

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 16th April, 1997

The House met at 2.30 p.m

*[Mr. Speaker in the Chair]*

## PRAYERS

## NOTICE OF MOTION

### PRIVATIZATION OF CITY COUNCIL HOUSES

**Mr. Rubiu:** Mr. Speaker, Sir, I beg to give notice of the following Motion:-  
THAT, considering the fact that the Nairobi City Council has not repaired its houses in various estates for the last 15 years and being aware that the City Council has not put up new estates for a considerable number of years; this House urges the Government to consider privatising selectively some City Council houses and that those currently residing in these houses be given first priority and further, that the proceeds from the sale be utilised to put up new houses for mortgage by lower-income-groups.

## QUESTIONS BY PRIVATE NOTICE

### ANNEXATION OF LOCATIONS

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

(a) Is the Minister aware that major parts of Kanyamwai and Kwabwai Locations in Ndhiwa Constituency have been annexed to Suba District?

(b) Is he also aware that this annexation is likely to cause tribal animosity between the Luos and the Suba?

(c) If the answers to "a" and "b" above are in the affirmative, could the Minister consider reverting to the original boundary?

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

(a) What I am aware of is that the Kenya Wildlife Services (KWS) have a fencing project marking the Ruma National Park boundary which has nothing to do at all with district boundaries.

(b) No, I am not aware.

(c) The question of reversing to the said original boundaries does not arise since there has been no boundary change of any kind.

**Mr. Ojode:** Mr. Speaker, Sir, the answer given by the Assistant Minister is misleading. I want the Assistant Minister to treat this Question with a lot of "dignity" because this is a very sensitive Question.

As I am talking to you now, I was from my Constituency last on Sunday evening and half of Kanyamwa Location is annexed to Suba. When you go westwards, the whole of Kwabwai Location is also annexed to Suba and I have even evidence to show that there are families who are annexed to Suba District. This annexation is being done by the Provincial Administration and this "devil" known as Nyakiamo. I would table the names of those who have been affected by the annexation and those who have been even arrested as a result of getting firewood from Ruma National Park. We never asked for a district. I am laying on the Table the names of the families who are affected by this annexation and I would request the Assistant Minister to investigate the matter and bring it back to the House because the answer that he has given is misleading.

**Mr. Awori:** Mr. Speaker, Sir, the hon. Member is mixing up two things. What has happened in that area is simply mapping out Ruma National Park. There has not been any change of any kind of district boundaries. Two, the question of annexation and laying down a paper here, when you annex, what do you do? Are you saying that when a boundary passes, you start moving people from one branch to another? With all "dignity", there has been no

change in the district boundary.

**Dr. Opere:** Thank you, Mr. Speaker, Sir. It appears that there are some disputes here and, as the MP for Mbita or representative of Suba District, I would urge the Government to constitute a committee of elders from both sides to look at whatever disputes there may be and formulate recommendations for the normal solutions of the problem. So, I would like to urge the Minister to constitute a committee of elders from both sides.

**Mr. Awori:** Thank you, Mr. Speaker, Sir. I just want to repeat that there is no boundary disputes so far as this Office is concerned.

**Mr. Achola:** Mr. Speaker, Sir, in view of the answer given by the Assistant Minister, could he confirm as to which county council is getting a grant from the KWS for Ruma National Park? Which district, is it Suba or Homa Bay District that is being paid the usual grant from KWS?

**Mr. Awori:** Both, Mr. Speaker, Sir.

**Mr. Achola:** Excuse me, Mr. Speaker, Sir. He has not answered my question.

**Mr. Speaker:** Order! Order, Mr. Achola! If you want to catch my attention, do it in an orderly fashion.

**Prof. Ouma:** Thank you, Mr. Speaker, Sir. The Assistant Minister has said that there is no boundary dispute, but the hon. Member for Ndhiwa said that there is a dispute. The Luos and the Waswa, otherwise, called Abasuba, have lived amicably for 200 years and the least that we would like to happen in that place is for anything that brings friction and clashes. The area which the Assistant Minister is talking about is where three constituencies meet, Mbita, Rangwe and Ndhiwa.

I would urge exactly what hon. Dr. Opere has said because part of Kanyabala North and Kanyabala South or Kanyada West which is part of Rangwe is also concerned. Let us not take it lightly. I have a lot of respect for hon. Moody Awori; except let him not make us "moody".

*(Laughter)*

I am trying to urge that we maintain the good relationship between the Luos and the Suba, who have lived together for two centuries. Let the Assistant Minister ensure that he gets elders of the two ethnic groups from the three constituencies. Let us make sure that there is no friction between the people today, tomorrow and for ever.

**Mr. Awori:** Mr. Speaker, Sir, with all the "dignity", I will ensure that I do not make my hon. friend "moody". Further, I will ensure that elders from the three ethnic groups will come together to ensure that dignity is preserved and that there is no bad mood anywhere there. I will ensure that there will be no problem between the three ethnic groups which have lived together in peace not for 200 years but for 500 years.

**Mr. Ojode:** Mr. Speaker, Sir, will the Assistant Minister also confirm to this House that the grant which is being given is split between the two county councils? I have a letter from the Kenya Wildlife Service which states in part: "All the payments due from 1.1.96 onwards should be paid to Suba County Council." He is misleading the House. Since this is a very sensitive issue, would the Assistant Minister confirm when he is going to convene the meeting, so that we can mobilise our elders and finalise this border dispute?

**Mr. Awori:** Mr. Speaker, Sir, with all dignity, as soon as possible.

#### REHABILITATION OF SUGARCANE FARMS

**Mr. Ogeka:** Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that during the last prolonged drought many sugarcane farmers suffered accidental fires which burnt down several hectares of sugarcane?

(b) If the answer to (a) above is in the affirmative, could the Minister consider providing the affected farmers with the means to rehabilitate their farms and suspend interest on unpaid loans until the canes are rehabilitated?

**The Minister for Agriculture, Livestock Development and Marketing (Mr. D. M. Mbela):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Whereas it would not be possible to suspend interest on unpaid loans my Ministry has been assisting needy sugarcane farmers acquire loans from the Sugar Development Fund (SDF) for cane rehabilitation. This facility is extended to all sugarcane farmers, including those who suffered losses through accidental fires. The hon. Member should, therefore, encourage farmers from his constituency to apply for the loans.

**Mr. Ogeka:** Mr. Speaker, Sir, taking into consideration the damage that has been caused by wild fires in the sugar sector during the months of December, 1996 and January to March, 1997 can the Minister tell this House the

number of hectares of sugarcane farms that suffered the wild fires in the respective sugarcane growing zones all over the Republic?

**Mr. D.M. Mbela:** Mr. Speaker, Sir, a total of 7,748.67 hectares were affected by the fires. Of this hectareage 5,416 hectares belonged to outgrowers whereas 2,332 hectares was for the nucleus farms.

**Mr. Kamuyu:** Mr. Speaker, Sir, can the Minister evaluate the total loss incurred from the 7,748 hectares and further comment on the possibility of providing insurance for general fire for these farmers?

**Mr. D.M. Mbela:** Mr. Speaker, Sir, the cane that was burned was taken to the factories and crushed. But I do not have the figures of the actual value of any other losses that could have occurred. On the issue of insurance, I am prepared to go and hold further consultations with the sugarcane growers because they would have to meet the cost of the premium.

**Mr. Speaker:** If that is the position, I think then we could have this Question postponed to next week, Wednesday in the afternoon. Mr. Gitonga's Question.

*(Question deferred)*

#### LESBIANISM IN KINARE SECONDARY SCHOOL

**Mr. Gitonga:** Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that lesbianism is practised at Kinare Mixed Secondary School in Lari Constituency?

(b) If the answer to (a) is in the affirmative, what action has the Minister taken against those who have introduced this practice at this school?

**The Assistant Minister for Education (Mr. Komora):** Mr. Speaker, Sir, I beg to reply.

I am not aware that lesbianism is practised at Kinare Mixed Secondary School in Lari Constituency in Kiambu District. However, my Ministry is conducting investigations into the matter.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. I do not really understand the answer. The Assistant Minister has said he is not aware of the matter and then said that they are conducting investigations into it. What are we made to understand by this answer?

**Mr. Komora:** Mr. Speaker, Sir, the Question is referring to a newspaper article about lesbianism in the school and the Ministry is conducting investigations into the matter.

**Mr. Gitonga:** On a point of order, Mr. Speaker, Sir. This is a very absurd answer from the Assistant Minister. He says that he is conducting investigations. Do his investigations arise from this Question or from the newspaper report? My Question is not related to what was in the newspapers. What has been happening at Kinare Secondary School in the last few weeks is common knowledge. It came out of confessions by the girls involved to their parents and also to the Press. How is the Assistant Minister conducting investigations since he says that he is not aware of the matter?

**Mr. Komora:** Mr. Speaker, Sir, it is as a result of the newspaper article that we are conducting investigations which have not yet been concluded.

**Mr. Achieng-Onoko:** Mr. Speaker, Sir, lesbianism is as old as the hills. It is not a new thing. We all know that there are some people who do not know the history of lesbianism. The word "lesbianism" comes from an island in Southern Turkey, between Greece and Turkey. Lesbianism is the opposite of homosexuality. I want the Assistant Minister to tell the House whether his investigations will go deep into it so as to find out if it can be controlled. It is obvious that lesbianism exists in Kenya. It has been exposed in newspapers in the country. So, the probe should go deep into it and find out how it can be prevented.

**Mr. Speaker:** Order!

**Mr. Kamuyu:** Mr. Speaker, Sir, it is quite obvious now that the Minister has refused to know this particular subject matter in this school. In view of the fact that he promises that he will go and carry out investigations, through the Chair, may I appeal that we give the Assistant Minister time so that this Question comes back to Parliament again because he is not capable of answering now? It is an important and burning issue. Can he bring a proper answer, maybe, by Tuesday next week?

**Mr. Speaker:** What is your reaction, Mr. Komora?

**Mr. Komora:** Mr. Speaker, Sir, the investigations are being carried out by both the Ministry and the Police Department, and I am not able to commit the results as we do not know what the action the police may wish to take.

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

**Mr. Speaker:** Order, hon. Members! The Question before the House is whether or not you are aware of the practice of lesbianism at Kinare Mixed Secondary School in Lari Constituency. That is what the House wants to know. You are saying that you are investigating. But then hon. Kamuyu is asking: In the interest of the House, should you be allowed to complete your investigations, and then you bring the results of that investigations to the House next week? That is what I am asking you, since the House wants to know, and the country, through the House, wants to know.

**Mr. Komora:** Mr. Speaker Sir, I have no objection about making the House and the country know, and in fact, both the House and country should know. But I think one week is too soon. We would like to give him complete and comprehensive information.

*(Loud consultations)*

**Mr. Speaker:** Order, now! I think we must have patience. Can you finish what you wanted to say, Mr. Komora?

**Mr. Komora:** Mr. Speaker, Sir, I agree the House and the country should know, but I would like to have more time than a week.

**An hon. Member:** How long?

**Mr. Speaker:** Order! It does appear that the hon. Member, who is also the Assistant Minister and the rest of hon. Members would like a little more time. I think I will be in the middle: I will give you up to Thursday next week. That is one day more than a week.

*(Question deferred)*

#### POWER RATIONING IN CHANGAMWE

**Mr. Kiliku:** Mr. Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

(a) Why has the Kenya Power and Lighting Company's power rationing programme singled out Changamwe Constituency, for blackouts for the last three months?

(b) Could the Minister take urgent action to have the supply of electricity resumed in the area?

**The Assistant Minister for Energy (Mr. Marita):** Mr. Speaker, Sir, I beg to reply.

(a) The Kenya Power and Lighting Company's power rationing programme has not singled out Changamwe Constituency for blackouts. The power rationing is spread throughout the country and was necessitated by the current power generation shortfalls.

(b) My Ministry is making arrangements to ensure that there is adequate supply in Changamwe and the country at large. To redress the situation, in this short-term, two stop gap plans, one at Kipevu, which produces 43 Mgw and another one at Nairobi South, which produces 45 Mgw are being constructed. These will be in operation by June this year. Five other power stations will be constructed by both the Kenya Power and Lighting Company Ltd. and the private sector between now and the year 2001.

**Mr. Kiliku:** Mr. Speaker, Sir, I must confess that it was difficult to understand the Assistant Minister. Part (a) of my Question is: why is Changamwe Constituency singled out for the blackouts? Could the Assistant Minister answer that question? Why has only this Constituency been singled out for that? He should answer that before I go to the next Question.

**Mr. Marita:** Mr. Speaker, Sir, already, I have answered the hon. Member's Question that there is a shortfall in his constituency. So, I did not ignore that part of the question. But something is being done to improve the power supply in that area.

**Dr. Kituyi:** Mr. Speaker, Sir, notwithstanding the non-truth by the Assistant Minister to the effect that they are constructing a power generating barge for Kipevu when we know that it is already completed and it is on the high seas from Malaysia, and therefore, it is not under any construction, could the Assistant Minister tell this House, given the fact that the current shortfall in power in this country is the consequence of mis-allocation of power expansion monies, particularly, the construction of Turkwell Gorge hydro-electric power plant at immense cost and limited returns to the public, what measures his Ministry is undertaking to ensure that in future, those in "high office" will not use personal interest to mis-direct investment in the energy sector?

**Mr. Marita:** Mr. Speaker, Sir, I have said that some work is being done, and we know the problems caused by shortfalls. The only problem is that at the moment, we do not have enough power to supply all Kenyans because of little electricity---

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir. I have not asked the Assistant Minister the question he is replying to. I was asking him a totally different question: How will you ensure that in future, persons do not do what Mr. Biwott did in Turkwell Gorge, that is, misdirect public allocation in the energy sector because of personal considerations?

**Mr. Marita:** Mr. Speaker, Sir, there is no question of individuals being given some jobs. When a vacancy arises, it is advertised and those interested apply. They are invited for interviews, after which, those found to be qualified and quote less money are considered.

**Mr. Kiliku:** Thank you, very much, Mr. Speaker, Sir. We have a power station in Changamwe Constituency, but the only hours we get the power is at night, between 10.00 p.m. and six oc'lock in the morning when there are no economic activities going on. Could the Assistant Minister make sure that if we must have blackouts, these blackouts should be at night and give us electric power during the working hours, when the children can do their homework and factories can operate?

**Mr. Marita:** Mr. Speaker, Sir, if there is anything wrong, I will find out and it will be "electrified."

*(Laughter)*

**Mr. Kiliku:** On a point of order, Mr. Speaker, Sir. Did you hear the Assistant Minister saying that things will be "electrified?" This is a very serious matter?

**Mr. Speaker:** He meant "rectified"!

**Mr. Githiomi:** Now that the Assistant Minister knows very well that there is no electricity in Changamwe and that there has been no electricity in that area for the last three months, which is a very long period and particularly when it is in a town. Can he be specific on when he is going to restore services in Changamwe?

**Mr. Marita:** Mr. Speaker, Sir, I have already said that if there is anything wrong, we shall improve the situation. I do not think I can continue explaining this issue.

#### REGISTRATION OF CREDIT INVESTMENTS COMPANY

**Mr. Anyona:** Mr. Speaker, Sir, I beg to ask the Attorney General the following Question by Private Notice.

(a) Is the Attorney General aware of the incorporation and registration of Zone Holdings & Credit Investments Company Limited with Head Office at Saiwe House, Plot No.1681 (A), P.O. Box 958, Webuye (K)?

(b) Is he further aware that Zone Holdings and Credit Investments Company Limited has collected large sums of money from unsuspecting customers in Nyanza and Western provinces (including Mrs. Naomi Kerubo Nyankwoga of Nyamira District) without giving them loans and credit facilities?

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) I am not aware, but I know that the CID in Muranga District are investigating alleged fraud perpetrated by the directors involving Kshs443,000. I, therefore, advise the complainant to report immediately to the police for investigations with a view to prosecution.

**Mr. Anyona:** Mr. Speaker, Sir, I would like the Attorney-General to listen carefully. When I filed this Question last year, I was not aware that the problem covered the whole country. I thought it was a problem that affected Western Kenya because the people who complained were from that part of the country, but I now know that people have been swindled throughout the country including Meru, Yatta and Central Province. There is a receipt here which is going to be tabled by hon. Maore and I will bring some more tomorrow. Will the Attorney-General tell this House who the directors are and cancel the registration of this bogus organization which is meant to exploit people?

**Mr. Wako:** Unfortunately, the file at the Company's Registry cannot be traced and it has not been traced for quite some time. Now, the solution to this problem is getting the culprit behind bars.

**Mr. Sankori:** On a point of order, Mr. Speaker, Sir. Is it in order for hon. Attorney-General to say that files in his office are not traceable when we expect him to know everything as far as the laws in this country are concerned?

**Mr. Speaker:** Mr. Attorney-General, who would know?

**Mr. Wako:** Mr. Speaker, Sir, I know everything about the laws in this country, but cannot know everything about files.

