you do not like. These are the ones that you need to call and sit down with, you need to hear their voices. So, nothing is more important in Kenya today than getting right the review process and the first step that must be taken is confidence building, with all the institutions and all Kenyans who have consistently shown interest in constitutional reforms. They have to sit down and engage each other in dialogue so that everybody in this country can be heard on what reservation they have on the present procedure. We want a procedure which is people-controlled because in the constitution making process, any time in history and anywhere in the country and anywhere in the whole world it must involve the people. The sovereignty in the constitution making process is vested in the people and not in Parliament nor in the President. The supremacy rests and is vested in the people and we want a legal framework that is going to enable the people themselves to exercise that sovereignty.

Mr. Deputy Speaker, Sir, if we can start talking as Kenyans on the constitutional reforms, there is no reason why a similar forum cannot be set up to discuss the economic mess. As a nation we are sitting on a time-bomb. It is not enough for the Minister for Finance to talk about the inability of the Government in a few months time to pay salaries for teachers and that sort of thing. We have seen this thing come up for many years. We have talked about corruption, creation of districts and the expansion of the Government. We, on this side of the House, are not responsible for the mess which is facing this nation today.

*(Applause)*

But we are prepared to assist the Government to get out of that mess because we do not want the country to collapse. We do not want this country to go up in flames. So, we want to be engaged - to sit down as Kenyans and find solutions to our problems because there are good ideas from this side of the House. We know how we can get out of the mess. We know what should be implemented and what should be addressed in order to begin to live within our means and to contain corruption. One of the steps that must be taken is prosecution to conviction, of those involved. But when we continue to hear this Government talking about corruption and known public figures continue to be appointed to head Ministries, sometimes we on this side wonder why this Government does not create a "Ministry of corruption" with a Minister in charge. It will be easier to manage corruption so that we know how much we are allocating to that Ministry because they just talk about it but there is no action.

Mr. Deputy Speaker, Sir, one of the things they should do is to engage all parties, the bankers, the business community and the private sector in discussing ways of getting out of this mess. One of the first suggestions that we shall make is that, if you must have so many Ministries in order to have your tribal balancing,



because the KANU Government talks about being national--- They are not national, they only do a bit of tribal balancing and therefore, if they must have those many Ministries in order to do their own tribal balancing; you can have three or four Ministers in one Ministry so that the staff below can be reduced. In other words, there is no reason why one Ministry cannot have three or four Ministers. But the result of that, is that, you will then be able to reduce the staff going down to the division as it is today. If you go to any constituency or any division, there is staff belonging to the Ministries of Agriculture, Health and so forth, all the way down to the district. This is the staff that you can begin to reduce so as to live within your means.

Mr. Deputy Speaker, Sir, this Government is unlikely to regain the confidence of the World Bank, IMF or the investors. Unless they engage people other than themselves, they are too tainted and the whole world knows that. The whole world knows that today, Kenya does not have a Government; what we have in power is a bunch of criminals and thieves masquerading as a Government.

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

**The Minister for Natural Resources** (Mr. F.P.L. Lotodo): On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member for Kabete tell us, through you, the bunch of criminals that he is talking about? If this is the type of behaviour he is going to display, then he is going to have it rough here!

**Mr. Deputy Speaker:** Order! Order, hon. Members! Hon. Muite, you know quite well that there are no thieves or criminals in this House. There are only hon. Members. So, will you, please, withdraw that statement and apologize?

**The Member for Kabete** (Mr. Muite): Mr. Deputy Speaker, Sir, as directed by you, I withdraw and apologize, but through you, I also ask senior Cabinet Minister, not to go declaring war, particularly hon. Lotodo.

**The Member for Kinango** (Mr. Mkalla): Mr. Deputy Speaker, Sir, I am hon. Simeon Mwero Mkalla, the Member of Parliament for Kinango. I would like to thank His Excellency the President for having found the time to come to Bombolulu, in Kwale District, during the funeral of the 22 girls who died in Bombolulu Secondary School. I would also like to thank all hon. Members from the Government and Opposition sides who came to console us during that tragedy.

The Presidential Speech touched on a lot of things which are very crucial for this country. The President talked about unemployment, infrastructure, reforms and agriculture. But I would like to comment on the issue of co-operation. Irrespective of party affiliation, I was very much moved by the practical approach which was taken by this House during the Bombolulu tragedy of coming to console us as a nation. I think that is the beginning of the implementation of a serious co-operation which shows the unity of this country. It is important for all of us, as hon. Members, to talk with one another across the political divide as suggested in the Presidential Speech so that we can solve the problems facing our country.

