

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 18th April, 1996

The House met 2.30 p.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.026

CLARIFICATION ON THE KENYA/SUDAN BORDER

Mr. Muite asked the Minister of State, Office of the President to clarify to the House where the geographical boundary is between Kenya and the Sudan.

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

If the hon. Member is concerned about the area around the Ilemi Triangle, I would like to state that the Government has been taking up this issue with the Government of Sudan, and intends to raise this issue through the appropriate inter-governmental committees and the Kenya Sudan Boundary Commission, including the International Court of Justice at The Hague, should the need arise.

Mr. Muite: Mr. Temporary deputy Speaker, Sir, I have asked a specific question, and so it is not a matter of concern. I have asked the Minister to clarify to this House the geographical boundaries between Kenya and Sudan. He is now talking about my concern about an area that he has talked about. Can he specifically answer the question that I had put to the Ministry, that he clarifies to this House, where the boundary between the Republic of Kenya and the Sudan is?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, as far as I am concerned, I have adequately answered that Question.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I have here, the Collins Atlas of the world, which clearly shows, at page 49, the boundary as it was when some of us were in school. It shows the boundary as going horizontally from the tip of Lake Turkana. It is now marked in dots which in terms of the language of the World Map shows disputed territory. It is an area which is as large as Rwanda and which has been annexed to Kenya. I would like to commend the Government for that. It has not done a bad thing, but I would like to ask the Minister to confirm whether or not the present boundary includes an area which historically was part of the Sudan, but always administered from Kenya? If so, will this Government consider bringing a Bill to legitimize this issue so that this House can legitimize what is after all part of the Republic of Kenya? If this area, as I believe was always---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Ask your Question, hon. Muite! **Mr.**

Muite: Mr. Temporary Deputy Speaker, Sir, this area was always administered from Kenya. Could we now legitimize it so that we remove this dotted and disputed territory? Is this Government prepared to bring a Bill to so legitimize it?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, there is no reason for the hon. Member to twist things. I have given my answer and I stand by it, because there is no dispute. If the need arises there is an appropriate method of doing it and unless the Member is concerned about foreign countries, as far as Kenya is concerned, we are satisfied.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is an extremely important issue, and whereas we are peaceful nation, we do not want to rub friends the wrong way. We would like to have a categorical statement from the Minister that, indeed, there is no territorial dispute between the Republic of Kenya and the Sudan.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I said that there is no dispute between the two

countries and that, if need arises, there is a normal procedure to be followed in solving deal with this kind of a problem.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks like there is something the Minister is dodging. This Parliament, which is the supreme legislative authority of this nation, wants to know if there is a dispute between Kenya and Sudan or not. If there is no dispute between the two countries, we want a categorical statement on the issue so that the Minister will not go back to hang himself.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, Kenya Government is not complaining.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this Minister to dodge answering the Question, knowing very well that the dispute has arisen because there are oil deposits in that piece of land?

Mr. Kalweo: That was not a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Orenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious Question and I think we need guidance from the Chair. This House more than anybody else needs to know our international boundaries. We need to know when somebody is inside or outside Kenya. For the Minister to avoid answering this Question, by not telling us specially where the borders between Kenya and the Sudan are, is treacherous. Could the Minister tell us specifically, where the border between Kenya and the Sudan is, so that when I am at the border, I know whether I am in Kenya or in the Sudan. It is a simple question.

Mr. Kalweo: The geographical boundary between Kenya and Sudan is so clear that the hon. Member ought to know it.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, could the Minister then tell us what it is that the Government of Kenya is pursuing with the Government of Sudan through the International Court of Justice? Can he clarify to this House what it is that they are pursuing?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I said if need arises, I will say it, but the need has not arisen.

Mr. Achieng'-Oneko: Mr. Temporary Deputy Speaker, Sir, is it not true that the bone of contention has been that there has been skirmishes on the border because of some minerals and oil in the area?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I do not know that this has been the case.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, you have heard the hon. Minister saying persistently that he is not aware of what we are talking about. For the sake of this House, can he say what he is aware of because this is a burning issue and it will affect him? Is he in order to evade answering the Question? It is a very genuine Question which affects him, his children and his grandchildren. Can he make an attempt to answer that Question?

The Temporary Deputy Speaker (Mr. Wetangula): We will move to the next Question. Hon. Njenga Mungai's Question!

Mr. J.N. Mungai: Before I ask my Question, is it not in order for us to be supplied with written answers by the Ministers concerned?