**Mr. Anyona:** Mr. Speaker, Sir, I am glad the Attorney-General has admitted that the file is missing. When I filed this Question, I went to his Chambers to find out who the directors were, and the file was missing. As a result, they issued a new bogus certificate which I will table here tomorrow. This means that the office of the Attorney-General is out to swindle Kenyans. Can he confirm that?

**Mr. Wako:** As far as I know, the file is missing and no new certificate has been issued. What maybe there is just the details of the registered office and we know that.

**Mr. Maore:** Mr. Speaker, Sir, in my possession are several receipts of some of the victims of the said companies operating from an office in Nkubu, Meru and working in the three districts of the Meru community that is, Tharaka-Nithi, Nyambene and Meru. I would like the Attorney-General to state whether the said company has been operating under the Banking Act or the Higher Purchase Act. Once these people receive the money this is what they say: "We confirm the completion of your deposit here, therefore, we shall communicate to you in writing the date of your goods delivery when the arrangements are over". This receipt was written on 7th August, 1995 and I received it last month. I will table it. Can the Attorney-General state whether actually the Government, especially the OCPD; Nyambene, OCPD; Meru and OCPD; Muranga, would not be able to get these people and bring them tomorrow to his office if he is actually serious about the issue?

**Mr. Wako:** Mr. Speaker, Sir, as I stated in my reply, I know that the CID in Muranga are investigating the matter. The hon. Members can assist the police if they allege that the offices of this company are in their constituencies by ensuring that their constituents, who are being defrauded of money, report immediately and whoever is in that office can be arrested for investigations rather than waiting for years to come and ask a Question in Parliament.

**Mr. Kapten:** In the light of what has been said, can the Attorney-General use his constitutional powers and direct the Commissioner of Police to carry out investigations on this issue and then he reports back to the House within a given time? This is because so many reports have been given to the police and they do not carry out instructions given to them.

**Mr. Wako:** Mr. Speaker, Sir, the police are already investigating the matter. The Members of Parliament, who know the people who have been defrauded of money, should advise them immediately to report the matter to the police and the police will carry out investigations. I can undertake that I will inform the Director of Criminal Investigations to ensure that expeditious investigations are done because this appears to be a matter which covers the entire country.

**Mr. Ndicho:** Mr. Speaker, Sir, as hon. Anyona, said this is something that is going on in the whole country. At Thika, these people have been arrested by the police, taken to court and they are reporting for their cases occasionally. In view of that fact, and in view of the fact that the Attorney-General has said that these people should be arrested, can he ensure that when these people report for the next hearing, the bond they have been given will be cancelled so that all those people who have been defraud of money can travel to Thika to demand for their money? In Thika, we have arrested them because we cannot allow them to swindle people there.

**Mr. Wako:** If some of them have been arrested and there are some cases pending before the courts, all I can undertake is to ensure that prosecution is done diligently. As to whether or not bond will be given, that is really a matter for the courts to decide.

**Mr. Maore:** On a point of order, Mr. Speaker, Sir. The Attorney-General has not answered the question that was put to him. As he investigates this company, it is still operational, even as we talk here. Is the Attorney-General in order not to state categorically what he is going to do about those victims who are still suffering?

**Mr. Speaker:** That is a different question. I will give a chance for the last question to hon. Anyona.

**Mr. Anyona:** Mr. Speaker, Sir, this is a matter affecting Kenyans throughout the country and it seems to me that the Attorney-General, for some very strange reasons, is treating it very lightly. First of all, files have gone missing in his office and he has not told us what he has done with the officers who hid or destroyed those files. Now, he is saying that the matter is being investigated in Muranga and we are talking about the whole country. We are telling him to take charge of the whole thing and have investigations carried out. Is it unreasonable for this Parliament to demand, as we are doing, that since the file is missing and these people continue to defraud Kenyans, he should in the meantime cancel the registration of the company; unless there is something he knows that we do not know? Is he going to do that?

**Mr. Wako:** Mr. Speaker, Sir, whether or not the registration has been cancelled, it is neither here nor there. What is most important is that the people who are perpetrating this fraud are investigated, charged, convicted and put behind bars. Now, in that process, the people who are aware or who know the people who are being defrauded should be advised to inform the police. I have already informed the Director of Criminal Investigation to ensure that investigations are carried out expeditiously throughout the country.

**Mr. Maundu:** Thank you, Mr. Speaker, Sir. The issue that is being stressed upon by the Attorney-General

is the issue of registration of this company that does not seem to comply with his memoranda. Now, if this company has defrauded people and there are who people have been arrested from this company and taken to court, why is it difficult for the Attorney-General not cancel the existence of this Company from his records while people are being prosecuted because they will continue to defraud more Kenyans if they are allowed to continue to exist?

**Mr. Wako:** The cancellation of companies is a judicial discretion vested in the Registrar of Companies. And, he will exercise that discretion judiciously. But really if we want to help people, the best way is to ensure that the directors are put behind bars.

**Mr. Nyagah:** On a point of order, Mr. Speaker, Sir. My point of order is based on an argument that was brought by hon. Anyona when he claimed that in 1996 when he went to the Attorney-General's Chambers, the file was missing. Subsequent to that visit, a second registration was given out by the Attorney-General's Chambers. How come he has not made any comments about this, if he is not aware why this Company's file is missing?

**Mr. Wako:** Thank you very much for reminding me that one. I am not aware that a second registration has been given out. I will be investigating that matter of second registration. But the crux of the matter is whether the file in respect of the first or second registration if it is there or missing.

**Mr. Speaker:** Mr. Anyona, would you like to table documents?

**Mr. Anyona:** Mr. Speaker, Sir, as I said, I did not know that the Question was on the Order Paper today and that is why I did not carry my receipt. I undertake to bring what was issued to us as a copy of the certificate from the file that was missing tomorrow.

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. The Attorney-General is saying that if these directors are around, they should be arrested. I have already told him that they have been arrested and they will appear in a Thika Court. I am telling him because they are out on bond to instruct his officers to cancel the bond so that these people are put behind the bars. Can he ensure that not only the certificate that is cancelled but also the bond, if he is really serious in this case?

**Mr. Speaker:** Under what law is he going to do that?

**Mr. Ndicho:** Mr. Speaker, Sir, he is saying that these people should be arrested when they are seen. We have seen them in Thika since they are out on bond.

**Mr. Wako:** Mr. Speaker, Sir, I would like to have further and better details of that case which is before the Thika Court, and then we shall see what to do. But the Attorney-General cannot direct the court to cancel a bond. It is up to the court to decide. We can advance arguments before that court - we should do so - but it is up to the court to decide on that matter.

## MINISTERIAL STATEMENTS

### POLICE BRUTALITY ON OPPOSITION MEMBERS

**The Minister of State, Office of the President (Mr. Kalweo):** Mr. Speaker, Sir, hon. Members will recall that hon. Dr. Kituyi rose on a point of order and requested for a Ministerial Statement regarding what he termed as increasing brutality against Opposition Members of Parliament.

In his contribution, hon. Dr. Kituyi cited the following incidents to drive his point home:- The incident on 12th April, 1997, involving hon. Raila Odinga and hon. Oburu Odinga; the incident which took place on 14th April, 1997 involving hon. Wamalwa Kijana at Wandeti and the incident which took place on the same date involving hon. Charity Ngilu, *interlia*.

Mr. Speaker, Sir, allow me to comment on these incidents so that hon. Members are clear in their minds on the circumstances surrounding the incidents. On 12th April, 1997---

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

**Mr. Speaker:** Order, Mr. Ruhiu! Order, hon. Members! I think that, hon. Members at this very last stage of the life of this Parliament that when an hon. Member is already on a point of order, he shall not be interrupted through another point of order. So, will Mr. Ruhiu sit quietly until he has finished?

**The Minister of State, Office of President (Mr. Kalweo):** Thank you, Mr. Speaker, Sir. On 12th April, 1997, at about 2.00 p.m. hon. Raila Odinga and his entourage drove into Eldoret Town and proceeded into his party branch office situated about 300 metres from Eldoret Police Station. On the same day, there was a scheduled football match between Eldoret KCC and Gor Mahia in Eldoret.

Hon. Raila's entourage attracted a crowd of football fans and thereafter, hon. Raila started addressing the large gathering outside his office in contradiction of Section 5 of the Public Order Act. The area District Officer and the Officer Commanding the Police Station accompanied by a contingent of police officers moved to the venue of the

illegal meeting and requested its convenors to stop the meeting. The crowd became rowdy and pelted the police officers with stones; thereby slightly damaging two vehicles; GK Z218 Nissan and GK Z599 Peugeot 504 Pick-up. The police responded by firing tear-gas canisters to disperse the crowd. There was a brief stampede as the crowd dispersed and hon. Raila's convoy drove out towards Kapsabet with a few of his supporters. In this incident, the police did not physically assault the Member of Parliament or any other person.

On the 13th April, 1997, the police received information that hon. Charity Ngilu, Member for Kitui Central, was holding an illegal meeting at her rural home in Ithookwe Village, Kitui District. The OCPD and DOI visited the home and found the hon. Member addressing an illegal meeting. They did not enter the compound, but merely stopped at the gate and called for the Deputy Mayor Kitui Municipality who was present. The officers requested the Deputy Mayor to request the Member of Parliament to ask the people to disperse as the meeting was illegal.

Mr. Speaker, Sir, hon. Ngilu accepted and asked the people to disperse the security officers also left. I wish to state very clearly that there was no anti riot police sent to the hon. Member's home and no attempt was made to arrest her.

Mr. Speaker, Sir, finally, on 14th April, 1997, at Lwandeti Market in Kakamega District, hon. Wamalwa Kijana accompanied by FORD(K) activists was addressing an unlicensed meeting when the area chief and three Administration Policemen intervened in a bid to ensure that the illegal meeting did not proceed. One of Wamalwa's aides, Mr. Ben Barasa pounced on a chief and broke his walking stick. The Administration Policemen responded by trying to rescue the Chief, but the crowd turned its wrath on them, stoning and roughing up the officer. Sensing danger, one AP Constable fired a gun shot in the air as two of his colleagues were being up by the charged mob. As the situation deteriorated, hon. Wamalwa escaped from it and later, it was reported that one of hon. Wamalwa's aides Mr. Ben Barasa, was shot in the shoulder by Administration Policemen during the Lwandeti incident. He was admitted at Bungoma District Hospital where he is receiving treatment. The two Administration Policemen were arrested and they are appearing in court today.

Mr. Speaker, Sir, it is clear from the foregoing that the root cause of these incidents is the unwillingness of Opposition Members of Parliament to apply and obtain licences before they hold meetings. It has been noted that the excuse of opening party offices has been used repeatedly as a tactic of trying to evade the requirement of obtaining licences for all public gatherings.

Mr. Speaker, Sir, the laws and regulations governing the use of firearms are explicit. The Commissioner of Police and the Commandant, Administration Police have issued firm instructions to the officers to observe these regulations. Moreover, further guidelines have been issued to security personnel on the management and control of public meetings and gatherings. May I also state here that, the Provincial Administration has been instructed to issue permits to all applicants in good time for the avoidance of unnecessary confrontation. If for any reason the permit cannot be issued, the decision should be communicated to the applicant in good time.

Mr. Speaker, Sir, on the other hand, it is incumbent on all leaders including Opposition politicians to exercise restraint and portray dignified behaviour, so as to set a good example to the citizens, especially the youth of this country. I wish to appeal to all leaders including Members of Parliament to abide by the requirement of the law by applying for permits for all their meetings so as to ensure that lawlessness is discouraged from all quarters. The laws of this country supersede the individual interests of political parties and must be adhered to by all.

Mr. Speaker, Sir, Finally, it is evident from the foregoing that Members of the Opposition are not being targeted and where our officers have used excessive force, action has been taken and it will continue to be taken against those who contravene the law. I wish to assure hon. Members of the Opposition that the application of the law will be uniform and the question of brutality against the Opposition does not arise.

Thank you.

**Mr. Speaker:** Dr. Kituyi, I think, I will give you time to seek clarification.

**Dr. Kituyi:** Mr. Speaker, Sir, it is painful and absurd that this august Assembly is being asked to believe things that even in the normal sense, are totally illogical.

Mr. Speaker, Sir, we have to give dignity to this House and we have to lower the temperature outside there because of what we say and do in this House. Already, the House is confused because an Assistant Minister in the Office of the President, this morning insisted the answer will be coming on Tuesday. But, be that as it may, what the Minister has said causes two confusions: On questions that are not answered and on explanations that do not make sense. First, the hon. Dr. Oburu Odinga was hit three times on his right arm by a senior police officer in Eldoret who later on escorted the hon. Saina to watch the soccer match at the stadium. People who had witnessed the incident where Dr. Oburu was being beaten, said: "This is the man who was beating up the hon. Oburu". That officer ran away from the stadium. Now we are being told there was no officer who did that. Now, it does not make its way into the memory of the hon. Minister.

Mr. Speaker, Sir, you have heard as much as I have a senior Minister of Government saying that one Mr.



Barasa broke a walking stick of a chief, hon. Wamalwa left, and later on it was learnt that a Mr. Barasa had been shot and two officers are arrested.

Mr. Speaker, Sir, first, how do you explain that Mr. Wamalwa left and later on it is learnt that Mr. Barasa has been injured and yet, when Mr. Wamalwa was pushed down to avoid being hit by the bullet and Mr. Barasa was shot by that bullet, Mr. Barasa fell on top of Mr. Wamalwa and Mr. Wamalwa's shirt is bloodied by the blood that was oozing from Mr. Barasa? How could that be possible if Mr. Wamalwa left, and later on it was discovered that Mr. Barasa had been shot? How could it be that a police officer shot in the air, and yet all the windows on the building which had been opened as a party office have been shattered by bullets? How do you explain that KANU does not apply for permits to open party offices and you are telling us to behave nicely and apply for permits to open offices? Why has the Minister failed to explain why there has been no investigation in the humiliating public beating up of the hon. Kiraitu Murungi and hon. Paul Muite? Why has this Minister kept quiet about a demand I made yesterday, that this House be told why the hon. Kalweo, at a public rally in March last year, asked people to castrate Opposition politicians and they would be protected by the State? Why are you silent to these issues and all you do is a shoddy job to attempt public relations in a most contemptuous and detestable way?

Mr. Speaker, Sir, this does not amount in any way to be a response to the questions I raised here. It is a contestable attempt to insult our intelligence, and I request that the Government does a better job than this nonsense.

**Mr. Speaker:** Very well! Mr. Kalweo, would you like to respond?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Speaker, Sir, whatever I have said here, I am not bluffing the House. When I mentioned permits for gatherings, it applies both to the Opposition and KANU equally. Despite what hon. Kituyi has said to this House, if hon. Oburu Odinga or whoever beaten up, I have not received any information about his beating. So he is at liberty to complain to any police station or anywhere else.

*(Several Members stood in their places)*

**Mr. Speaker:** Must we make this a debate now? The last one, Mr. Kapten!

**Mr. Kapten:** On a point of order, Mr. Speaker, Sir. The Minister has said that they have issued circulars to the Provincial Administration about issuance of licences. Either the Provincial Administration does not want to take instructions of the Minister or the Minister is telling this House untruths.

Mr. Speaker, Sir, from the time I was elected I have applied for licences and I have never ever been given even one. Can this Minister table the circular that he has given to the Provincial Administration, so that some of us who have been denied these licences can carry that circular and show it to the Provincial Administration?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Speaker, Sir, my word here is enough. The Members on the other side of the House should be serious and listen to me. I have been approached by several Members about the issuance of licenses and some of the hon. Members have complained that they have been applying for licenses to address public rallies, but they have not been given. So, I am promising this House that in future, if anyone has been refused a license and he has reported it to nowhere else, he should approach me.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. I am worried about an issue raised by the Minister. I am not arguing with him as to whether or not Opposition politicians break the law by not applying for licenses to address public meetings or not. But the most important point is: Is the AP, Chief or the DO the imposing agent for ensuring a remedy where the law as been broken? In other words, should the DO beat up someone because he did not apply for a permit? Is it not that if I have broken the law, I should be arrested and taken to court, so that the court can decide on the remedy. Why should these people take the law into their own hands?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Speaker, Sir, when hon. Members make allegations here, they seem to be so clean. When a problem arises in the rural areas, they look at it as if you cannot stop it. They must also behave! When they hit a police officer with a stone, how do they expect that officer will behave? This morning, we were discussing a Motion which they brought here that the Provincial Administration should be scrapped, so that peace will never occur in this country and we are not going to allow that mess!

**Mr. Shikuku:** Bw. Spika, haya maneno tunayosema ni ya muhimu sana na mhe. Kalweo anajua ni ya muhimu. Ameulizwa na mhe. Kapten kama anaweza kuleta copy ya hiyo circular ambayo aliandikia PCs. Mimi ni mzee na nilihusika katika kuleta Uhuru kwa nchi hii. Mimi sijawahi kupewa leseni na kuna DC moja anaaitwa Raburu ambaye yuko permanent katika Kakamega. Akipelekwa transfer anarudishwa tena. Anaweza kubali, kwa heshima yake alitee Bunge hili copy ya hiyo circular iliyotolewa ili sisi pia tuwe na nakili hiyo, ili tuwe tukionyesha DC ili atupatie leseni? Hatuna haja ya kushindana na yeye. Wengine kati yetu ni wazee na tunataka amani. Sisi wengine tungepewa heshima ya kuitisha mikutano bila leseni kwa sababu ya taabu tuliyopata wakati wa kupigania Uhuru. Hawa watu hawana heshima. Inaonekana hata Rais yuko chini ya DCs kwa sababu wamekuwa na vichwa vikubwa na hawana heshima kwa waheshimiwa Wabunge.