I would request hon. Members to dwell on issues, but not on individuals. Let them table documentary proof to support their allegations where applicable. That is quite acceptable. But if we can discuss issues for the betterment of this nation, we will be moving in the right direction.

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

**Nominated Member** (Mr. Munyao): On a point of order, Mr. Deputy Speaker, Sir. I did not know that the hon. Member was making his maiden speech because I was suffering here---

**Hon. Members:** He is making his maiden speech!

**Mr. Deputy Speaker:** Order! Order! Hon. Mkalla has already finished making his contribution and that is why I allowed hon. Munyao to make his point of order. Proceed, hon. Munyao.

**Nominated Member** (Mr. Munyao): Mr. Deputy Speaker, Sir, I could not hear what the hon. Member was saying and I realise this is because he could not reach the microphone. I wanted to know whether there could be a provision to have a smaller dispatch box so that short hon. Members can make their contributions from there. This problem has been brought about by the hon. Member's height.

**Mr. Deputy Speaker:** Hon. Munyao, that is certainly a frivolous point of order, but I will let you go scot-free this time. Next time round, I think you will feel my weight.

**The Member for Budalangi** (Mr. Wanjala): Mr. Deputy Speaker, Sir, I am hon. Raphael Wanjala, Member of Parliament for Budalangi Constituency formerly, Bunyala Constituency.

I also take this opportunity to thank the people of Budalangi for giving me a task at my early age to serve them. I thank them and promise to work very hard.

The Presidential Speech was good, but we have to examine it critically. I feel it is a repetition of what has been there. For example, on the issue of infrastructure, it appears that the Ministries concerned have not been

going round the country to establish areas which need more roads. I think Busia District is the only district in the country without a tarmacked road. The only tarmacked road is the Trans Africa Highway. Work on the Nambale Road has been going on for the last 10 years and this is not good enough. You will find that a constituency like Budalangi could raise money from selling fish. It is also important to note that Budalangi Constituency is the leading fish producer and exporter in this country, yet it has no tarmacked road. The roads that are there are not all-weather roads making transportation of fish difficult as these are perishable goods. If these roads are maintained, the Government will get enough revenue thereby saving it the headaches of retrenching workers. So the Government should know where to invest.

Mr. Deputy Speaker, Sir, on the issue of agriculture, the Government is concentrating on other areas ignoring areas where they could get some revenue. For instance, areas bordering Lake Victoria could be irrigated because they have got fertile land. We also have irrigation schemes, for example, Magombe which had 150 acres at Independence but now has 15,000 acres which could be made use of, but the Ministry of Agriculture and Livestock has done nothing to improve the situation. We could be getting food from such schemes.

Mr. Deputy Speaker, Sir, on the issue of corruption, our colleagues from KANU feel that the Opposition are their enemies because they condemn corruption. When they were told that they were corrupt, they never believed it. Now they have corrupted the country to the extent that everything is corrupt. Now, they are crying.

*(Laughter)*

We, the young men, hope to leave Kenya better than we found it; the way Kenyatta left Kenya better than he found it. How are you going to leave this country? You are leaving it worse than you got it. It is very sad. Some of these people are too old and are about to die. These very people have filled all the job opportunities with their children. Now, what will happen to us? We have come at a time when you have taken away everything. Where are we leading our people to?

Mr. Deputy Speaker, Sir, when we talk of investment, we expect the Government to know where to invest. When we tell these people that Eldoret Airport is not a priority project, they ignore us and continue constructing it. Then later on they say that they do not have money at the Treasury. But when we were telling them that this was a wrong investment, they ignored us. That is a white elephant project. It is not generating any revenue for the Government. The Government should listen to the Opposition when discussing matters related to investment.

Mr. Deputy Speaker, Sir, you will find a Minister for Industry allowing a fish factory to be built in Nairobi and yet there is no fish in Nairobi. Fish is found in Nyanza and in Budalangi which as I have said, is the leading fish producing area and yet there is no fish factory there while there might be ten fish factories in Nairobi. So, how are you helping the situation? It is not a necessity to concentrate all these fish factories in urban areas. These factories will assist our poverty-stricken people to make some earnings. Therefore, the factories should be built where the raw materials are available.

Mr. Deputy Speaker, Sir, you will find that there are 100 banks in Nairobi whereas there are no banks in those areas like Budalangi and Suba, as they say and yet there is a lot of money earned in these areas from the sale of fish. People are usually robbed on the way and yet things are just being concentrated in certain areas where we have people with direct lines, as other people say.