Question No. 056

TRANSFER OF CIVIL SERVANTS

Mr. J.N. Mungai asked the Minister of State, Office of the President, what immediate measures he is taking to ensure that civil servants do not over-stay in one station, in order to avoid laxity in the management of public affairs.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, it is in order to get a written answer, but it was sent to Parliament yesterday and you should have received it anyway. I am very sorry about that. I beg to reply.

The Minister is not taking any immediate measures to ensure that civil servants do not over-stay in one station in order to avoid laxity in the management of public affairs. There is no documented evidence that laxity and length of stay at a station by an officer are directly correlated. However, civil servants will continue to be deployed in various stations on the basis of the need of the services rendered to wananchi.

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, this is a very unfortunate answer that I have just received. The purpose of asking this Question is definitely viewed from the fact that, the services rendered by civil servants are deteriorating all over the country. If you look at our roads, health services and agricultural

services, you will see that they have almost deteriorated everywhere in the country. We are taking it that part of this deterioration has been as a result of some officers taking too long in one station until they begin taking things for granted. We believe that some of these officers over-stay in some of these stations as a result of political patronage. To avoid this happening, could the Assistant Minister consider that in areas where civil servants have over-stayed and their services deteriorated, he takes an immediate action to transfer them so that they go to new areas? A good example is the roads in Nakuru. They are in pathetic condition.

Mr. Manga: Mr. Temporary Deputy Speaker, Sir, some of the services that civil servants are rendering involve implementation, appraisal, review of projects and they will be affected if very frequent transfers are effected.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that by allowing some of these civil servants to remain in their work stations for longer periods, you make most of them to become more corrupt?

Mr. Manga: Mr. Temporary Deputy Speaker, Sir, I am not aware of that, but I believe that if you have a corrupt officer, even if you move him day after day, he will still be corrupt.

Mr. Mutahi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just said that one of the main reasons for not transferring these officers is because there is a possibility that some of them might have started some projects and if they are transferred the projects might collapse. If I could give an example of my constituency--

The Temporary Deputy Speaker (Mr. Wetangula): Just ask a question hon. Muhika.

Mr. Mutahi: Now you are getting me wrong. I am giving an example of Mukurweini where we have a district officer being transferred after every six months. What do you expect to happen to the projects that he started in those few months that he had been there?

Mr. Manga: The hon. Member has given a very wrong example because under normal circumstances, district officers are not project officers.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I think what the House wants to know, and even those officers would like to know, is whether or not there is a policy as to how long an officer stays in one station?

We are talking particularly about district commissioners who become notorious in some places, some people call them "extra-members of Parliament" in those areas. How long do they stay because, for example, we know that the American Ambassador normally leaves after every three years?

Mr. Manga: There is no policy as to how long an officer would stay in one station. Transfers are effected according to the need of the services that are required from one officer.

Question No. 048

MANAGERS OF BANK OF BARODA

Mr. Aluoch, on behalf of **Mr. Mak'Onyango**, asked the Minister for Finance:-

(a) how many former top managers of the Bank of Baroda (K) Ltd. who originally came to Kenya from India on a work permit basis have since started their banks/financial institutions or are joint owners of such institutions in the country; and,

(b) whether he could table the list of such banks and financial institutions.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) According to the records available, there are no former top managers of Bank of Baroda (K) Limited who originally came from India on a work permit basis and have since started their own banks/financial institutions in the country. However, there are two former top managers of the bank who are currently joint owners of a bank in Kenya.

(b) The details of the said two former managers are as follows:-

(i) Mr. H.B. Nadkarni, Managing Director, Fina Bank Limited owning 5 per cent shareholding in Fina Bank Limited through Kushan Limited.

(ii) Mr. V.V. Pardhasaradhi, General Manager and Director, Fina Bank Limited owning 2.5 per cent shareholding in Fina Bank Limited through Vispar Limited.

Mr. Aluoch: Mr. Temporary Deputy Speaker, Sir, apart from the contradictory nature of this answer, I would like the Assistant Minister to tell this House what is the policy of issuing work permits to people who come from outside Kenya, because according to the law, you should work only for the period shown in the work permit, and then you go back to your country. Why are other foreigners allowed to open businesses here which can be

done by Kenyans?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I do not know whether hon. Aluoch followed what I said. No former expatriates from India have been allowed to open banks, but there are some who are working here who have shares in banks which have been opened by Kenyans.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister seems not to understand exactly, what is happening at the Bank of Baroda. Some of us know what is happening. Kenya becomes the only country in the world where the Government does not take care of its people especially in this Bank where the Government is allowing Asians to be managers and yet there are Africans who are competent perform these jobs. Some of these Asians are less qualified. I am not going to ask the Assistant Minister whether he is aware because he is going to tell me he is not aware, but I want to make him aware that there are so many banks managers in this Bank of Baroda who are not qualified.