**The Minister of State, Office of the President** (Mr. Kalweo): Bw. Spika, kulingana na vile mhe. Shikuku amesema, watu wengine wana vichwa vigumu sana. Hii haiwahusu askari peke yao. Sidhani ni muhimu kwa Ofisi ya Rais ikisema kitu ni lazima kipitishwe. Kama waheshimiwa Wabunge wanafikiri Ofisi ya Rais inaweza kudanganya, hiyo si kweli.

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

**Mr. Speaker:** Order! Order! Order, hon. Members. I know that this matter is of interest to the Members and I have given what I consider to be a reasonably good time. I think to crown it all, I will give the last chance to hon. Mwiraria.

**Mr. Mwiraria:** On a point of order, Mr. Speaker, Sir. I am standing on a point of order to follow up a point raised by the Minister for internal security. He said that all the MPs on both sides of the House should respect the law. I want to assure the Minister that many of us on this side of the House do respect the law. Is the Minister ready and prepared to ask his administrative officers to apply the law fairly? If the law, for instance, says that a registered party can have its officials meet freely without harassment - could he ensure that when a Member of the Opposition meets with elected officials of his party - whether in the office or anywhere else, he is not harassed by the Provincial Administration? Could he also ensure, now that he has given this House an assurance that nobody will be refused a license for a meeting that these licenses are issued without conditions? If he can do that, then we will believe that he is really giving the House a good assurance because we have been told that DCs are called from State House and instructed not to issue permits to Opposition Members, so that they can issue a permit today and cancel it at midnight when your meeting is supposed to take place the next day. They usually say it is because of security reasons which are not spelt out. Could the Minister assure the House that this will end from now onwards?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Speaker, Sir, I am assuring the House that this will not happen again. I am also an hon. Member of this House and they are my colleagues.

I have said in my Ministerial Statement that it has been found necessary that whenever hon. Members ask for permits to hold meetings, they should do it in good time; and if there is a reason to cancel that license, the convenor should be informed in good time. If a license is cancelled without good reasons, the affected Member can appeal. That is applicable and I will adhere to that.

**Mr. Speaker:** Order! Order, hon. Ndwiga! We must make progress now. Proceed, hon. Manga!

#### SUPPLY OF SEEDS TO KISII AND NYAMIRA DISTRICTS

**The Assistant Minister, Office of the President** (Mr. Manga): Thank you, Mr. Speaker, Sir. During yesterday's Sitting of this House, hon. Obure stood up on a point of order in connection with the seed distribution in Nyamira and Kisii districts. Hon. Obure requested a Ministerial Statement which I am glad to read now.

During the long drought, many farmers in this country lost their seeds. Therefore, the Government requested the districts, through the District Social Dimension of Development Committees to access the loss and request for the Government to assist in supplying the seeds. On the requests made by the two districts, the Government supplied 25 metric tonnes of seeds to Nyamira District, and 30 metric tonnes of seeds to Kisii District. The total cost of these seeds together with transportation and supervision amounted to Kshs1,969,375 for Nyamira District and Kshs2,333,400 for Kisii District.

The seeds are distributed by the agriculture officers under the direction of respective STD committees.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Spika. Nilikuwa nataka kutoa hoja kwamba, mhe. Kalweo aliahidi kutoa taarifa katika Bunge hili kuhusiana na Waitaliano ambao hufanya kazi zinazoweza kufanywa na Wakenya.

**Mr. Speaker:** Hajamaliza bado! Sijampatia mhe. Obure nafasi!

**Mr. Shikuku:** Akimaliza basi ukumbuke hayo.

**Mr. Speaker:** Kuna jambo ungelitaka kujua, mhe. Obure?

**Mr. Obure:** Mr. Speaker, Sir, it is very sad to stand here before these hon. Ministers and this Parliament to say that I am an hon. Member of Parliament. An hon. Member of Parliament stands here to tell the truth and nothing, but the truth. That is what I swore here and signed for it.

**Mr. Speaker:** Do you want any clarification on this Statement?

**Mr. Obure:** The clarification I want is this: The truth of the matter is that Kisii and Nyamira Districts have not received any seeds for planting. They were promised that seeds would be supplied and they prepared their farms. My request yesterday was whether the Government has refused to supply Nyamira and Kisii Districts with these seeds, or the Provincial Administration has hidden the seeds and selling them in the markets. This is the clarification which the Assistant Minister is yet to give.

**Mr. Speaker:** Just ask your clarification, hon. Obure!

**Mr. Obure:** I want him to clarify that if seeds have been supplied, how many have been supplied and if they have been signed for anywhere. Is there any document to show that these seeds have been supplied?

**The Assistant Minister, Office of the President (Mr. Manga):** Mr. Speaker, Sir, the hon. Member is supposed to be a member of the STD Committee that is charged with the responsibility of supplying the seeds. I will instead ask him whether he has distributed the seeds and to whom?

**Mr. Obure:** Mr. Speaker, Sir, the Assistant Minister is right to say that I am a member. I am standing here as a Member of Parliament and a constituent of my constituency. We have never been supplied with any seeds. That is what we are saying. That is why there is more evidence that people have not been supplied with seeds.

**Mr. Speaker:** Order, hon. Obure! It just appears to me that this is now degenerating into an argument between the two of you. Hon. Anyona, do you have anything new that you want the Assistant Minister to clarify?

**Mr. Anyona:** Mr. Speaker, Sir, the truth of the matter is this: There are no seeds of any kind that have been supplied to Kisii and Nyamira Districts as we sit here this afternoon. What is going on is a very strange trend of politics in Kisii. We want the Assistant Minister to get this very clearly. The Provincial Commissioner (PC) for Nyanza, Mr. Kaguthi and the District Commissioner (DC) for Nyamira--- the DC for Kisii is new, but the people are murmuring about him already. These provincial administrators have mounted a political campaign where they have sidelined the current Members of Parliament, both from KANU and the Opposition, Ministers and Backbenchers, and they have picked on a crop of rejects and activists and promoted them. What they are doing is to give these people permits to go to various places and announce bogus things like the Kisii - Chemosit Road, the new district and seeds.

Now, there are no seeds that have been provided. This is propaganda to hoodwink the people of Kisii and to fight the current leadership of the community. After all, the PC and the DCs do not invite the Members of Parliament for those areas when they have these committee meetings.

**An hon. Member:** Did you say Members from both sides of the House?

**Mr. Anyona:** All of them! Both KANU and the Opposition!

Will he ensure that the seeds are channelled through a process where hon. Members of Parliament are involved?

**An hon. Member:** After all, he is a Kisii!

**The Assistant Minister, Office of the President (Mr. Manga):** Mr. Speaker, Sir, I am not a Kisii, but a Kuria! But what I want to say is this: The information that we have from the DCs of the two districts is that the seeds have been received and distributed. The money we have sent for distribution has already been received and, therefore, if there is anything more than that, that is politics or something else. We will investigate the matter. However, we know that the seeds have been sent and the hon. Members complaining are supposed to be members of the STD committees. We will investigate that, Mr. Speaker, Sir.

**Mr. P.N. Ndwiga:** Thank you, Mr. Speaker, Sir. It must have struck you that this House is talking about seeds. It is a national problem. Perhaps, what the Assistant Minister should tell this House is whether he is going to investigate what is happening to these seeds.

In our morning Sitting, I said that Embu has not received any seeds. In Mbeere Division, for example, 25 types of seeds were sent there. But the Chairman of the County Council was allocated that maize. He and a councillor called Mr. Kamanda sold the maize to Kiriari Girls' Secondary School in my constituency. I think this House should be very concerned about this seed business. This is because we have just come out of a long famine. These seeds should get to the people, no matter what politics we play here. Please, we want to ask the Assistant Minister whether he is aware, or whether he is going to investigate this matter. These DCs are all criminals!

**The Assistant Minister, Office of the President (Mr. Manga):** Mr. Speaker, Sir, as to whether the DCs are criminals or not, I am not aware. But what I am saying is that I have no reason to doubt an hon. Member of Parliament when he stands here and says that these seeds have not been supplied. But I have no reason also, to doubt the DCs who inform me that the seeds have been supplied.

**Mr. Speaker:** Very well! Can we have hon. Awori?

#### REGISTRATION OF PERSONS

**The Assistant Minister, Office the President (Mr. Awori):** Mr. Speaker, Sir, on 8th April, 1997, I was requested by the Chair to avail further information in response to a Question by the Member of Parliament for Imenti South Constituency, hon. Kiraitu Murungi, concerning the registration of persons.

I am hereby tabling the information regarding registration achieved rates for each Province and districts thereof to the House. The information includes total registration nationwide up to 28th February, 1997. Included also is the breakdown of the total registration in each district reflecting figures for the new registration and

replacement.

A total of 10 million persons had applied for registration countrywide as at 28th February, 1997. The following is the table reflecting the registration as per Province:

<u>Province</u>	<u>Total</u>
Nairobi	871,000
Coast	950,000
Rift Valley	2.4 million
Central	1.5 million
Western	1.2 million
Nyanza	1.5 million
Eastern	1.5 million
North-Eastern	187,000

The breakdown of the registration indicating the number of the new registration and replacement is as follows:-

<u>Province</u>	<u>New Reg</u>	<u>Replacement</u>
Nairobi	45,363	826,000
Coast	110,000	844,000
Rift Valley	381,000	2 million
Central	169,000	1.3 million
Western	199,000	1 million
Nyanza	271,000	1.2 million
Eastern	225,000	1.3 million
N/Eastern	42,000	144,000

Out of 10 million completed applications, a total of 7.5 applications were processed and identity cards issued. The balance of 2.7 applications were pending as at 28th February, 1997.

The National Registration Bureau would like to confirm that the serial number on the identity card has derived from the printed number on the application form and are used for accounting purposes and as a reference to enable the department to monitor the movement of the application form while in the stages of being processed. It, therefore, has no bearing to the constituencies whatsoever. It is important to note that pending applications comprise forms completed in the fields and are still in the transit to the headquarters or rejected applications returned to the field for the necessary corrections, and those applications still being processed at the headquarters.

The reverse of the new national identity cards contain machine readable code numbers reflecting the holder's particulars and which during the initial stages for the second generation identity card projects included constituency. The inclusion of constituency code number was erroneous and it was subsequently replaced by the code number of the office of the issue.

In this regard, I would like to assure hon. Murungi that Code No.363 refers to the registration office located in Abogeta Division of Meru District. However, the code reflecting the constituency is still maintained in the data-base of the computer together with applicant's other particulars.

Finally, I would like to assure the august House that the registration for identity cards is still in progress and to request them to continue to urge their electorate in their respective areas to register, if they have not done so. Thank you.

*(Hon. Awori laid the document on the Table)*

**Mr. Speaker:** Very well! Next Order!

**Mr. Shikuku:** Jambo la nidhamu, Bw. Spika. Umeniahidi baada ya majibu ya mhe. Obure---

**Mr. Speaker:** Ni kweli nilikuahidi, lakini utakuwa wa mwisho kwa sababu tumechelewa sana!

**Mr. Shikuku:** Bw. Spika, nilikuwa namuuliza Waziri aliyeahidi Bunge hili wiki iliyopita kwamba ataleta majibu au msimamo wa Serikali kuhusiana na Wataliano ambao wanapata kazi hapa kwa njia ya "mafia" na kuwanyima wananchi wetu nafasi za kazi.

**The Minister of State, Office of the President (Mr. Kalweo):** Bw. Spika, nitayaleta siku ya Jumanne!

**Mr. Speaker:** Very well. Next Order!

#### MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on April 1, 1997.

*(The Vice-President and Minister for Planning  
and National Development on 3.4.97)*

*(Resumption of Debate interrupted on 15.4.97)*

**Mr. Orengo:** Thank you, Mr. Speaker, Sir, for---

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

**Mr. Kiliku:** On this Motion?

**Mr. Kiliku:** Yes, Mr. Speaker, Sir. It has been the practice of this House not to interrupt the Presidential Address intended for the exposition of public policy. This Motion should have ended this morning. So, we want clarification from the Chair why the Sessional Committee which has no supremacy over this House changed the Standing Orders yesterday and brought this Motion in the afternoon instead of the morning?

**Mr. Speaker:** Order, hon. Members! I think this matter arose this morning and I hope Mr. Kiliku you were present. If you were present, you heard the ruling given from the Chair. Now, why you should re-activate the same issue in the afternoon is of no consequence, but to make matters clear the issue is as follows:-

We do have the Standing Orders of this House and among the Standing Orders which regulates the business of this House is one that provides that Wednesday morning shall be set aside to be devoted wholly to matters other than Government business. If this House passed the resolution, as it did immediately after we re-opened, the Presidential Speech shall be limited to a maximum of seven days. Among those seven days, of course, will be Wednesday morning. It is the business of the Sessional Committee and the Leader of Business of the House to make an application to this House to waive the provisions of that particular Standing Order on every Wednesday morning. Unless, that application has been made to this House by way of a Procedural Motion, the Chair has no alternative, but to proceed with the business of the House in accordance with the Standing Orders.

To the best of my recollections this morning although I was not sitting, there was no Motion urging the House to waive the provisions of the Standing Order requiring the waiver of the Private Members' Business this morning. And as a result having no such application, the Standing Order applied and had to be enforced from the Chair. And I am sure that the ruling made by the Deputy Speaker was correct. It does not mean that any business can have the effect of waiving the Standing Orders; not even the budgetary provisions, they still have to wait to apply for the waiver on a Procedural Motion.

So, that is the position and I do not think we do have to worry too much about this. Maybe, the only exception on a Committee of Supply and of Ways and Means where the Standing Order itself is clear. But apart from that, we have to obey these things. So, can we continue? Today, this afternoon, is the seventh day as mandated by this House. And it is the maximum actually. It could go less, but it cannot go beyond now.

**Mr. Shikuku:** On a point of Order Mr. Speaker, Sir. Is it true that the Sessional Committee, as alleged by the hon. Member, can overrule this House? It is not true because the Sessional Committee did not even meet yesterday. So, that allegation by the hon. Member that it was the Committee which overruled the House is not true and you are very right in your ruling. The blame should be on the Leader of Government Business for having failed to bring a Procedural Motion for today. But if we had met yesterday as a Sessional Committee, I am sure there would have been a Procedural Motion to exempt the business of the House.

**Mr. Speaker:** Thank you, but I suppose that you can continue with that argument in the lounge. Mr. Orengo, proceed.

**Mr. Orengo:** Thank you very much, Mr. Speaker, Sir. Before I come to what I was saying yesterday, I want to raise issue with the Ministry of Foreign Affairs and International Co-operation. The Ministry of Foreign Affairs, in reality, in this country, does not exist. I think there is a Bureau which probably knows the day when Zaire got its independence, but there is no back-up system in the Ministry of Foreign Affairs and International Co-operation to help the Government and this country formulate its foreign policy based on national interests and based on clear and principled objectives.

Mr. Speaker, Sir, one of the things that I noticed while the debate on Zaire was going on was that our Ministers and other people were talking on the Zairian situation and statements coming from the Ministry of Foreign Affairs was talking about the principle of non-interference in the internal affairs of other sovereign countries. In the present world, this principle actually has become moribund and antiquated. In a situation where there is genocide or massive killings of civilian population, anywhere in the world today, this principle has not been applied and the case of Albania and other places presently clearly demonstrates what the present situation is worldwide. The other people were

talking about the preservation of the territorial integrity of Zaire. This was what was coming from countries which have got foreign affairs ministries which know what they are doing. They said that Zairian people can do what they want, but what they are committed to is the territorial integrity of Zaire. Mr. Speaker, Sir, we got this Government committed to the Government or the regime of Mobutu and we were misled to have our President visit Mobutu in his hometown. This is just like the way our President was misled and went and saw Abacha just before the Commonwealth Heads of States meeting in Australia and, of course, there are other cases which have emerged in the past. I would try to urge this Government that, please, let us have a proper Ministry of Foreign Affairs and International Co-operation which collects data, studies the world situation and knows what is happening around us. At the moment, Kenya is indeed, isolated. Not the Kenyan people, but the Kenyan leadership is really isolated. And Kenya is isolated in the mainstream of emerging democracies and leadership in the region. You were misled last year to close the Rwandese Embassy office and how can you have influence in the region when you close an embassy not based on substantial grounds and not based on national interests? In fact, foreign policy should not be based on the whims of individuals. It does not matter whether Mobutu is the Head of State in Zaire and, in any case, this Government or Kenyans cannot love Mobutu better than the Zaire people love him. Whatever you do, the Zairian people are the ones to decide and even if we send our people to Zaire how many times, you would not love Mobutu better than the Zaire people love him. You cannot be able to achieve this.