Mr. Deputy Speaker, Sir, talking on unemployment, as you are aware, unemployment has become our biggest problem and as one of the young men in the country, I feel quite unhappy when I read in the papers that the Minister for Finance is contemplating reducing the number of civil servants. Where are we going to take these people? Let us create more jobs. Let us think of creating jobs for the younger people.

With those few remarks, I beg to support.

**Nominated Member** (Mrs. Kittony): Thank you, Mr. Deputy Speaker, Sir, for giving me this chance.

**Hon. Members:** Who are you?

**Nominated Member** (Mrs. Kittony): My name is Zipporah Kittony. I am a KANU nominated Member of Parliament.

Mr. Deputy Speaker, Sir, I would like to associate myself with the other previous speakers in congratulating you and Mr. Speaker for your election to these offices and I wish you the best in the guiding deliberations in this House. I would also like to take this opportunity, this being my first time in Parliament, to thank the KANU Government and His Excellency the President for nominating me to come to this august House. I would also like to take this opportunity to thank the Kenyan women for the honour that they bestowed on me when I was nominated to this august House.

Mr. Deputy Speaker, Sir, since the State Opening of this House was done, allow me to commend the

Members of Parliament for the way that they have carried themselves with a lot of sense of maturity and good discipline. I am saying this particularly because in the past I used to sit up there and watch the deliberations and it scared me very much to see how deliberations were being conducted judging by the way that we started, I have a lot of hope that this august House will do the job that the Kenyans have brought Members here to do in this House.

We have many challenges ahead of us and if we do not address the issues together maturely and deliberate on the issues as His Excellency the President told us, then we might miss the way that we should follow.

Mr. Deputy Speaker, Sir, during the State Opening the President said that there are many problems facing us. Indeed, we know those problems because we have talked about them. First and foremost, it is very important to find solutions to those problems instead of blaming each other. In order to solve them we need to identify the critical areas that need immediate attention. I would appeal to the Ministry of Agriculture and that of Home Affairs, National Heritage, Culture and Social Services to find ways of assisting women organisations because women are good managers. Most of the hon. Members in this House are men, but their wives are at home taking care of their children and managing the home. We should strive to come up with a social fund that can assist women in the rural areas. I am appealing to the Ministry of Agriculture to provide women in the rural areas with seeds and fertilisers at subsidised prices. Mr. Deputy Speaker, Sir, I am also appealing for an emergency fund for tragedies like the *El nino* to be set up. I was in America when *the El nino* caused havoc there and I saw that they had means of addressing it. Therefore the Government should set up an emergency fund in order to assist victims of tragedies.

Mr. Deputy Speaker, Sir, there are many problems raised in the Presidential speech like unemployment and so on. It will be in the interest of the country if we find solutions to them. The Presidential speech serves as a guidance for us in the deliberation of issues affecting this country. With those few remarks, I beg to support.

**The Member for Ndaragwa** (Mr. Kamau): Thank you, Mr. Deputy Speaker, Sir. My name is hon. Thirikwa Kamau, Member for Ndaragwa Constituency in Nyandarua District. I am here on a DP ticket, but I did not come to serve the DP as a party. I came to serve the people who elected me to this House.

One thing that my colleagues have talked about is that we must have protocol in this House. One thing that I have seen for the very short time that I have been in this House is that there is no commitment or seriousness. We are here, as young as we are, and we want to make peace in this House or there will be no peace at all. That is the way forward. We must be serious in our discussion. We are not here to please somebody somewhere, but for a purpose. We have been elected to this House by people who have mandated us to discuss good things for this country.

As hon. Muite said, the Presidential speech, in terms of what is written on paper, is really good. But my question is: Does the Government side have the good will and the commitment to do exactly that? If you are willing to get some help from us, you are going to get it. But you must know that nobody came here to serve his tribe. I believe that I was born a Kikuyu not by choice. Nobody is a Kalenjin or Luo by choice. We simply found ourselves belonging to various communities. For goodness sake, if we have to make it ahead, then we must forget what tribes we belong to.