The Temporary Deputy Speaker (Mr. Wetangula): You are advancing an argument instead asking a question.

Mr. Ndicho: I am making him aware so that I can ask him the question. Now that he is aware of these unqualified managers, what is the Kenya Government going to do to make sure that Kenyans are not replaced by sub-standard people as managers in these banks?

Mr. Mulusya: They are known as Indian quacks.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, it is good that the hon. Member had said that he is not going to ask a question. I do not think he has asked me a question.

The Temporary Deputy Speaker (Mr. Wetangula): As a matter of fact, he has just made a speech.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, may I seek protection from the Chair. When will Mr. Speaker come back?

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Arising from the Assistant Minister's reply, that he was not aware of any persons who came here on work permits from India. Then, he proceeded to say that he knew of two top managers who has since become general managers, directors and shareholders of Fina Bank. Under what conditions were these two given work permits to assume those positions?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, these particular people came into this country sometimes ago. With regard to the circumstances under which they were asked to assume those positions, is another question. Although we have got collective responsibility, if that question comes under the respective Ministry concerned with giving out permits, I think it would be effectively answered.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The original Question that is before this House is about persons who came here to work on working permits in one bank and then started another banking institution. If the Assistant Minister thought he was not competent to answer the question about people who came with working permits and went to work in another banking institution, the Question should have been sent to the Ministry responsible for giving permits. Why did you pretend to answer if you were not capable of answering supplementary questions directly related to your original answer?

An hon. Member: Let us get hon. Keah.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I have answered the Question. There are no former expatriates of Asian origin who were given work permits and who ended starting banks in this country. I have said that if the hon. Member was interested in getting more details, then he can bring the Question to the respective Ministry.

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Gatabaki, the rules of this House are that when an hon. Member is responding to a point of order, you cannot stand on yet another point of order. The Assistant Minister is responding to a point of order. Have you finished, hon. Koech?

Mr. Koech: Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. Nyagah: Having heard the answer given by the Assistant Minister, would he be able to probably furnish us with information as to what the Government thinks of the banks that were taken over or closed down and put under receivership which belonged to indigenous Kenyans, instead of giving them to these people from outside? What top priority is the Government giving to these Kenyans, who will remain Kenyans and die Kenyans and have their own institutions which they have lost in the process?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I do understand that the hon. Member wants a different question to be answered. If he is interested in that, he can bring up the Question, and I can come up with a comprehensive answer.

Mr. Anyona: I do not understand what the Assistant Minister has told us. Is he telling us that the

Bank of Baroda is owned by Kenyans or Indians? Would he tell us if he is aware that there are a lot of things going on in that Bank so much so that, African workers in that Bank have written a long memorandum to your Minister complaining? Could you tell us whether you are aware and what you have done about the huge complaints being made by the workers there? This is because you seem to be hiding something.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I am not aware of any dispute between the workers and the bank.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to keep on misleading this House when he knows that 90 per cent of all financial and banking institutions are owned by Asians? The only Bank owned by Kenyans has been closed by the Government. Is he aware that there is an exercise going on in Asianising the financial sector at the expense of the indigenous people who constitute 99 per cent of the Kenyan population? Is he not making Kenya an extension of the Indian sub-continent?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I am not aware. I do not think the hon. Member is justified to make such exaggerated comments without offering a substantiation. I believe that is absolutely wrong.

Question No. 079

IMPORTATION OF CHEAP SUGAR

Dr. Kituyi, on behalf of **Mr. Achola**, asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) whether he is aware that sugar-cane industry is threatened with imminent collapse following the importation of cheap sugar in the country; and,
- (b) whether he could give a list of all sugar imports since January, 1995 to date and state how much transit sugar has passed through the Port of Mombasa since January, 1995 to date; and,
- (c) the action which he will take to save the sugar industry.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that sugar-cane industry has performed poorly in the past due to various factors. These factors include inadequate cane supply in most sugar cane zones, insufficient credit for cane development, inappropriate financial structure of some of the sugar companies, mis-management of some of our sugar companies and un-coordinated importation of sugar which have jointly and severally, adversely affected the efficient performance of the sugar industry. However, singularly, none of the factors could lead to the collapse of the sugar industry.

(b) Companies and organisation which imported sugar from January, 1995, up to February 1996 are listed in a list, which I now wish to table before this House. The list is quite long.