Mr. Speaker, Sir, so if Mobutu's Government has become part of history, as the Americans have said, let us also admit and look at ourselves. We should ask ourselves whether we are moving with history or are we also being left behind. I think that this Government is running out of luck and ideas. The reason why you are also running out of ideas is that this Government can arrest two people with two AK 47 rifles and parade them and say that these people want to overthrow the KANU Government. The KANU Government can be overthrown by two guns.

*(Loud laughter)*

But there is a mobile army. Any force with more than 400 people armed to the teeth is a mobile army occupying parts of Kenya. Whether they are from Ethiopia or they are recruited and mobilised internally that is a mobile army present in the territory of Kenya. If this Government cannot deal with an army like that, then I do not know what you are doing in State House and in this House. I thought that the appointment of hon. Biwott would improve things since he is security conscious. But after hearing the presentation of the Deputy Speaker of this House, this Government has no business ruling this country if you cannot secure the lives and properties of Kenyans in Samburu, Turkana, North Eastern and in Mombasa. Communities are being decimated and you cannot do anything about it. No wonder, when Dr. Ouko died you did not know what to do about it. But now the worst thing is that whole communities can lose property and cattle and you tell us that the nomads are supporting you. I do not think they do. They know that your part and parcel of a gang which is causing disorder in the Northern part of Kenya, Eastern part of Kenya and the North Eastern parts of Kenya.

Mr. Speaker, Sir, so, the thing that I tried to say this morning is that when you have a Government which is afraid of the people, this Government does not want constitutional change and reform because they are afraid of the people. Hitler never won a majority national election in Germany and that is why they had a problem in Germany. If this Government is afraid that the country should probably elect a Government which has a majority then it means that those who desire to amass power around themselves; to amass wealth--- In fact, it has been said that in Kenya we do not have a democracy; we do not have a junta; we have a "kleptocracy". You are there only to enrich yourselves and the criminal Indians who support you in your criminal activities. Not all Indians, but the criminal Indians who are supporting your activities. This is because there are Indians like Pherozee Nowrojee who is an outstanding lawyer and is prosecuting many cases for and on behalf of this country.

Mr. Speaker, Sir, so, my message for today is that it does not matter whether we are sitting here and trying to deliberate it on the future of this country. The Opposition and the Government in Kinshasa have become irrelevant because when it was time to talk, they refused to talk. Time is running out and if you are not in agreement and prepared to talk through the convention process, just like in 1992, changes will come whether you like it or not and I oppose the Speech.

**Mr. Rai:** Bw. Spika, ningetaka kuungana na wenzangu ili nami nitoe maoni yangu katika hali ya kukariri Hotuba ya Mtukufu Rais. Na nitaanza kwa kutumia msemu wa Kiswahili unaosema "Mnyonge nisonge." Kwa hivyo, ni lazima tumshukuru Mtukufu Rais kwa jitihada zake za kuleta amani katika nchi hii na tufahamu kwamba ni kutokana na amani ile ambapo kila mwananchi katika Jamhuri hii anafurahia yale ambayo yanaendelea. Lakini katika hali ya kuzungumza hivyo, ningetaka kwanza nieleze machache kuhusu sehemu ninayowakilisha hapa Bungeni---

Bw. Spika, katika sehemu yangu ya uwakilishi Bungeni, watu wangu wanategemea sana ufugaji katika kujipatia riziki zao. Pia wanategemea ukulima ili waweze kujinufaisha kwa maisha yao. Jambo la kusikitisha ni

kwamba wakati tutakapokuwa tumekaa hapa kama Wabunge, tuangalie sana yale matatizo ambayo yanawakumba wananchi badala ya sisi kujinufaisha wenyewe. Kwa sababu ninapozungumza kuhusu ufugaji, ni jambo la kusikitisha kwamba watu wangu walikuwa wametegeamea kusafirisha maziwa kutoka makao yao hadi kituo cha kuuzia ili waweze kujipatia pesa fulani za kuwasaidia kimaisha. Mtambo ule wa Mariakani Milk Scheme ulifungwa na hadi kufikia sasa hakujakuwa na mipango yoyote ya kufufua kiwanda kile ili wafugaji kutoka sehemu kame kama ile yangu waweze pia kujisaidia kupata hela za kujinufaisha kimaisha.

Bw. Spika, ni jambo la kusikitisha kwamba wakati tunapozungumza kuhusu ukulima, moja kati ya ukulima ambao ulikuwa umetegemewa sana kule Pwani ulikuwa ni ule wa kiwanda cha Ramisi na hadi kufikia sasa tunapozungumza, kiwanda kile kimefungwa na maisha ya watu wetu yamekuwa duni. Pia, imekuwa shida kuwaelimisha watoto wetu wakati unapofika kuwapeleka shule.

Bw. Spika, tunapokuwa tukizungumzia Hoja hii, ni lazima tuangalie kazi Mtukufu Rais anayoifanyia Jamhuri hii na tuangalie wale Mawaziri ambao wanatakikana wawe katika mstari wa mbele kumsaidia Mtukufu Rais na kujua kwamba ni kazi gani wanazofanya. Kwa sababu wakati ninapozungumza kuhusu kiwanda cha maziwa cha Mariakani ambacho kilifungwa, ni jambo la kusikitisha kwa sababu ni zaidi ya miaka 10 imepita na hakuna mipango yoyote madhubuti imechukuliwa kufufua kiwanda kile ili wananchi waweze kupeleka maziwa huko ili wajipatie pesa za kujiendelesha kimaisha.

Bw. Spika, ninapozungumza juu ya ukulima, wakati huu tunazungumza juu ya janga la njaa na ukame ambao umeikumba nchi hii. Lakini haya yote yanatokana na kukosa kujipangia kwa sababu tayari hivi sasa msimu wa mvua umeanza na hatujajua kutoka kwa Mawaziri wetu ni mipango gani wako nayo ya kuweza kutuonyesha kwamba wakati tutakapokuwa na ukame kama huu ni kitu gani kitakuwa kimefanyika kuweza kuokoa hali kama hii ambayo tulikuwa nayo. Wakati kama huu, mbali na kusema kwamba ni jambo ambalo limetokea, lakini haya yote yanatokana na kukosa kujipangia kwamba tutaweza kujisaidia kwa njia gani. Tusipoangalia shida hii wakati huu, utafika wakati ambapo utakuwa vigumu kumwambia mwananchi kwamba tufanye hivi kama Serikali. Kwa sababu katika ulimwengu huu, ninataka ieleweke kwamba hakuna watu wabaya kama wananchi ambao wakati huu sisi kama viongozi, tunasema kwamba tunawaongoza.

Bw. Spika, tunaposikia kwamba silaha hatari zinatengenezwa na bunduki hizi zinazopatikana hapa na pale hazikutengenezwa wanyama, lakini zilitengenezwa mwanadamu ambaye ameharibika. Na utafika wakati, kwa sababu wakati huu tunazungumza kwamba hakuna chakula, ukame umeingia, ni lazima tujue kwamba kuna mipango gani ya kuweza kumfanya yule mwanadamu apate kutosheka kwamba kuna mipango madhubuti ya kuokoa hali yake ya kuishi katika nchi hii.

Pia ninataka kumfahamisha mhe. Shikuku kwamba Serikali iko na hata yeye pia alikuwa kwa Serikali. Lakini tumerithi mavuno ambayo yalipandwa na wale watu karibu miaka 15 iliyopita. Kwa sababu haya tunayorithi sasa si mambo ya mwaka jana, lakini ni mambo yaliyofanyika karibu miaka 10 iliyopita. Hatungekuwa na janga hili. Kufikia wakati huu katika sehemu nzima ya Kinango, hatuwezi kuwaonyesha wananchi na kuwambia kwamba mitaro inaweza kuwasaidia ama mabwawa haya yanaweza kuwasaidia wananchi kupata maji wakati wa ukame. Haya ni mambo ambayo yangalikuwa yamepangwa miaka mingi iliyopita, lakini hivi sasa tunarithi mambo ya makosa yaliyofanywa na watu wengine huko tukija hapa kwa sababu ya upinzani.

Labda pengine ningelikubaliana nawe, Bw. Shikuku, kwamba itakuwa tu ni lazima waseme "Serikali yenu", lakini Serikali hii ni Serikali ya Kenya na sisi kama Wabunge ni lazima tukubali kwamba ni jukumu kuangalia kwamba tutasuluhisha shida hizi kwa njia gani.

Bw. Spika, hadi kufikia wakati huu, janga la njaa limetukabili wakati ambapo tumeingia katika heka heka za kampeini. Ninataka kuwauliza wahe. Wabunge mlioko hapa muwe katika Upinzani, uwe Waziri ama Mbunge, lakini je, tutakwenda kumwambia mwananchi lugha gani wakati huu wa kampeini ikiwa tunajua kwamba shida inayowakabidhi hatuwezi kuwasaidia? Kwa sababu kuna njaa, hawana maji, madawa na ukosefu wa kazi upo na vitu hivi vyote tungekuwa tumeshaisema kuwa hili lote ni janga la matatizo katika nchi yetu. Kwa sababu tukisema njaa, yule asiye na kazi atafanya nini?

Bw. Spika, ni jambo la kushangaza kwamba hata watu wa KWS walishindwa pia kuwazuia wanyama wao wakati huu wa ukame. Walianza kuingia katika sehemu ambapo wananchi wanakaa. Kwa hivyo, maisha ya watu pia yakawa hatarini katika sehemu yangu. Watu fulani waliweza kupoteza maisha yao kutokana na wanyama kutoka katika makao yao na kuingia katika sehemu ambapo wanadamu wanaishi. Hadi lini sisi tutakapokuja hapa ili sote tupate kuzungumza lugha ya kujua kwamba yote tunayofanya katika Bunge hili ni ya kumnufaisha yule mwananchi wa kawaida? Kwa sababu kuteta na kutoelewana kwetu hakuwezi kuleta suluhisho lolote katika shida hii. Ni lazima tuwe na msimamo na msingi wa kujua kwamba sisi tunaelekea wapi.

Bw. Spika, ni kitu cha mshangao tunapozungumza kuhusu suala la kwamba kazi imekuwa janga katika nchi hii. Utakumbuka kwamba mwaka jana huko bandarini, Kilindini, kulitokea njama kwamba magari fulani yamepotea na maofisa fulani, karibu 21, walishikwa na kupeleka kortini. Ulifika wakati, mwaka huu ambapo maofisa wale

waliachiliwa huru na mahakama kwa sababu ya ukosefu wa ushahidi wowote. Hivi sasa hatujui kama wataweza kurejezwa kazi zao ama itakuwa namna gani. Na tayari kuna ukosefu wa kazi na tunazidi kuongeza watu katika shida kama hiyo. Kama mahakama ilisema kwamba uchunguzi haukufanywa vizuri, pesa zilitumika na maofisa wa uchunguzi walitumwa kule karibu mwaka mzima kuchunguza magari yaliyopotea, ninafikiri ungelikuwa ni wakati mzuri wa kuweza kuidhinisha pia kwamba wale maofisa wa polisi waliohusika katika uchunguzi huo na wakashitaki watu wengine bila hatia, pia wao waweze kuachishwa kazi kwa sababu kuna faida gani wao kutumia pesa za umma kwa kusema kwamba wanafanya uchunguzi? Kwa sababu hivi sasa magari yale kama yaliyopotea, yamepotea na maofisa wale wametuletea watu ambao hawakuhusika na jambo lile na Serikali kama ni kupoteza ushuru, imepoteza ushuru. Je, wa kulaumiwa ni nani, yule afisa anayechunguza kesi hii au nani? Kama mtu yule hawezi kuchukuliwa hatua, basi, itakuwa sisi hatufanyi iliyo haki kwa sababu tayari watu 20 huenda pengine watapoteza kazi zao. Kwa maana mnaposema kwamba mnataka kuwaachisha kazi, tayari huko ni kuongeza watu wale ambao hawana kazi katika nchi yetu. Ni lazima pia tuwe na ile roho ya ubinadamu kwa sababu kama hatuna ubinadamu na wivu ukiingia, mambo mengi yataharibika.

Bw. Spika, wakati tunapokuwa tunawatetea wananchi wetu, njaa ikiweko, pia hatuna maji na madawa katika hospital zetu. Wakati kama huu unaposhikwa na ugonjwa, tayari ni ukubali kwamba kitu ambacho kimebakia ni kuwa huenda ukafe kwa sababu hakuna dawa utakayoipata. Kwa hivyo, haya ni mambo ambayo lazima tuyatilie umuhimu. Lakini lengo letu kubwa ni kumuunga mkono Mtukufu Rais kwa sababu ya jitihada zake pamoja na zile za Mawaziri pia. Ninaamini kwamba bendera zile mnazozipeperusha wakati huu, wahe. Mawaziri, mtakuwa na wakati mgumu na huenda Mungu akipenda, bendera zile mtazipotesha mwaka 1997 ili tupate kuwa na watu wengine.

Kwa hayo machache, Bw. Spika, ninaunga mkono.

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

**Mr. Speaker:** Bw. Kimani, nenda karibu na microphone.

**Mr. Kimani:** Bw. Spika, nimeshangaa sana kumsikia mhe Kalweo akipinga kila kitu katika Bunge hili na hali nilikuwa naye katika Bunge hili wakati wa utawala wa hayati Kenyataa. Tulikuwa tukisumbuka juu ya mambo mengi ambayo Bw. Njonjo alikuwa akipinga alipokuwa katika upande wa Serikali, lakini sasa yeye yuko nyumbani.

Ningependa kusema machache kuhusu Wabunge wa sasa. Wao wanapinga kila pendekezo bila ya sababu. Tulipotaka kuibadilisha sheria ya kuwaweka watu kizuizini Wabunge wa KANU walitupinga, lakini hawajui kwamba watapokuwa katika upande huu wa Upinzani tutawaweka kizuizini. Nilisikia Waziri anayehusika na kilimo akiongea juu ya mbegu, lakini sisi hatujaziona mbegu. Hatujui zinaenda wapi. Pengine zinapelekwa huko Kiambu, Kakamega au Kitale. Mbegu zinapofika katika wilaya zinachukuliwa na machifu and "tuntu" tunaajiita "KANU leaders".

Ningependa kusema kwamba Wabunge wa KANU wote hawatakuwa katika Bunge hili katika mwaka wa 2013 lakini Bunge hili litakuwa hapa hapa. Sheria wanazoziweka sasa zitawaumiza. Kati ya viongozi tuliokuwa nao hapa zamani wamebaki kama asilimia 10, baadhi ya waliobaki ikiwa ni mhe Shikuku. Wale wengine wamekufa au kwenda nyumbani. Tunaposema kwamba tunataka kuibadilisha Katiba, Wabunge wa KANU wanasema: "Hapana; wacheni tufanye uchaguzi kwanza". Je, wanafikiri watakuwa katika upande wa Serikali hadi lini? Ni lazima wajue kwamba siku moja wataondoka. Sisi tunataka kuzirekebisha sheria zetu.

Katika mwaka wa 1976 nilipendekeza Makamu wa Rais awe akichaguliwa na wananchi, lakini baadhi ya Wabunge walinipinga. Marehemu Odinga alikuwa anakitaka cheo cha Makamu wa Rais lakini hakukipata, kilichukuliwa na mtu mwingine. Umefika wakati wa kuzibadilisha sheria za nchi hii, na ni lazima Wabunge wavisahau vyama vyao. Hata Wabunge wa Upinzani "wanakulana" kama fisi kwa sababu ya cheo cha Urais. Inafaa wajue kwamba wote hawawezi kuwa Rais, isipokuwa wakisema kwamba kila mtu atakuwa Rais wa mkoa wake. Tunaweza kuwa na Rais mmoja kwa wakati mmoja.

Nyinyi ambao mko katika Bunge hili inafaa mjue kwamba kukataa kwenu kuzibadilisha sheria za nchi ni sawa na "kuwaweka watoto wenu kamba shingoni." Marehemu Ngala katika mwaka wa 1962 alisema: "When you are writing this country's Constitution do not have Kenyatta in your minds; have the country in your minds". Lakini watu walisema: "Hapana; Kenyatta hawezi kufa; atatuongoza". Where is he now? Is he not dead? Kwa hivyo, kubalini tuzibadilisha sheria zetu ili "kuwaondolea watoto wetu kamba shingoni. Bw. Njonjo alikuwa akisema "anatutia kamba shingoni" kwa kututungia sheria mbaya. Sasa yeye yuko wapi? Si analima huko Kibichiku?