Mr. Deputy Speaker, Sir, I must say that some of us are only here to talk at the top of our voices, only to please somebody somewhere. I would like to ask hon. Members of this Parliament to change this tradition once and for all and serve the people who brought them in this House. My Chairman of the Democratic Party is hon. Kibaki, but I did not come to serve him here. I also hope that nobody came to serve a chairman of his party here. As young as we are, I must emphasise that we came to this Parliament to make peace with you. But, if you do not like peace, then you surely must expect---

**Hon. Members:** War! War!

**The Member for Ndaragwa** (Mr. Kamau): Yes, that is the way!

Mr. Deputy Speaker, Sir, I think we have almost become fanatics of corruption. Corruption has become an issue all the time. When you talk about something too much, you tend to legalise it. Corruption is portrayed in this country as legal and yet the Government knows who are corrupt and nothing can be done to them. As somebody else remarked: "Who are these people who are above the Government?" Who are these people who the Government cannot arrest and bring this issue to rest once and for all?

Mr. Deputy Speaker, Sir, hon. Members across the House must not continue carrying the burden of others. You cannot continue being blamed when you know that there are only about three to four people who are to blame. This country does not belong to a few individuals. It belongs to all Kenyans. Once we realise that, the question of telling us to name names will not arise, since they will be known. We all read newspapers and are aware of what is going on. Some of them are in court and yet they come into this House and pretend that they are helping the Government. Let me reiterate that this Government belongs to all of us. This is not a KANU Government, it is the Kenya Government. Let us not assume that this Government belongs to the KANU Members

of Parliament. It is also our Government and we have a right to make you understand that it is our Government. We pay taxes to you and we want you to deliver services for the taxes that we pay.

Mr. Deputy Speaker, Sir, I would like to thank God for the first opportunity to be in Parliament. It has always been my hope that one day I will be in Parliament and now I am. I am no longer on the streets where I led people during strikes. I am appealing to Members on the Government side to agree to work with us. But if you are not going to allow us to work with you, you are going to get hell from this side of the House. But let me say that, that is not what we came here for.

Thank you, very much, Mr. Deputy Speaker, Sir, for giving me this opportunity.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Deputy Speaker, Sir, listening to the hon. Members speaking here, I think we all seem to agree that the Presidential Address pointed out the various issues that affect this country. I think, what we do not seem to really agree on is how we are going to attend to those problems. I think, we have got our priorities wrong.

Mr. Deputy Speaker, Sir, we all seem to be pre-occupied with the constitutional review process. But really, that is not the immediate concern of the common mwananchi outside there. It does not matter where he is, whether he is a fisherman at the shores of Lake Victoria, by the silvery beaches of the Coast, a coffee picker in Central Province, a herdsman in the Rift Valley or the small man prospecting for precious stones in my Mwatate Constituency. Their needs and priorities are the same. They want to know whether there is food available at affordable prices.

Mr. Deputy Speaker, Sir, people of this country would like to know whether they can get food, medicine and even the trader would like to know whether the roads are good enough for him to transport his merchandise. Those are his prime concerns and at the end of it all, he wants to know whether he can go home and sleep in an environment of peace. Peace is what is required. All of us have that responsibility of trying to ensure that peace is maintained in this country. It is not only a duty for those Members on the Government side. It is a duty for all of us including those in the Opposition and the people outside there.

Mr. Deputy Speaker, Sir, it saddens me to see people advocating for violence. Anybody advocating for violence or supporting any organisation that advocates for violence must be misguided. The time when violence might have been considered as the only means of achieving that objective is gone. What we need is dialogue. We need a forum and we have that forum in this House. Let us remember that the aftermath of violence is bitterness. Bitterness can bring a lot of misery into this country. We saw the aftermath of the violence in 1992. It is the same bitterness which led to the recent clashes which we witnessed early this year in the Rift Valley. Let us not advocate for violence. Let us develop a doctrine of non-violence which should be dialogue. We may all be sleeping on a volcano and when it erupts, we will not be there to discuss the constitutional review and we will not be there to see a new Constitution. So, I plead with our colleagues to be genuine in addressing the needs of this country. Those of us on the Government side are very genuine. Let us not have that suspicion. We believe that if all of us work together, this country will go a long way.

Mr. Deputy Speaker, Sir, we have always talked of a united Kenya. There is no single tribe in this country which is superior to any other. We are all equal and it is important to have that in mind. We all want to have an equal share of that national cake. Let us work towards building a strong nation. It is this Parliament which will determine the destiny of Kenya. Let us take that opportunity to be able to create a legacy which our grandchildren will be proud of. That is the challenge before this House.

**The Member for Kinangop** (Mr. Waithaka): Thank you very much, Mr. Deputy Speaker, Sir. I wish to contribute to the Motion before this House, and I want to address myself to three issues. The first one is on peace and security.

The President talked about the need to have peace in this country, which is an agreeable thing to all of us.