(Dr. Misoi laid the list on the Table)

A total of 120,987.6 tonnes of transit sugar has passed through the Port of Mombasa since January, 1995 to January, 1996. I also have a list showing the breakdown of the same. It will, however, be observed that some sugar may have entered the country undetected, and therefore, this list of importers and quantities of tonnes of sugar may not be conclusive. I also wish to table this list before this House.

(Dr. Misoi laid the list on the Table)

In total, transit sugar amounted to 120,987 tonnes, while the quantity of sugar which was imported into the country was 30,071.975 tonnes.

(c) The Government is taking the following measures to ensure that the sugar industry improves its efficiency and productivity: One, there will be gradual privatisation of the sugar companies; two, there will be financial restructuring and review of the management of inappropriately structured companies; three, a fund will be established for internal operations of credit to finance industry operations, cane development, roads improvement, research and rehabilitation; four, there will be liberalisation of marketing and distribution of sugar, including pricing, to enhance competition and, therefore, efficiency; five, there will be application of flexible tariff structure to prevent dumping of cheap imports of sugar on the domestic market; six, there will be strengthening of

the institutional set up of the industry to promote effective and efficient co-ordination and management of the sugar industry. In this regard, the apex body, the Kenya Sugar Authority, is being re-organised and strengthened with enough delegated powers and authority to manage the sugar sub-sector under a privatised environment.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, could you oblige the Assistant Minister to table the documents he has undertaken to table before he sits down, and before I ask my supplementary question?

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Misoi, did you say that you are tabling some lists?

Mr. Mulusya: Weka Makaratasi hapa!

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mulusya!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, despite that heckling from the hon. Member on the other side of the House, I beg to table the documents.

(Dr. Misoi tabled the documents)

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, arising from the Assistant Minister's reply, it is public knowledge that documents, which showed that more than 50,000 tonnes of sugar were imported into Kenya in the course of 1995, have been brought to this House. He purports that only 30,000 tonnes of sugar were imported into the country in that year. I am glad that he also suspected that there was something amiss about the

[Dr. Kituyi]

statistics he had. But, this Question is not about management, restructuring and the infrastructure of the sugar companies. It is about the crisis that is facing the sugar industry across the board, because of the greedy persons who abuse responsibility to import cheap sugar, and destroy the marketing of domestically produced sugar from our sugar factories. While the Assistant Minister may have attempted to cover this issue under some other excuse, it is known that attempts to talk about liberalisation as a solution to the dumping problem have just been adding fuel to the fire. Can the Assistant Minister tell this House why, after the Legal Notice No. 17 of March, 1995, through which the Minister imposed duty on imported sugar as a method of curbing excess dumping of sugar in Kenya, the same Minister in early 1996---

An hon. Member: Ask the question!

Dr. Kituyi: Can you shut up and listen?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Kituyi!

Dr. Kituyi: The same Minister realised that anti-dumping measures like taxes were insufficient in containing the massive dumping of cheap sugar on the Kenyan market and announced the banning of sugar importation. Can the Assistant Minister now tell the House why, two days after this critical and very popular decision and announcement by the Minister, it was announced from the Office of the President that the ban on the importation of sugar had been lifted? Why was the ban lifted by the Office of the President two days after it had been imposed by the Minister for Agriculture, Livestock Development and Marketing?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, the lifting of the ban on importation of sugar and substitution for the same, of stiff taxation measures was found a better alternative to control and stop dumping of sugar into the local market.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister confirm or deny that hon. Otieno was sacked as Minister for Transport and Communications on account of his contradictory statement regarding the importation of sugar?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, the Question here is about sugar and not sacking somebody.

Mr. Anyona: Mr. Temporary Deputy, Speaker, Sir, there is this saga, which nobody seems to understand. It has become another political circus. We were treated to this measure of a tariff, which did not work. The Government, in its collective wisdom---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Anyona, ask your question.

Mr. Anyona: Yes, Sir, I am laying a basis for a very interesting question. So, they decided to ban the importation of sugar, at least for the time being, and then the ban was lifted. The question that I would like the Assistant Minister to answer is this: Is he aware that since that confusion there is, in fact, a disruption of the sugar market in the country? This is so much so that there is no sugar in the country! There is sugar rotting in the warehouses of Mumias and Sonny Sugar Companies, which is not being marketed when Kenyans cannot get

sugar! When they get sugar which is imported into this country by a few rich people, its price is very high. Is he aware of this? If he is, what is he going to do about it?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, I am not aware of that.