Tunapolalamika kuhusu maofisa wa Utawala wa Mikoa inafaa Wabunge wa KANU wajue kwamba watu wameumia zaidi. Hii ni kwa sababu chifu na naibu wa chifu ni wakubwa kumshinda Mbunge. Sisi hatuna uwezaji katika mawakilisho yetu. Ni mwanachama wa KANU ndiye anawayeweza kusikilizwa na chifu akimpigia magoti kwake. Sisi Wabunge hatujulishwi kuhusu ugawaji mbegu. Inafaa maofisa wa Utawala wa Mikoa watambue kwamba tunapigiwa kura ili kuwawakilisha wananchi katika Bunge hili. Serikali inapewa misaada kutoka nje lakini



wakati wa kuigawa misaada hiyo sisi tunafanywa kuwa second-hand leaders. Hii ni kwa sababu tuko katika Upinzani. Si kesho Wabunge wa KANU watakuwa katika Upinzani? Kwa nini sasa Bw. Major analialia? Si yuko karibu kushindwa na Upanzani? Wakati Wabunge wa KANU watapokuwa katika Upinzani watafungwa kwa kutumia sheria mbaya walizozitunga, kama ile ya kuwaweka watu kizuizini. Inafaa tufikirie siku zijazo tunapozitunga sheria.

Jambo lingine ni kwamba kuna utumiaji mbaya wa pesa katika nchi hii. Hili si kosa la Rais. Jambo hili limefanyika kwa sababu ya kuwa na Mawaziri wasiowajibika. Kila Waziri anayesimama kujibu Swali hapa anasema: "I am not aware". What are they ever aware of? Ni lazima Mawaziri waifanye kazi yao kwa sababu marehemu Kimathi aliingia msituni mwezi Agosti 1952 kupigania Uhuru. Mimi nilikula kiapo cha kupambana na Mzungu na kuua. Tangu mwaka 1952 tumekuwa na viongozi wa nchi hii. Mimi sitakuwa hapa katika mwaka wa 2003. Sitaki kuchaguliwa na wananchi. Nitakaa nyumbani kwa sababu nitakuwa na umri miaka 75. Kila tunapotaka kupitisha kitu katika Bunge hili Wabunge wa KANU wanakuja hapa wote kutupinga. Inafaa wajue kwamba wanapofanya hivi ni kama wanajinyonga wenyewe. Nawafahamisha kwamba misaada ya chakula yote imechukuliwa na machifu, na watu wote, wawe katika KANU au Upinzani, wana njaa.

Kuhusu elimu, Waziri Kamotho alisema kwamba watoto kutoka private schools hawatapewa nafasi katika shule za sekondari za Serikali. What does that mean? Mliona watoto 22 katika magazeti kutoka private schools katika sehemu yangu walipita mtihani na wakapewa nafasi katika shule za sekondari za Serikali. Kati ya watoto hao, wangu alikuwa mmoja tu na wale wengine ni wananchi? Lakini ninawalipia karo watoto hao wote. Hamtaki tuwasaidie wananchi! Mnataka kutafuta ukubwa ambao hauna maana. Zamani tulikuwa katika Bunge hili na mhe Kamotho na hakuwa na kitu; alikuwa sawa na mimi. Sasa anasema kwamba atawazuia watoto kutoka private schools wasiingie katika shule za sekondari za Serikali. Huyu ni kiongozi wa aina gani? Nani anaweza kumchagua? Nobody can! Ni lazima aijue kazi yake. Tunataka kuwa na Mawaziri wanaowajibika. Watu wanaofurahia ukubwa na kushika-shika matumbo walikuwa wapi wakati Mzungu alipokuwa amechacha humu nchini?

**The Minister for Lands and Settlement (Mr. Ngala):** Jambo la nidhamu, Bw. Spika. Unatosheka na lugha ambayo mhe. Kimani anayotumia? Lugha yake imeipita lugha ya kawaida ya Bunge hili. Inafaa atumie lugha inayofaa. Ni kama anatomia "matusi" ambayo hayafai kwa viongozi.

**Mr. Speaker:** Endelea, Bw. Kimani!

**Mr. Kimani:** Bw. Spika, huyu Waziri, ambaye alikuja hapa akiwa kijana mdogo, anajua nini katika nchi hii? Alifanywa Waziri juzi tu! Alikuwa akinyonya wakati tulipokuwa tukipigania Uhuru!

**Mr. Speaker:** Order, Mr. Kimani! I think we are enjoying your contribution, but do not over-do it! Unalihutubia Bunge na si mtu binafsi. Mjadala huu hauko juu ya mtu binafsi. Unahutubia vyema na unaweza kuendelea.

**Mr. Kimani:** Bw. Spika, nina uchungu wa kumsikia mtu akiongea hapa na hali haijui taabu ya nchi hii. Tunataka Mawaziri wote wajue kwamba wananchi katika nchi hii wana taabu nyingi. Wamekosa karo na kila Mbunge anasumbuliwa na wananchi kuhusu karo ya shule. Hata Wabunge hawaendi nyumbani sana kwa sababu ya taabu zilizoko. Lakini Wabunge wengine hawataki kuongea juu ya shida za wananchi. Wanataka kusema tu Rais aliongea vizuri sana ili wapatiwe vyeo. Inafaa waongee ukweli kwa sababu jambo hili ndilo litakaloisaidia nchi hii. Watoto wetu wamesoma vizuri lakini hawana kazi. Kuna Mbunge anayesema kwamba sisi watu wa Laikipia tunazaa walenzi na wachungaji. Lakini yeye "atakiona cha mtema kuni" katika uchaguzi ujao.

Kwa hivyo, kule Laikipia hakuna chochote. Ng'ombe na mbuzi wetu wameibiwa wote, lakini mhe. Kalweo hajatusaidia huko kwetu.

**The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Kirima):** Bw. Spika, jambo la nidhamu. Kwa sababu ninaona kama fikira za mhe. Kimani ni kwamba watu wa Serikali hawafanyi kazi vizuri, ningemuomba ajiunge na upande wa Serikali halafu asahihishe pale kuna makosa.

**Mr. Speaker:** Hayo ni maoni yako. Endelea, Bw. Kimani.

**Mr. Kimani:** Bw. Spika, huyo hajanikosea. Aliingia hapa na kura 1,900 kama za Diwani!

*(Laughter)*

Ninatoka kuliambia Bunge hili kwamba ninapenda sana nchi yangu, Kenya. Hatutaki ukabila, tunataka tuungane na tupitische sheria kwa ajili ya kesho, si kwa ajili yetu. Tuwe kitu kimoja, KANU na Upanzani, ili tuweze kutatua shida zinazowakabili watu wetu kote nchini. Pia tumsaidie Rais Moi kwa kazi, siyo kumwachia kazi zote. Kuna wengine wanajiita "Mawaziri" na mishara mikubwa na akiulizwa swali, anasema: "I am not aware". You are aware! Kwa hivyo, tunataka kila mtu akumbuke watoto wa kesho na si kukumbuka tu nyinyi wenyewe. Nina hakika wengi wa Wabunge hawaendi mashambani, wanaishi hapa Nairobi. Hata hawakuwa na habari kwamba kuna njaa huko kwao kwa sababu wanaenda mashambani Jumamosi na kurudi Nairobi siku hiyo bila kuonana na wananchi. Lazima Wabunge waende mashambani ili wapate kujua tabu za watu wao.

**Mr. Speaker:** Mr. Kimani, wakati wako umeyoyoma!

**The Assistant Minister for Foreign Affairs and International Cooperation** (Mr. Muchilwa): Thank you, very much, Mr. Speaker, Sir, for giving me the opportunity to contribute on this very important Motion.

To begin with, I would like to congratulate His Excellency the President for the excellent speech that he delivered on the Floor of this august House on 1st April, 1997, during the State Opening of the Sixth Session of the Seventh Parliament. The speech highlighted most of the pressing problems that Kenya is facing today.

*[Mr. Speaker left the Chair]*

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

It also gave us guidance on how to solve those problems.

Secondly, I would like to commend His Excellency the President for having taken timely action to declare the current famine a national disaster and for his passionate appeal to Kenyans that have something to spare and also to the international community to come forward and help Kenyans. It is a pity that after the declaration was made, some very greedy politicians in this country decided to politicise the issue and to play down the calamity by claiming that it was just a gimmick for KANU to try and gain political mileage. Such greedy people must be condemned because they would rather see Kenyans die so that they retain their positions. When elections come, such greedy politicians should be rejected by wananchi because they are not for wananchi.

Mr. Temporary Deputy Speaker, Sir, famine relief distribution would appear to be going the wrong way. We need to have a clear policy on how to tackle this problem. I know, for example, that the famine hit all parts of the country, and for the first time, I managed to see tea bushes drying up. I had never seen tea bushes drying up. Those areas are now being supported and rightly so. But, there are more needy areas; areas which have no income at all. When we read in the newspapers---and people of Bunyore read newspapers, they are literate. When they read that a particular place which has got income, like a tea growing area, has received so many bags of relief food, and they in Bunyore, who have hardly any land since they are the most densely populated, not only in this country, but in the world, are getting very little, they begin wondering what the yard-stick is. This issue should be addressed because those with means to buy, should receive less, and those without means to buy, should receive more because hunger is hunger.

Mr. Temporary deputy Speaker, Sir, seeds that are being distributed are very few and in my area, which is Emuhaya, they have come very late. So, we are telling the few farmers who got them to plant the hybrid seeds in between the rows of the maize that has already germinated, so that at some stage, they have to uproot the ordinary maize, give it to cattle and leave the hybrid maize to grow. Having said that, that area still needs seeds, particularly, the vulnerable groups. The seeds being given are only for maize. Why can farmers not get seeds for beans and other crops? It is important that seeds for beans should also be distributed.

His Excellency the President, in his Speech, touched on violence, particularly, during elections. Violence is quickly spreading as a culture in Kenya, and that violence is being encouraged by politicians like us. Why are we encouraging violence? This one is not just across parties; we have violence in all the parties. You saw them in FORD(K), when supporters of different individuals were going for each other's neck. You also saw them in KANU in Mombasa. You have seen them between the parties during elections. Why is this violence not contained because the perpetrators are known? In certain areas in my Constituency, during campaign, voters are intimidated at night, gangs are hired to go and stone houses and beat up supporters of so-and-so. Surely, assistant chiefs, chiefs and other administrators in those areas know the perpetrators. Why do they not arrest them? By doing so, they deny Kenyans the right to vote, through intimidation. If it is those who commit violence in the open, like between parties, or in the same party, the police are there. Why do they not arrest them? I would suggest that during the next election, where an area allows people to be attacked in their houses by youth-wingers of whatever party, the chiefs and the assistant chiefs in that area should be held responsible. The chiefs and assistant chiefs in those areas should be held responsible. They should go for these people, have them arrested, locked and taken to court so that by the time they come out, elections will be over.

When election time is drawing near, many leaders abuse others and when they are doing that they are, in fact, inciting people. There are laws in this country that forbid incitement. Why are these leaders not arrested? Those leaders who abuse the President should be arrested because if they do, they are inciting people to fight. Those who visit areas and abuse the MPs of those areas, should also be arrested. The worst case was when hon. Matiba went to Kakamega and abused the whole of Luhya community; a community that had given him so many votes. He is a very lucky man because there was nobody there to incite people to fight him. When I was in America I packed in a place

and I saw a signboard reading "No trespassing, survivors will be prosecuted". I think that would have applied to hon. Matiba in that particular place for what he said. If he survived, then he would have been prosecuted because he had absolutely no right to come and abuse the Luhya community in Luhyaland.

When the same person went to Kisumu and started inciting the Luo community against the Asian community, that was very serious because the Asian community has contributed a lot to the development of this country, particularly industrial development. We are going all over the place looking for investment, but if we are going round inciting people, how are they going to come here? We are chasing those investors who have committed their resources in this country. When we have people like those, they should immediately be locked up and put away so that they do not ruin the economy of this country.

The likes of hon. Matiba should know that racism died with Hitler. Idi Amin tried to revive it, but his fate is known. By reviving racism, hon. Matiba has already dug his grave.

With those remarks, I beg to support.

**Mr. Busolo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for granting me this opportunity to say one or two things about the Presidential Address.

[Mr. Busolo]

One thing that is contained in the Presidential Address has to do with tolerance. The President urged all of us to be tolerant of one another, but what has transpired calls to question the Government's attempt at building confidence in the community. The act of the policemen aiming a gun at the Leader of the Official Opposition does not build confidence in the people who will in turn create tolerance amongst us. When certain sections of the community, particularly the Opposition, are blocked from organising meetings to address their own people, that kind of activity does not create tolerance. I think the Government should be much more serious with what it claims it is going to do instead of just talking. When it comes to practice, there is not much. The practice does not measure to the words.

I want to speak about the world of labour in this country. Hon. Gumo explained how the workers in this town are suffering. Several other Members have explained how workers in this country, employed by various factories, are suffering under the dictatorial management that we have in this country. People who sweat daily to enrich this country are not gaining anything in what they produce. Their salaries are very low, housing conditions and health conditions are so bad. What is the Government doing about that kind of thing? Here you have people living in Kibera Line Saba and Mathare who work in industrial areas and yet the salaries they get are very low. Their living conditions are extremely bad and yet we have a Government that cares for its people. What it claims and what happens in practice are not measuring up and that is not a situation that creates tolerance; instead it creates intolerance.

I will turn to a specific factory in my Constituency where intolerance of the management towards the workers has created a very unstable situation in the community. This is Pan African Paper Mills. The Pan African Paper Mills has 33 per cent shares owned by the Government, 20 per cent by the Oriental Paper and Industries and 24 per cent by the IFC Washington. Other companies that own shares here are ICDC, East African Development Bank, Development Finance Company of Kenya and Barclays Bank Trust. The shareholders of these companies pay their workers a lot of money and yet our employees are paid very low wages. Minimum wages in the banks are very high compared to the wages paid to the workers in Webuye factory. Why are shareholders, who pay high wages to their workers pay very low wages to the workers of this factory? Since 1974, the management of Pan African Paper Mills has been under the Orient Paper and Industries Limited. This has been a management by bribery, fraud and cheating. Why do I say that? Since 1974, the Asian management has practised fraud, cheating and bribery. An example has to do with the expansion of the factory.

The people charged with the responsibilities of managing the factory, do appraisal plans to expand the factory to produce more paper and other kinds of by-products. When they go to buy the facilities for expansion, what happens is that the Government guarantees the loan, yet these Indians buy second-hand products. Most of the Machines 2,3,4 are very old. They purchase very old machines from Italy and Finland which cannot be utilized in their own countries. What happens is that this third rate machinery, that is imported, is used to produce very poor quality paper. To produce very good quality paper it means a lot of chlorine has to be used. Now, when a lot of chlorine and other chemicals are used, a lot of environmental damage is done in Webuye. chlorine gas is toxic as it produces compounds called organo-chloride. Organo-chloride compounds are not only harmful to human beings, but to any kind of life within the environment. Organo-chlorine is carcinogenic, which means they cause cancer and that means that there is a lot of cancer in the Webuye environment. There are also litagens. Litagens basically cause chromosome damage to human beings. This means that this factory is doing a lot damage in the area.

Mr. Temporary Deputy Speaker, Sir, dioxin is one of the most sceptic compounds that you can find around. Dioxin is known to suppress the immune system thus leaving the organism very vulnerable to virus infection. In this epoch of AIDS if you have a plant that produces a chemical that is damaging the immune system, then that plant needs

to be investigated. Dioxin is also known to cause reproductive disorders which include severe back defects, stillbirths and sterility. All these things are going on in the Pan-African Paper Mills. Also dioxin contaminates all household paper products which means that things like dye balls, sanitary products, sisal tissue, toilet papers, kitchen towels, store filters, carbon paper are infected by this chemical and yet we have this factory going on despite all this. Even milk products are affected by the cancer-causing chemical produced through the production of paper at Webuye.

On overall, the combined effect of the effluents from the Pan African Paper Mills cause the following damage. They cause severe harm to the trees in the area and other aquatic lives; they impair the reproductive ability of all living things, human beings and other animals; they cause damage to the liver and the immune system; and they cause skeletal abnormalities in the offsprings. The factory also produces sulphur dioxide which is also known to cause acid rain which contributes to low yields. If the yields in the area surrounding this factory have started deteriorating, this factory must be investigated. Why is it still operating when we know that there are Government departments that are supposed to block or to prevent the environment from being damaged by this factory? The reason is that, the Department of Occupational Health and Safety of the Ministry of Labour, the Labour Commissioner, the Provincial Labour Officer Kakamega, the Permanent Secretaries in the Ministry of Labour and Manpower Development and the Ministry of Commerce and Industry have been bribed so that they do not close down the factory. The PS and Forest Officer of the Ministry of Environment and Natural Resources have also been bribed.

**The Minister for Labour and Manpower Development** (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the hon. Member substantiate, by giving names of those who have been bribed and by how much because I do not believe that any of my officers have been bribed? For the information of this House, my officers have been on the ground to examine the state of the factory quite periodically and so there is no cause for alarm.

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Kulingana na jambo la nidhamu, Mhe. Waziri anataka Mhe. Busolo, athibitisha madai yake. Pia anataka kumfahamisha, Mhe. Mbunge, ajue jambo fulani. Je, jambo la nidhamu linaweza kuwa jambo la ufahamisho?