But when we were sworn in this House, we were sworn to defend the Constitution of this country. The President was also sworn to defend the same Constitution. If we have to agree on that positive issue he raised on peace and security, we are perturbed by the fact that during the infamous Ol-Moran and Njoro clashes, names were mentioned of those people who were behind the clashes, and even persons including His Excellency mentioned names of known people who were behind the clashes. If the President who swore to defend the Constitution of Kenya, which guarantees freedom, life and the right to own property knows the criminals who perpetrated the clashes in the Rift Valley, and they have not been brought to book, then we cannot really say that he was serious when he says that he wants peace. This is because although I do not come from the world of prophets, I only know that it is written in the Bible that the blessed are peace makers and not peace lovers. Those who make peace are the ones who are blessed, and not those who love peace. If a person knows who perpetrated the clashes in the Rift Valley, even if it is the Official Leader of the Opposition, hon. Kibaki or any other Member, they should be arrested and arraigned in a court of law. That is how we can be serious as far as what is contained in

the Speech about peace is concerned. We as the young people of this country want peace so that we can educate our children in a peaceful environment.

So, we are sceptical about the Speech and whether the Government is serious on the agenda of peace. We are looking forward to see whether what was expounded about peace lives up to our expectations.

In the President's Speech, he omitted the issue of education. When the Minister for Education and Human Resource Development was contributing, he also decided not to address the issue. Already, there is an outcry about the admission to our public universities. This year, they admitted students who had C+ and left out more than 1000 people who had plain B and above. One of the issues is that in the 8-4-4 system, candidates were advised to spread their chances in all the eight subjects. That means that you have to seriously study all the eight subjects. The admission procedures were that they start from 96, the best student with eight As going downwards until you come down to a cut-off point, which previously used to be 65 or 64, that is B-. This time, they have decided to use what they call cluster. You must also have passed well in certain subjects. That is introducing A levels. The Minister did not say whether we are using the old system where we had O levels and A levels, or we are using the 8-4-4 system, as a policy.

Mr. Deputy Speaker, Sir, the second point is that from 1996 onwards we have been using the clusters. Now parents are worried. They think that when their sons or daughters get a "B" with 75 points, they are assured of going to the university. They waited for a year, only for their children not to be admitted. If they knew, they would have advised their children to repeat because instead of staying at home doing nothing, they would have repeated and maybe improved their grade to a B+. Now that they did not repeat, they were not admitted to the university. In the Presidential Speech, it was not mentioned and nor did the Minister for Education and Human Resource Development mention it. It is an outcry and we need to address it as Members of Parliament.

Mr. Deputy Speaker, Sir, the other issue on education, and which we thought the President would touch on, is this issue of the mushrooming of the so called 'academies' in primary schools. They are so many academy primary schools. These schools are the cause of corruption among the lower cadres of the Civil Service because every parent no matter what position he holds in life, will want to take his or her children to a good school. These academies are excelling in national examinations and their pupils are actually joining the public universities in this country. If you cannot afford to take your child to these academies, chances of them going to a university, if they are in public primary schools, are almost nil. The Minister for Education and Human Resource Development or the Government should have come up with a policy as to what to do because, if only the children of those people who are able to pay school fees in the academies or if the children in private schools are able to join public schools like Alliance High School, Mang'u High School and others and eventually join national universities, we are going to create a class of the poor and the rich. Eventually, only the children of the rich will be going to the universities. That other class will be a time bomb in this country.

Mr. Deputy Speaker, Sir, we would wish that the issue of education is addressed in this country so that we have all children in one locality going to the same school so that what is tested is the brain not the money your parents have; the way we did in those days. Alternatively, the Government needs to have a policy that for those who can afford to take their children to privately-owned primary schools, they should also have secondary schools which are privately-owned so that the public secondary schools are left for the children who are in the public primary schools who are the majority. You may find that in a whole district like Nyandarua District, students who go to national schools are only from privately-owned primary schools which are very expensive. These schools are even located in one town for example Nyahururu, in Nyandarua where I came from. You find that in other areas we do not have students going to national secondary schools. National secondary schools have ceased to be national schools. They are schools for the rich. They had better be called "high class" rather than being called national schools because they do not reflect in any way a national outlook because they are dominated by the sons and daughters of those who can afford to take their children to these privately-owned primary schools. Those are some of the issues that Minister for Education and Human Resource Development who has had the opportunity to contribute on the Presidential Speech could have mentioned.

Mr. Deputy Speaker, Sir---

#### ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, it is now time to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 8th April, 1998 at 9.00 a.m.

The House rose at 6.30 p.m.