**The Temporary Deputy Speaker** (Mr. Wetangula): Thank you, Mr. Shikuku. We have said so many times from here that if you want to have a point of order, do so. But quite often, under the guise of raising points of order, many of you pursue arguments; give information; and all sorts of things that are against the rules. I would expect everybody to know what they are doing.

**Mrs. Nyamato:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to thank the Government for giving for food donations to families in areas that are normally not included in famine stricken zones.

Mr. Temporary Deputy Speaker, Sir, the only problem that is worrying people is the genuineness of seeds which are being given out. There are some doubts as to whether some of these seeds are good, and if they are not good, then we are likely not to have good harvests again and this is going to contribute to the perpetual problem in food production in this country. There is a rumour that some of the seeds being distributed have been imported into the country.

**The Temporary Deputy Speaker** (Mr. Wetangula): Mrs. Nyamato, we do not use rumours to advance arguments here. Speak about facts.

**Mrs. Nyamato:** Sorry, Mr. Temporary Deputy Speaker, Sir. It is not a rumour. People are talking about seeds that have been imported from outside the country which may not be very suitable for the climate here in Kenya. I am suggesting that it is very important for the Ministry of Agriculture, Livestock Development and Marketing to liaise with our research stations to make sure that we get genuine seeds. Seeds that are produced in the country should be produced according to various climates in various regions so that Katumani seeds which are suitable for Machakos are not sent to Kisii because such seeds when planted in Kisii, where there is a lot of rain, will give very little yields because they germinate very fast and, therefore, they do not take the usual length of time that the normal seeds that are suitable for that climate could take so that we get good harvest. Because of the famine, the seeds that are given out are not enough. If wananchi are given the seeds along without the fertilizers, then there is also the likelihood that they can plant the seeds without using fertilizers and this will not guarantee food production because planting without using the necessary chemicals, will result into poor harvest.

Another problem that is being experienced by farmers in sugarcane growing areas is that of sugarcane burning. There is talk that the sugarcane that is being burned in the fields is being burnt by people who are importing sugar into the country. This is another problem that needs to be investigated because those who are making money from sugar; if probably they are the ones who are sending people to burn sugarcane in sugarcane growing belts, they are punishing those farmers who are growing sugarcane and causing more economic hardships in those areas to the extent that now we have so many children who cannot go to school because their parents are not harvesting sugarcane or because the sugarcane is not being paid for and those people who import the sugar are making money. This should not be encouraged by our Government.

Mr. Temporary Deputy Speaker, Sir, another area that needs to be addressed is that when the Government gives out seeds for maize; it should consider giving out seeds like beans and vegetables as well. This is because these are essential farm inputs that need to go along in this planting season, because maize alone without the beans will not be able to sustain the food production and supply in the country.

Another issue, also, is about the bad roads which are causing another major problem. People in famine-stricken areas are finding it very expensive to look for food from other areas because to transport food home is so expensive. The transporters are charging so much money due to the poor state of roads.

Mr. Temporary Deputy Speaker, Sir, another area that is also complicating matters is, lack of sufficient drugs in various hospitals. During this famine period, there are also many diseases that come up as a result of people not getting enough food. With diseases coming along with famine and the hospitals not getting enough supplies of medicines, that causes another problem. Besides, some of the medicines available in the hospitals are imported from India and some of them are either sub-standard or have expired. That is also causing problems because, treating malaria with medicine that has expired is complicating the case, because, the patient does not recover and it results in death. In this area, therefore, the Ministry of Health should make sure that those that have been given licences to import medicines into the country get them from well-known pharmaceutical firms. But not to bring from India medicine that has expired and is to be thrown away and instead of being thrown away, that medicine is imported into the country.

Mr. Temporary Deputy Speaker, Sir, there is also concern over expired fertilizers. Kenya has become a dumping ground for a lot of things that have expired, including water treatment chemicals. Water in Nairobi is no longer safe, because most of the chemicals that are used have either expired, sub-standard or not enough treatment is applied. This again is causing a lot of water-borne diseases like typhoid that is very common in big cities like Nairobi, Mombasa and Kisumu where it was unheard of. So, whoever is in charge of inspection of water treatment chemicals should inspect them thoroughly before they are used or before it is assumed that water has been treated when actually, the water being consumed is not safe.

Mr. Temporary Deputy Speaker, Sir, as concerns the City Council, I know His Excellency the President sometimes back, authorised that garbage collection be privatised. Within that short period, we saw so many trucks going round collecting rubbish from residential estates. That problem is back, nobody is picking the rubbish and there are so many heaps of rubbish which are breeding a lot of flies everywhere. As a result, we are having so many diseases around so that if you go to hospitals now, they are congested. This is as a result of water not being properly treated, rubbish not being picked from various estates, especially those with very high populations, like Eastleigh and Kariobangi. You find children playing on these garbage dumps that have been formed in various estates. The Ministry of Health and the City Council and the Ministry of Local Government should come in and make sure that the places are clean and garbage is removed to avoid the spread of diseases in big towns as it is evident everywhere now. Again, when it comes to Services Charge, the City Council is very good in pushing people around to pay the Services Charge and other taxes in the City. But, potholes in Nairobi have become impossible and when it rains, sometimes you do not know even where to pass. Motorists do not know whether they are passing on a road or a pavement, and that is causing a lot of damage to vehicles. That causes many accidents and other problems, especially with so many matatus in Nairobi now. It is therefore, important that the City Council and the Ministry of Local Government look into the use of Services Charge money that is not being properly utilised.

Mr. Temporary Deputy Speaker, Sir, with regard to parking lots in Nairobi, we now have private people who are directing or manning the parking lots in Nairobi. We do not know where they have come from, but sometimes when you park your car and want to put money in the parking bay meters, you find somebody standing there who says: "Give me the money, I will take care of the car". Sometimes we do not know whether those are thieves or whoever they are. Here again the Ministry of Local Government, the City Council and the police should make an effort and remove the many people that are roaming in Nairobi and especially those that are manning the parking lots, especially near City Market and along Kenyatta Avenue. This is becoming a problem.

With these few words, I beg to support.

**Mr. Onyango:** Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to comment on the Presidential Speech.

First, it is said in the Presidential Speech that we should respect our country and the various organs in the country like the Judiciary. But, it is common knowledge that there was a statement from the Attorney-General's Office that no party should use the word "President", but KANU, up to now is still using that word. I do not know whether the statement was meant only for the Opposition or for all the parties.

Mr. Temporary Deputy Speaker, Sir, apart from that, it is common knowledge that in most cases, the job the Electoral Commission is supposed to be doing is always done on orders from the President. A good example is the announcement of the time for registration of voters and the ruling on national identity cards. The order should be from

the Electoral Commission, but in the actual sense, we have been getting orders from the President setting the deadlines. So, in the actual sense, for this statement to be right, we are supposed to be told to be following what he is saying, but not what he is practising.

Mr. Temporary Deputy Speaker, Sir, as concerns the Asian community, whereas we accept that Asians have been contributing a lot to the development of this country, it is a fact that whenever there is a corruption case in this country, an Asian is involved. So, we are saying that these Asians who are involved in corruption should be tried and face the law. For example, there are cases where individuals like Pattni and Somaia have been called to appear before the Public Accounts Committee and have not been responding. So, Asians should not be spared, they should face the law. Most people feel bad when we say that Asians who are corrupt must go, but I am stating here that Asians who are corrupt must go.

Mr. Temporary Deputy Speaker, Sir, whenever there is corruption, the person who is feeling the pinch is the common man and the common man in Kenya is the African. So Africans generally feel very bad when Indians are engaged in corrupt deals but are not tried. Indians are not above the law. In Kenya, all of us are equal. We should not allow somebody like Pattni to make funny deals in Kenya, spoiling the economy, and at the end of the day, Africans end up feeling the pinch.

Mr. Temporary Deputy Speaker, Sir, I expected the President to make a statement on unemployment in Kenya. It is a problem - whether we like it or not - which is very serious. The Kenya population that is unemployed comprises of people who have gone to school and know their rights. So, when we do not mention anything on how their problem is going to be solved, it is very serious. The Kenya population is not supposed to be cheated that by giving these people some money, we are solving their problem. Politicians are fond of saying that the youth are the future leaders, but you can only be a future leader if you have something to do or if you are working. You cannot walk on the streets today, then the next day you turn to be a leader. So, in a way we are cheating the so called "future leaders". So, the Government or the ruling party should make concrete steps to make sure that this unemployment problem in Kenya is solved or reduced.

Mr. Temporary Deputy Speaker, Sir, in Kenya, we have a problem of basic necessities like drugs. In my constituency, almost everyone is suffering from a water born disease and instead of allowing the private hospitals which were assisting these people to operate, it is unfortunate that the Government said that all the private hospitals in Western Kenya were involved in corrupt deals. I feel this was something which was politically motivated because those private hospitals came up as a result of the vacuum which was created due to the shortage of the supply of basic necessities in health care. So, I am appealing to the Government to allow the private hospitals which were closed to operate. I believe that if they made a mistake, there must be someone in the head office who was involved with them in those funny deals. Those people should be arrested and tried in a court of law and if they are found guilty, they should be detained. From reliable sources, I have been told that the people who were arrested at the head office have been released due lack of evidence. If there is no evidence against those officers, then the hospitals should also be allowed to operate because they have no case to answer.

On the issue of transport in Kenya, if we really believe that time is money, then I can say that the Kenyan Government is losing a lot of money because of traffic jams especially along Juja Road. It is very difficult for people like us who are using that road to reach home. It will take us upto four hours to reach home. At the same time, we are paying Service Charge which is supposed to be used for maintaining those roads. So, when MPs are complaining, it should not be said that we are spoiling the name of this country. We are just trying to say the truth that the roads are bad and health care which we are supposed to be getting is not there. Of course, you can remember that about Kshs7.2 billion was used somewhere instead of using it to maintain the roads. The Kshs7.2 billion was supposed to be used in maintaining roads in this country. When we say the roads in Kenya are bad because of the corruption in the Government and the Civil Service, I think we are not spoiling the name of the country. We are trying to implement our responsibilities by saying that something is wrong.

On the issue of food in this country, the President said in his Speech that there was drought and as a result of that, relief food had to be supplied. I think relief food is not a permanent solution. There should be a permanent solution to that problem and I feel that if the water from Lake Victoria or the rivers can be used to irrigate the semi-arid areas---

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Tungetaka kumsikia mhe. Onyango lakini kuna vicheko vingi pale na hatuwezi kumzikisa anayezungumza.

**The Temporary Deputy Speaker (Mr. Wetangula):** Mimi ninasikia hivyo vicheko vinatokea kule kwa Bw. Orengo, Bw. Ligale na Bw. Wameyo. Sijui, kuna ni kule? Tafadhali ongeeni kwa sauti ya chini.

**Mr. Onyango:** I would like to comment on the food situation in the country. In the Presidential Speech, we were told that relief food was given as a result of the shortage of food in the country. Whereas we accept that, it is only a short term solution to this problem. So, we are asking the Government to look for long term solutions. I feel

that if we can properly use the waters we are having in semi-arid areas like in my constituency, I think we will have a permanent solution to that problem. The problem of shortage of food in this country is sometimes not because of the climate but it is because we are not taking proper care of food storage in this country. In most cases, instead of trying to keep food in the stores, some people, because of greed decide to export food outside the country and we later use a lot of money to import food into the country. So, we are saying the Government should do something to make sure that we do not export our food unnecessarily.

In Kenya, our main problem is that of scarce natural resources. It is very odd to use a lot of money to build a district headquarters like that of Migori District and leave it halfway. That money is not productive. So, the Government should not be using money and the scarce resources just for the sake of pleasing some people or an individual.

With those few remarks, I beg to oppose.

**The Minister for Lands and Settlement** (Mr. Ngala): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niseme machache.

Kwanza, ningetaka kujiunga kikamilifu na Wabunge wenzangu hapa kumshukuru Mtukufu Rais kwa hotuba yake yenye mwelekeo katika Bunge hili.

**Mr. Shikuku:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe. Ngala kutumia jina "Mtukufu?" Hili jina liliondolewa. Ni Mtukufu gani anaongea juu yake? Yeye ni Rais na wala yeye si Mtukufu. "Mtukufu" ni Mungu na ni kweli hilo jina liliondolewa.

**The Minister for Lands and Settlement** (Mr. Ngala): Bw. Naibu Spika wa Muda, Rais amependekeza kwamba angependelea jina hilo la utukufu lisitumiwe kwake. Amependekeza na inategemea ikiwa kuna mtu anayetaka kulitumia, anaweza kulitumia. Lakini ilikuwa ni pendekezo kwake kwamba hangependelea neno Mtukufu kutumika kwake, lakini si dhani imewekwa kisheria kwamba isiweko kabisa.

**Mr. Nthenge:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Rais mwenyewe kupitia redio na runinga, alisema ni vibaya kutumia hilo neno. Ni kama kumtukana Mungu. Mhe. Waziri anatuambia anakubali neno hilo litumiwe kwake. Hiyo ni haki kweli?

**The Minister for Lands and Settlement** (Mr. Ngala): Mimi sidhani nitaweza kubadilisha msembo huo, lakini hawa wanipe nafasi niendeleo kusema yale ninayotaka kusema.

Mimi namshukuru Mtukufu Rais kwa Hotuba aliyotoa katika Bunge hili. Msembo wa Hotuba hiyo ulikuwa msembo wenye mwelekeo mzuri. Nataka kuwasahihisha wale Wabunge wa Upinzani ambao wamekuwa wakitueleza ya kwamba Hotuba hiyo haikuwa na maana au mzingi, kwa sababu haikuzungumzia yale ya muhimu katika nchi hii ambayo walikuwa wanatarajia kuyasikia. Nafikiri ni desturi katika Hotuba yeyote ambayo ni ya kufungua mipango kama ya Bunge, yale maneno yanayozungumziwa sana huwa ni vichwa vyake. Vichwa vya Hotuba hiyo vilikuwa vinatoa sera ya Serikali katika mipango ambayo ilikuwa imepangwa kufanyika. Kwa hivyo, nafikiri vile vichwa vya Hotuba ya Mtukufu Rais vilikuwa vinaonyesha mipango yake ya msembo ambayo ilitusaidia kufahamu mawazo ya Rais, kuhusu nchi hii na hasa kwa kupitia kufungua Bunge hili - alikuwa na mawazo gani kuhusu nchi hii.

Bw. Naibu Spika wa Muda, nataka kuchukua nafasi hii kuwashukuru raia wa Kenya. Katika Hotuba ya Mtukufu Rais, alitaja juu ya janga la njaa. Raia wa Kenya wamejizua sana katika hali ya shida iliyokuwa ikiwakumba. Walikuwa tayari kusikiliza kwa uangalifu msembo na mipango ya Serikali, ili kuangalia jinsi watasaidiwa na Serikali yao. Kwa hivyo, mimi nafikiria sisi kama viongozi tuna wajibu wa kushughulika na wao na kuona jinsi walivyovumilia na kujaribu kuelewa mambo yanaofanywa na Serikali. Wao pia walikuwa na mchango mkubwa katika kuhakikisha kwamba nchi yetu inakaa katika amani. Kwa hivyo, ni vizuri pia raia hawa wapewe shukrani kwa mwenendo na nidhamu yao wakati huu wa njaa. Wakati wa njaa bado unaendelea na tunataraji kwamba wataendelea kuweka heshima hiyo.

Tunashukuru Serikali kwa hatua iliyochukua ilipoona kwamba kuna janga hili, ili wananchi wasiachwe wakidhurika na kutangatanga bila kuwa na chakula. Tunahakikisha na kushukuru kwamba hakuna raia yeyote katika taifa hili kubwa la Kenya ambaye amedhurika kwa sababu ya kukosa chakula. Kwa haya yote, tunasema ni ahsante sana kwa Serikali kwa imani yake, na kujali maslahi ya wananchi ambao walikuwa na shida kwa wakati huo wote.

Nataka niungane na Mtukufu Rais kwenye Hotuba yake ambapo alisema ya kwamba si heshima kwa Mkenya yeyote, awe yuko ndani ya nchi hii au awe nje ya nchi hii, kutusi nchi hii. Neno hili halikueleweka vizuri, au lilikuwa linachukuliwa kwamba kuna wengine ambao walitajwa kwa njia mbaya. Ni lazima tuheshimu nchi hii wakati wowote na pahali popote tulipo. Hata ikiwa kuna tofauti fulani ambazo zinatubidi tuwe hatutaonana macho kwa macho, tuna wajibu wa kuilinda na kuipenda nchi yetu ya Kenya. Kwa hivyo, nataka niungane pamoja katika mambo haya kwa sababu waliopigania nchi hii kutafuta Uhuru walikuwa wanataka nchi hii ikae bila fujo yoyote. Kwa hivyo, nafikiri ni vizuri kwa watu kuipenda nchi hii, ili waweze kuilinda. Tusiwe na matusi yoyote katika nchi yetu. Hata kama ni kujieleza wakati wa kutoelewana, mimi, katika umri nilio nao, ni makosa sana nchi hii kutusiwa ovyo ovyo na viongozi wenye tamaa wanaofikiria kwamba watapata sifa wakiwa wakitukana nchi yao. Ni makosa kabisa.

Bw. Naibu Spika wa Muda, amani katika nchi hii imezungumzwa miaka mingi, na bado inaendelea kuzungumzwa. Sisi kama viongozi tunaajua maana ya amani, hatutawacha kuizungumzia na kujenga amani, ili iweze kuwa kielelezo cha kulinda raia hawa, pamoja na sisi zote pamoja. Kwa hivyo, nataka niungane na msemo wa Rais katika Hotuba hii, kuhakikisha kwamba Serikali ya KANU haitakiuka mambo ya kulinda amani katika nchi hii. Amani ni muhimu sana. Katika runinga zetu, tunaona mambo ya kusikitisha. Tunaona akina mama wakikimbia na watoto kwenye matope, wakiwa wanafuatwa na mainzi na mambo kama hayo, kwa sababu ya kukosekana kwa hali ya amani katika nchi jirani na zingine. Si sawa hata kidogo. Ni mambo ambayo hayafai. Mwafrika, kama tunavyosikia, ana shida ya kujiweka katika hali ya kuwa na amani na kuheshimika. Kwa hivyo, Hotuba iliyozungumza juu ya amani lazima iungwe mkono. Lazima tuwe tayari kupigania amani ili iweze kutulinda sisi katika nchi yetu, ili tuweze kuendelea tukiwa na amani. Hapo, nataka nimuunge mkono kikamilifu, Mtukufu Rais.

Nikiongezea, Bw. Naibu Spika wa Muda, hata kama mambo ya Great Lakes yamekwisha kwa kujitoa kwa Mtukufu Rais kutoka Central Committee, bidii aliyofanya ya kuhakikisha kwamba anazungumzia amani kwa nchi zilizo na shida, ni fahari sana kwetu sisi Wakenya. Tunajivunia jambo hilo na tunamtaka Rais azidi kuendelea kutafuta amani hapa na pale, ili nchi jirani ziweze kupata amani. Kwa hivyo, tunamshukuru Mtukufu Rais kwa bidii anayofanya ya kuhakikisha kwamba mambo haya yanaendelea sawasawa.

Bw. Naibu Spika wa Muda, sisi sote tunazungumzia demokrasia. Tunapenda demokrasia katika nchi hii iweze kuwa yenye kudumu na yenye mwelekeo sawasawa ili iweze kuboresha maisha ya raia wetu. Tunataka demokrasia itakayoboresha maisha ya watu wetu ili waweze kuishi kwa njia ambayo ni ya kuheshimika kupitia kwa mipango ya demokrasia. Hatupendelei demokrasia yenye kuleta fujo na kugawanya watu wa Kenya. Tunataka demokrasia inayoweka watu kama ndugu wafanye kazi pamoja, ili waweze kuendelea kuishi katika nchi hii bila kuwa na chuki. Tumeambiwa tuondoe chuki kati yetu. Chuki ni adui na sumu mbaya.

Kwa hayo machache, naunga mkono.

**Ms. Karua:** Thank you, Mr. Temporary Deputy Speaker, Sir, for the gender sensitivity. I stand here to oppose the Motion, mainly for the reason that the Motion divided us rather than uniting us, in the sense that it castigated some Members of this House. The Speech emphasised on our differences rather than on the items that unify us.

On the issue of some Members allegedly maligning this country abroad, what I would say is that the Government of the day should be pre-occupied with managing its affairs in an accountable and transparent manner, so that it will not be necessary for any Member, or any Kenyan to criticise his or her Government in any place abroad. If the pre-occupation is criticism, then the Government of the day has missed the point and it has not began addressing the real issues in this country.

I would also like to say that the Speech emphasised the need for Constitutional reforms, so that we may have a president who is above the party, and who unifies the nation by not identifying with any one political party. It is time we had Constitutional amendments to allow for a prime minister who will be with us in this House, and will answer queries, including queries on how the Government is being run. Then, it will not be necessary for the forum of national days to be used to hit at the Opposition. The Opposition is part and parcel of this House. It is allowed by the Constitution of this country, and it deserves respect from the highest office in the land.

Mr. Temporary Deputy Speaker, Sir, this Session has begun when the Opposition is being haunted when conducting its legitimate activities. We have seen in the Press and it has been widely reported hon. Members of the Opposition being assaulted together with their supporters when they are lawfully assembling or meeting for their parties purposes.

Mr. Temporary Deputy Speaker, Sir, I would like to call upon the Attorney-General to clarify to the police that it is illegal to use excessive force to disperse members of the public and it is also illegal to break lawful assemblies.

We need assurance from the Government and from those in charge of internal security that Members of Opposition during this election year will go about their business without hindrance. These are the issues one would have expected the Speech to highlight.

The Speech was not at all strange because what we have witnessed in the last five years is the abuse of the national days and national forums to campaign for the ruling party. This is contrary to our constitutional order and democratic ideals. National days should be used in unifying the nation and not to divide the nation. It has become the order of the day for insults to be hauled at the hon. Members of the Opposition on national days, and it is little wonder that very few hon. Members attend on those days. Once again, I am saying that the Speech highlighted the dire need for constitutional reforms so that we may have a President who truly represents the entire nation and not a political party.

Mr. Temporary Deputy Speaker, Sir, we all recall that in January 1995, ushering in the new year, the Head of State promised the Kenyan nation constitutional reform. This has not come to be and was not addressed in the Speech. We all know that when leaders do not keep their promises then they are not worthy of being re-elected. I am



calling upon the Kenyan society to assess leaders with their utterances to see whether their utterances are matched by action, and to remember that the constitutional reforms we were promised in 1995 have not come to be and, therefore, to shun leaders who make promises they cannot fulfil.

Mr. Temporary Deputy Speaker, Sir, on famine relief food, we would want the Kenyan nation to know that famine relief is funded by the taxes we all pay. It is not purchased by money given by one political party or the ruling party. So, Kenyans should not be afraid or should not be discriminated against in the distribution of famine relief food on the flimsy grounds that they do not belong to the ruling party.

Mr. Temporary Deputy Speaker, Sir, I would also like to state that we want to see the national resources evenly distributed. We want to see the Government address the issues that are closer to the hearts of the people. We want good roads, water and we want the farming industry, especially the coffee and tea industry, to be liberalised. We have been for quite some time been waiting for the Ministry of Co-operative Development to table a Bill to fully liberalise the tea and coffee industries. We are still waiting for this Bill and we are hoping that it is one of the Bills that are going to come during this Session. As the matter stands, the Government's hand can still be seen in the coffee industry. In my constituency, we have had fights this year between the farmers when they are trying to choose which miller they should take their coffee to. All these would not be happening if the coffee industry was fully liberalised. Their meetings would not be subject to interference by the Provincial Administration and the farmers would be in a better position to decide for themselves to which miller they should take their coffee.

We want to see less interference from the Ministry of Co-operative Development, and we also want to see district co-operative officers rotated and moved from their stations. In some stations like Kirinyaga, the District Co-operative Officer has become a permanent "fixture" and no wonder there are so many problems within the co-operative movement in that district. We expect the Ministry of Co-operative Development to find out why the area headed by this particular officer is having so many problems. We expect them to try new officers and see whether the problems would be solved. Failure to bring in new officers when there are prolonged crises suggests that the Ministry is happy to see the farmers encounter many problems. When farmers have problems, they are unable to concentrate on their farming activities and, consequently, the Government will lose the revenue it would earn from the coffee industry. Therefore, I am calling upon the Ministry of Co-operative Development to ensure that the relevant Bill is brought to the House during this Session so that before this Parliament gets dissolved we shall have fully liberalised the coffee industry.

Mr. Temporary Deputy Speaker, Sir, the coffee industry is not the only one beset by problems, but we want also the tea industry to be liberalised and we want farmers to be able to decide who their Managing Director shall be. Currently, the top manager in the tea industry is an appointee of the Minister, and he is not necessarily the person the farmers would have liked to entrust the management of their crop with. We want to see this Co-operative (Amendment) Bill passed so that the tea industry, just like the coffee industry, can be free before this Parliament is dissolved.

Mr. Temporary Deputy Speaker, Sir, with those words, I beg to oppose the Motion.

**Mr. Kones:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to the Presidential Speech. I would like to thank the President for coming up with this brilliant Speech at the beginning of this Session. I would like to correct the impression given this morning by Dr. Otieno-Kopiyo that I was ready to cross over to the other side of the House. I am not at all planning to do so and I will never do it. The record should be made clear. I am a man who believes in fighting from within.

Mr. Temporary Deputy Speaker, Sir, I would like to thank His Excellency the President for providing the famine relief food when we needed it. Famine in this country seems to be a perennial problem, but for the last four years that I was in the Cabinet---

**Mr. Busolo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Noor is not properly dressed. Could you give a ruling?

**The Temporary Deputy Speaker (Mr. Wetangula):** I think he is "adequately" dressed!

**Mr. Kones:** Mr. Temporary Deputy Speaker, Sir, as I was saying, for the last four years when I was in the Cabinet and in charge of the famine relief, the problem has been feeding the hungry all the time. We are feeding almost the same people all the-year-round. I do not think there will be a time in the future when we will have the North-Eastern Province people providing themselves with enough cereals. There is no hope whatsoever. The only thing is to develop what they are able to produce as their food. Livestock is very crucial in the North-Eastern Province. There is no sense whatsoever in trying to run to North-Eastern Province to provide them with maize when, in fact, that is not even their staple food. We should make a deliberate move to make sure that North-Eastern Province is provided with what they need. We should provide them with water so that their livestock do not die.

Mr. Temporary Deputy Speaker, Sir, these are the areas that we need. It is not logical also for the international community that every time a disaster is declared in the country, they come up with tonnes and tonnes of millions of

shillings to assist us. I have been telling these nations for the last four years when I was in the Cabinet in charge of Social Dimensions of Development that they should give us money since we need to develop these areas and they have been very adamant. But when the President declares a state of emergency that is the time that they come with millions of money. I think they should also at normal situations come up with this money so that we can develop these areas. In my area, for example, people have suffered from famine. I do not think that we should actually suffer from famine. It is shameful to say that Bomet District has suffered from famine. This is because the area is supposed to be feeding the rest of the nation. But because of little things that have not been put in place, we also face the problem. Who is going to feed who? I do not think that it is right for this country today to be importing food all the time from outside. Our own maize will be harvested in the next three months. And I am sure that we will be selling a bag of maize for Kshs400, which is reverse economy in this country. How are we going to meet our school fees problems? And certainly the farmer is going to sell five bags of maize at a price that he would have sold one bag. And, therefore, he will be in a vicious circle. Therefore, we will also face another famine.

Mr. Temporary Deputy Speaker, Sir, I also think that there is a problem in our agricultural policies. The prices for example, are still very low. At one time the farmers sell one bag of maize at Kshs400 and at another they do sell it at Kshs1,200. The problem is that if we import huge amounts of maize like we have done now, what is going to happen is that we are going to hurt the farmers and the farmers will get discouraged. And when they get discouraged, they do not grow enough maize again. Then we will get into another problem. I think this is wrong and something must be done about it.

Mr. Temporary Deputy Speaker, Sir, as much as I would like to congratulate the President for bringing the food and declaring a state of emergency, there is a problem again in the distribution of the same food. This morning, the hon. Dalmas Otieno talked about the Provincial administration and this is another area where the Provincial administration has failed us totally. This is because they do not have any idea about how things should be managed. They are either totally ignorant or they are just being mischievous. This is because there is no sense for a whole District Commissioner to decide to supply food to one division and totally deny another division food just for political reasons.

Mr. Temporary Deputy Speaker, Sir, time has come for the Provincial administration to stop behaving like politicians because they will never deliver votes. If a Member of Parliament for any reason has fallen out of favour with the Government, the people have not fallen out of favour and they deserve the national cake like every other Kenyan. When the distribution of food is being done, we do not want "shadow Members of Parliament" to be doing the distribution instead of the Member of Parliament himself. This is a problem. We are creating problems for ourselves.

Mr. Temporary Deputy Speaker, Sir, the President is doing a wonderful and brilliant job but the job is messed up at the grassroots and that is where the job should be done well. It must be done well at the grassroots and this problem has been on for years. I have been having that problem for the last four years and I know it will continue. Something must be done now. Since we are going for elections, things must be sorted otherwise we are running into a big problem. I am urging my colleagues in the Front Bench to do something about it because it is going to ruin us and the only problem is that the people who are going to suffer actually are KANU members and not those fellows. This is because every time something goes wrong, they take advantage of it.

Mr. Temporary Deputy Speaker, Sir, as I said, we would like to make our party strong. And by doing so we must make sure that we get rid of anything that is likely to put us down. I would like to congratulate the President for coming up with a brilliant and straightforward statement about Members of Parliament or aspirants in the elections who use the communities to clash or rather make inflammatory statements that are likely to spark off problems. We do not want to see a repeat of what happened in 1991. I, in particular, come from a community that suffered a lot during the clashes. We do not want to see anything like this again and I would like to congratulate the President for telling the Kikuyus and Kalenjins to live together when he visited Elburgon last weekend. In fact, he went a step further and he resettled the displaced persons. This should be applauded by every Member here because these communities have been suffering. Now, they are going to go back to their land or if they are cannot get back their land, they are going to be settled somewhere anyway. The truth is that the same problem will recur if we are not careful about the way we carry out our business. When we go out soliciting for votes--- With those few remarks, I beg to support.

**Mr. Akumu:** Thank you very much, Mr. Temporary Deputy Speaker, Sir for finally seeing me and I am extremely glad about two speeches. One is from the hon. Member whom I was glad to see grow and we stayed together in Mombasa and he has emphasised peace. I am also very glad that in his "Maiden Speech", my friend Kones, although he had learned it earlier, because when he was still a Cabinet Minister he came with a helicopter and was able to set aside a place where we are building a police station to ensure that the Kipsigis and the Luos who live in Sondu in Nyakach Constituency do not engage in war anymore but in live in peace---

Mr. Temporary Deputy Speaker, Sir, let me also comment on regional peace because I think it is important. I believe this is probably the last Presidential Speech before we go for the General elections. Those who will come back

after the elections will know whether it is still the same President or we will have another President. Now, let me say this: Hon. Ngala, your late father and the late Kenyatta believed in dialogue.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Nthenge! Who has given you the Floor?

**Mr. Nthenge:** But I am on a point of order!

**Mr. Akumu:** Hon. Ngala, your late father, who was a freedom fighter, and the late Jomo Kenyatta, believed in dialogue. That is why we had peace and that is why we had a peaceful transition. Your side does not believe in dialogue now. They have been called to conventions and meetings but they do not want to go. The other day hon. Kamotho issued a statement before reading the invitation and denounced it. If you invite Kamotho to a dialogue you will find that even before he has read the agenda, even if it is essential, KANU headquarters under hon. Kamotho will issue a denunciation of that very invitation. You must talk to your Secretary-General, hon. Kamotho, to accept dialogue just as the late Ngala and the late Kenyatta did. They did so by saying "look, in the interests of our people we have to sit, discuss and agree." I think it is important that we try this issue of dialogue and preach it.

Mr. Temporary Deputy Speaker, Sir, I am very worried about the so called liberalisation and I am very worried about the way we are accepting this so called liberalisation. Similarly, the United States and Britain do not accept this liberalisation of the economy. As a result, we are creating more unemployment because we are importing shoddy goods. In short, we are creating more problems today in the shoe, plastic and textile industry. We are creating no jobs by accepting liberalisation in a manner that is not in our interest. I think the Government should come up with a clearer policy on this question.

I do not believe in racism. But I was the Secretary-General of COTU and I was also a Member of this House in the 1970s. I distinguished in Africanising the economy and employment from the racist type of Amin deportation. The Government must distinguish the two. As we are talking today, a number of industries that were being run by Africans, like the management of East African Fine Spinners and the management of a number of companies are today taken over by Asians.

I happen to know that you cannot do the same in Britain, Germany and India. You cannot go and get jobs which the Indians can do. I know that very well. Therefore, we must insist on Africanisation of the economy and the industry. You cannot have an economy with 70 per cent of its trade, both external and internal dominated by a minority group. There is no question of deporting them like Amin or using threat, but we must put the economy in the hands of indigenous people.

Our President today was the implementing officer. There was a Kenyanisation Bureau and also, there was an Implementation Committee. I am shocked that today, if you say that the economy should be Africanised and if you talk of delicensing those who are not Kenyans, then you would be quoted that you are like Hitler or Idi Amin or you are a racist. No, I distinguish between those who want to deport or who want to blackmail Asians to give them money for election, that is a different matter; but we must Africanise the economy. We must Africanise the jobs.

Mr. Temporary Deputy Speaker, Sir, I went to Britain the other day and I had to pay Kshs 5,000 for a visa. Young British people who are coming here do not pay anything. Something must be done about this. I cannot understand it. We have Asians here but again, it is not a racist question; many of them want to go. About 40,000 of them have British passports and they would like to go to Britain, Canada and India. We are keeping them here under some dubious arrangement we have with the British Government. Let those Asians who want to go because they have opened some shops in Britain, but for those who can invest in heavy industries jointly with us, we agree. This is not racism.

Mr. Temporary Deputy Speaker, Sir, you know because you have just come from Canada and you know the condition under which these people can go there. If anybody says this is racism, we are not against Asians. There are Asian patriots that fought with us for Independence, like Markhan Singh, Pinto, J.M. Desai, Kapila and others, but let others not hide behind them when it comes to the economy.

Mr. Temporary Deputy Speaker, Sir, the Government should also address itself to the question of elimination of poverty because the Government attended a meeting in Copenhagen which was very important. The wages are extremely low, compared even to a poorer country like Tanzania, I was there the other day, they have a higher minimum wage than we have today. We have very bad employers both Africans and Asians in the industrial areas today. They do not pay some taxes. It is not just the Asians, but also there are African employers, some who are even in this House. Some own properties and firms, but are underpaying workers. They are driving huge cars, and they are staying in palaces, but they are underpaying the workers. I think we cannot have these double standards.

The Government must address itself to certain basic things. For example, the parastatals like Nyayo Bus Service is a shame. We are going to embarrass the Government by tabling what the Belgium, Italian and Netherlands had given and what they are taking instead of paying the workers who are sleeping out here with their children at home. It is very sad indeed.

Mr. Temporary Deputy Speaker, Sir, I am disappointed because the trade unions that should be fighting for them are busy trying to say how they are collaborating very closely with KANU. If I were KANU and wanted to win elections, I would tell trade unions to go and fight for workers, and get them better working conditions and remuneration. As it is today, if you are known to be condoning unemployment, corruption in industry and underpayment, those are the prospects you are creating for KANU. People will be told that if they vote for KANU they will vote for corruption, underpayment and poor employers. Let the Attorney-General know that, that is what we will tell the voters.

I also support those who think that we should have dialogue and constitutional reforms. I do not know who has told KANU that constitutional reforms mean defeating KANU. It may not mean that and I wonder why people are thinking like that. The Government does not even want to bring forward the Omamo Report on Local Authorities.

I feel that we need constitutional reforms. The Government should also register all political parties, like Safina, IPK and the Peoples Action Party. Hon. Ngilu says she has one that has applied for registration. Let the Government register all parties.

With those few remarks, I beg to oppose.

**Mr. Imana:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the debate on the Presidential Address during the State Opening of Parliament. First, a number of hon. Members have been saying that there is nothing in the Address. But I am saying that the Address contains one important issue, namely the declaration of drought and famine as national disaster. The drought has been very bad and affected every Kenyan. I find this to be a very important issue. It has been known over the years that drought has been recurring in Kenya after every five, 15 and 30 years. We have learned through history that there have been bad disasters in Kenya. It is important that we address ourselves to the issue of drought in Kenya. After over 30 years of Independence, we should not be crying about how to deal with drought, because it is not a new phenomenon.

We have seen that 78 per cent of Kenya's land area is arid and semi-arid. Only the remainder of 22 per cent of our land area is arable. Large chunks of this arable land have been purchased by individuals for speculative purposes. This is why some areas have not been cultivated. This is like hoarding land, and it means there will be more problems in this country.

Mr. Temporary Deputy Speaker, Sir, I would also like to refer to what has been mentioned by others here, especially about the cattle rustling. I think everybody was shocked when the Deputy Speaker gave his speech here. But just to touch again on cattle rustling, and what the Deputy Speaker said here last time, much as shocking as it was, you find that after that massacre in Illeret, the same Shangillas crossed to Turkana side after only two days and 800 armed Ethiopians attacked alokol in Turkana District. They took away livestock and killed eight people. I think there are issues that are encouraging this cattle rustling. One is the issue of cultural beliefs that encourage these raids, especially in the neighbouring countries like Ethiopia and Sudan. The tribes we are bordering are still illiterate and are still practising these cultural cattle rustling. There may be internal problems, but the rustling across international borders is being encouraged by the fact that there is no government controlling them and the children are not going to school. These people, that is, the Shangillas, Toposa, the Merilles and the Dongiros, all encourage cattle rustling as a commercial activity. On many occasions, it has been witnessed that stolen cattle are transported in lorries to markets elsewhere and this has continued for a long time. This is an issue we should address ourselves to now. Another issue is political strife in internal borders or tribes within Kenya. We should address ourselves openly to what is going on. When it comes to politics, even the hon. Members are not addressing this issue properly because they fear they will not get votes if they tell their voters not to engage in these raids. This is one of the issues that perpetuates cattle rustling. Another reason is communal punishment. After raiding, you find that they go and round up the innocent ones, as happened recently in Garissa. But the real culprits continue with their activity because they disappear in the bush and will continue to do the same because they know communal punishment will be meted out and they will not be caught. To minimise this issue, we need conflict resolutions. We need to have elders and the people who are affected to be involved in making these decisions. This is exactly what we have done now in Uganda and Sudan from last year. Now the situation is quiet because the elders are now being involved in making decisions on how this can be dealt with. This is what we should also do with the internal tribes we have here in Kenya.

Mr. Temporary Deputy Speaker, Sir, another issue is that of building capacity that the President had mentioned in his speech. He said that we need to empower the locals where this problem is emanating from, by having them make decisions. This should be done. We also need to have them occupied by putting up dams and building schools. We find that in certain areas where there are no dams and schools, they cross international borders in search of water and grass, because there has been some kind of improper planning on our side. That is why they are even crossing into Uganda where there are more dams and grass. This is exactly what we should do on our side with Ethiopia also. That is why they have been crossing to take water from Ethiopia, especially, in Kibish and other areas and later, they are attacked.

Another issue we should address ourselves to is that of grazing rights. In the past, it was the elders themselves who negotiated for grazing rights. But now, some move because they say: "We have guns and we can move and graze in your areas by force".

Mr. Temporary Deputy Speaker, Sir, another issue we need to address ourselves to is that of communication. In those areas where we are talking about cattle rustling, there are a few administrative issues---

*(Hon. Obwocha and a few other  
hon. Members consulted loudly)*

**Mr. Sankori:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I am wondering whether hon. Obwocha and those other hon. Members should be addressing their own meeting when there is a Member on the Floor.

**The Temporary Deputy Speaker:** Hon. Obwocha, there is a Member on the Floor.

**Mr. Imana:** Mr. Temporary Deputy Speaker, Sir, one of the issues that brings in this problem of cattle rustling is lack of communication. There are few locations and sub-locations where communication is accessible. When cattle owners move to the borders, there is no control of this movement because administrative units are not found in those areas and this is where we need to open more locations.

In areas like Turkana which had been closed during the colonial administration, you can now see it doing very well in the national examinations. This is because they want to catch up with the rest Kenyans. The problem at the moment is the minimal disbursement of bursaries in our national universities. You will find that universities do not address themselves to the needs of those students who genuinely need bursaries. When it comes to the granting of loans at the universities, students from such areas are given very little money. Where will such students get the rest of the money if they are not given enough to complete their education? For secondary school education, we used to have NGOs which used to sponsor students, but when they moved out, it is now difficult to get enough bursary to cover their education.

With those few remarks, I beg to support.

**Mrs. Ngilu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I believe this could have been the President's last speech as a president in this House, and I believe that he has also lost a golden opportunity to address the crippling problems that are facing this nation. One of the issues that have been brought to this House by nearly every Member is that of famine which has affected this country. The President, having given his address in this House, should have sat here and listened to the Members' views, make his own notes and then respond. It is not good enough for him to be told what each one of us said.

The President of this country should know that it is not right to say that some of us have actually politicized the issue of famine. I would like to say that he is the first person who has politicized the issue. In my own constituency, he has come there twice to do nothing except say that he has come with lorries full of famine relief maize. Surely, we know that this is supposed to be done by the local leaders. I really believe that the President should address the issue of finding a long-lasting solution to this problem of famine in this country. It is not good enough for him to talk about famine year in year out. We should pool our resources, both human and natural to see how we can address the famine problem in this country.

The other issue that I believe the President should have addressed is what he has been advised on by some of his advisors: Civic education.

Mr. Temporary Deputy Speaker, Sir, the President said that he does not see the use of women or other groups being given civic education. It is as a result of civic education that women can get properly trained and politically empowered to run for offices. It is not good enough to have a Parliament with only seven women Members of Parliament out of 200 hon. Members. I really believe that civic education is going to help women get into this House in large numbers and that will change the sex equation and leadership in this country. For us to imagine that the President will be the one to give women token positions in the Cabinet, such time is long gone. I think, we as women should be able to go where the power source is, which is the people and know how to solicit it from them.

The KANU Government has also used a populist way of soliciting support from both women and youth by popularising themselves through the Youth Harambee and Women Harambee functions. I believe that we can actually have funds set aside to train youth in this country and actually support and strengthen the National Youth Service, and not just remain as a National Youth Service at the national level, but at the district, locational and village levels. This way, we can get our youths trained in different apprenticeship courses so that they can get ways and means of finding jobs for themselves. This can be done with funds that can be set aside by the Government.

For the training of women in the use of funds, I would like to suggest that funds should be set aside for women so, that they can be supported within their small businesses. We should also train them in elementary book-keeping and trading skills which some of them already have. This is going to help women so that whenever we

raise some funds for them, they can use such funds to make money and that would be economic empowerment for women.

Mr. Temporary Deputy Speaker, Sir, at least, farmers in this country should now be given enough incentives, so that they are able to grow enough crops. This can be done by giving them total exemption from paying duty on all farm inputs.

**The Minister for Labour and Manpower Development (Mr. Masinde):** Mr. Temporary Deputy Speaker, Sir, I take this opportunity to thank all hon. Members who have contributed very keenly on this Motion and for those who had no opportunity to contribute, I am sure, if they had the opportunity, they had good intentions and they are ready to go along with their ideas plus the encouragement we have had from those who have been contributing.

Mr. Temporary Deputy Speaker, Sir, hon. Members have been very serious in airing their views and, of course, I am sure we will all take the views very seriously, rectify and improve on the suggestions and issues they have made during their contributions on the Presidential Speech.

Mr. Temporary Deputy Speaker, Sir, in the course of the contributions by hon. Members, quite a number of issues have been raised and some of them have been on security, peace, food, unemployment, education and many others. I would like to comment on a few of these. First, I would like to comment on security.

Mr. Temporary Deputy Speaker, Sir, it is important that security is maintained in this country, but that should not be left to the Government alone. It is the responsibility of everybody to team up with the Government to make sure that the country, all the people and their property are secure. This is a duty for all of us to make sure that whenever we detect anything that would interfere with the security of the country, we should inform the relevant authorities, so that they can rectify the situation.

Mr. Temporary Deputy Speaker, Sir, we have had a few skirmishes which have been basically cattle rustling along the North Eastern border and I am happy that the Government has taken the issue very seriously. They have sent a delegation to our neighbour who is actually a friendly country and they had very cordial talks. We hope, even by the fact that we have been able to communicate and talk, that alone will bring stability in this country as well as friendship and peace with our neighbours.

Mr. Temporary Deputy Speaker, Sir, those specifically charged with the maintenance of security and peace in the country, especially the armed forces and the rest should make sure that they maintain peace. Those who are supplied with firearms should not misuse them. Again, the maintenance of peace is not a one-man business. Maintenance of peace as well as security must involve all of us, to make sure that we are living peacefully with our neighbours, within our borders and outside our borders. This is important, in order to give the opportunity to the people managing the country to concentrate their attention to more useful issues concerning the development of this country.

Mr. Temporary Deputy Speaker, Sir, many hon. Members have been concerned about the drought situation which resulted into famine in the country. I would like to congratulate His Excellency the President for the efforts he has made in making sure that wananchi get food. I am sure there is food in the country now and it is up to the Provincial Administration, as many speakers have indicated, to make sure that the food gets to those who need it. Kenyans should not go without food when the Government has already tried its level best to bring the food in the country. If there is any food in the stores, it should be given to the people who are hungry and need the food, regardless of whatever part of the country they come from, whatever political party they belong to or whatever ideologies they have.

Mr. Temporary Deputy Speaker, Sir, the other issue which was mentioned is education. We are all aware that the Government is spending the greatest share of its budget in education and the Ministry of Education has done its best. The Government has already released a substantial amount of money to most schools, to help those who are unable to pay school fees for their children. I would just appeal to the headmasters and the Boards of Governors to make sure that the money goes to the bright students who are needy in whichever school - regardless of where they come from because the money is not being provided according to regions. It is being given according to particular schools and therefore, deserving students in whatever schools and whatever parts of the country, should be assisted to get the bursaries. We need to educate the children because they are our future leaders.

The other issue which was mentioned is that of unemployment. This is an issue that affects not only Kenya but many other countries. However, as Kenyans, it is our job to make sure that efforts are made to create employment.

We cannot create employment by having chaos in the country and scaring would-be investors. We should all try our level best to woo the investors, so that they can come and invest by opening up factories and employ our people. However, the few who manage to get employed should help themselves and the country while those who are not employed should try very hard and be productive enough to maximise the profits of the investors, so that the investors have the opportunity to create more jobs. We do not create more jobs, for example, by causing problems in the few industries that we have now. We should co-operate with employers and the employers should also co-operate with the workers by facilitating and making sure that their working life is smooth, so that they can be encouraged to work

harder to maximise productivity and therefore, make sure that more jobs are created by those industries that are already here. If we also have a peaceful atmosphere, we will be able to attract more investors to this country. This can only happen when the investor knows that he is going to spend most of his time---

*(Loud consultations)*

**Mr. Kamuyu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to appeal to this side of the House to keep quiet so that we can listen to this very important reply by the Minister.

**The Minister for Labour and Manpower Development (Mr. Masinde):** Mr. Temporary Deputy Speaker, Sir, I was saying that both the workers and employers have to co-operate to make sure that we create the atmosphere that is conducive to both sides. The employers for example, should not make the situation of the workers so unbearable, such that it can lead the workers to go on strike. Unnecessary and constant strikes will not encourage investors or those who have already invested and would like to expand their industries. Therefore, I want to take this opportunity to appeal to all the people of this country, including the hon. Members of this House to make sure that we help to create the atmosphere which is conducive for the creation of employment. The hon. Member for Webuye has talked about the Panpaper Mills. I know that there has been a problem in Panpaper Mills and we are sorting it out. It is for all of us to help in sorting out the problem and not to accuse probably innocent staff of the Ministry of Labour and Manpower Development of being bribed and so on. After all they do not work there! They tried their level best because I had sent them to go and sort out the problem. If they report to me the problems that they cannot sort out, we would sit together and see how best we can sort them out. So, accusations and counter-accusations do not help. If anything, they discourage the interested workers. I know that like in any other place, for example, the Ministries or the private sector - and not only in Kenya - we have heard incidents of corruption being reported in many other countries. So, corruption is not a trade mark for Kenya. We have had developed countries being accused of corruption. Bribery is one form of corruption. We do not encourage corruption at all. If anything, we would like it to be stamped out--

**Dr. Otieno-Kopiyo:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Minister for Labour and Manpower Development (Mr. Masinde):** I am sorry, I do not want to be informed.

**Mr. Anyona:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Corruption is a very serious problem in this country and, indeed, it is in some other countries. One of our major wars is to fight against corruption.

Is the Minister in order to give an impression that, after all, since corruption is a world-wide problem, we do not have to worry about it? Is he in order to give that kind of impression?

**The Minister for Labour and Manpower Development (Mr. Masinde):** Mr. Temporary Deputy Speaker, Sir, it seems that the hon. Member is not paying attention. He should check the HANSARD tomorrow. I have said that we must continue fighting corruption of any kind.

I would also like to urge my fellow hon. Members that, as hon. Members, we should make sure that we maintain our dignity, whether in the House or outside the House. This is because we will be judged by our electors, and by any other people with whom we associate, by the way we conduct ourselves both in the House and outside the House. If we are hon. Members, then we must behave as hon. Members. To do so, we must respect each other. On a number of occasions, we have had Mr. Speaker shouting, "Order", and speaking loudly!

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to say that you shout? I thought you only keep order in this House. Is he in order to say that you shout?

**The Minister for Labour and Manpower Development (Mr. Masinde):** Mr. Temporary Deputy Speaker, Sir, I withdraw and apologise for that one. I think that we should respect each other in this House. We should also respect the Chair. If we respect the Chair, we will be doing good to ourselves. The way we respect ourselves is portrayed outside. It means that we have to be patriotic about our country and ourselves, so that whatever we utter, whether inside Kenya or outside the House, should be in protection of our country. That way, we will become completely patriotic.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is accusing us of being unpatriotic. That is imputing improper motives on the part of hon. Members of the august House of the National Assembly of Kenya. I think he should be made to apologise, like we wanted the President to apologise himself!

**The Minister for Labour and Manpower Development (Mr. Masinde):** Mr. Temporary Deputy Speaker, Sir, I think I am drawing the attention of the House.

With those few remarks, I beg to move.

*(Question put and agreed to)*

#### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Wetangula): Hon. Members, it is now time for the interruption of the business. The House is, therefore, adjourned until tomorrow, the 17th of April, 1997 at 2.30 p.m.

The House rose at 6.30 p.m.