Mr. Aluoch: Mr. Temporary Deputy Speaker, Sir, this question of importation of sugar is very important to some of us because our constituents depend on sugar production. The Assistant Minister does not seem to be clear on what Kenyans want. Kenyans want those big people who are importing sugar and thereby frustrating small-scale farmers to stop the importation. We want effective anti-importation measures. Can he tell this House whether the policy of this Government will become effective? We are just being told that the matter is being worked on and duties are being increased, and yet we know that sugar comes into the country but the big men do not pay taxes on it!

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, I assure this House that the Government will implement the law to the letter, and that anybody who flouts the law will face the force of it.

Mr. Mathenge: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that allowing people to import sugar into Kenya creates unemployment in the sugar-growing areas of the country? Is he aware that the sugar produced by the outgrowers should be given a priority in marketing? In this way our farmers can be induced to work hard and earn a living as well as create employment for other people. This is better than allowing people to import sugar and making Kenyans subservient to importers of foreign sugar.

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, I entirely agree with the hon. Member that our local sugar industry should be protected. I also agree with him that all Kenyans, particularly those who are involved in trade, should be more patriotic, instead of being motivated by profit. This attitude destroys our local economy.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to give two contradictory answers to the question that has been asked? On the one hand he says that the Government is going to employ strict taxation measures which we do not know. On the other hand, he is saying that the Government is going to protect the sugar industry. Which is which? Which is the Government policy? Can he explain what he means by strict taxation measures? Or, can he declare that the Government has now started a policy of protecting domestic industries?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, I thought that was simple English language. When you apply certain conditions on the importation of goods to this country, the same is a measure of protecting a local industry.

The Temporary Deputy Speaker (Mr. Wetangula): Next Question, Dr. Lwali-Oyondi.

Question No.039

REHABILITATION OF TOWN STREETS

Dr. Lwali-Oyondi asked the Minister for Local Government when the main streets of Free-Area Suburb in Nakuru Town would be tarmacked and street lights installed.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The project will commence in September, 1996.

An. hon. Member: Use the microphone!

(Dr. Lwali-Oyondi moved to the microphone)

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

The Temporary Deputy Speaker (Mr. Wetangula): Sorry, Dr. Lwali-Oyondi, there is a point of order.

Mr. Sifuna: On a point of order, Mr. Temporary Deputy Speaker, Sir. We did not hear what the Assistant Minister said. I do not know whether he was answering the Question while he is seated or standing. We have not heard what he has said. Could he stand up, or should we give him a stool?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I plead for your protection because if I was sitting, you would have noticed.

(Laughter)

I said that the project will commence in September, 1996.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, I would have liked the Assistant Minister to tell us whether this has been budgeted for or whether he will make sure that this will be budgeted for in the 1996/97 Financial Year?

The Temporary Deputy Speaker (Mr. Wetangula): But surely, Dr. Lwali-Oyondi, he has answered the question you have asked. You did not ask that.

If you want to ask that, then ask it. How did you expect him to answer a question which you had not asked?

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker Sir, I am trying to ask a straightforward question.

The Temporary Deputy Speaker (Mr. Wetangula): Now ask the question you want him to answer.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, I am just asking him whether he will not change his mind. We have had a lot of promises of things that never materialised. They just give answers to keep us cool. Could he swear here by his throat that he will not change his mind?

(Laughter)

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, hon. Dr. Lwali-Oyondi is my uncle by marriage and I am telling him the truth. I would not want to lie to him since he is my relative. The fact remains that this will be done under the Kenya Transport Infrastructural Project whose meeting was opened yesterday by the Minister for Local Government.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House how much money he has allocated for the tarmacking and the lighting of the main streets?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I do not have that information. But when this has been done under the project it will come up. I will find out and bring the information to the hon. Member as to how much money will be spent.

Prof. Anyang' Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that this thing will be done under some recent arrangements? Could he not be much more specific and say that it has been budgeted for under a certain Vote and that Vote will be used to do the job within the Financial Year?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I have already answered that this is commencing in September, 1996, and therefore, everything is on line.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. You are the only one who can save this House from ridicule from this Assistant Minister. Surely, how can he be so certain that this project will start in September, 1996, yet he does not know how much it is going to cost?

The Temporary Deputy Speaker (Mr. Wetangula): He said that he does not have the figures of the amount involved here.

Mr. Ndicho: But, Mr. Temporary Speaker, Sir, can he promise that he is going to bring those figures here? Hon. Dr. Lwali-Oyondi cast his doubts and asked the Assistant Minister to swear by his throat that he is going to bring the figures and have this project done. We doubt whether this will happen. Can the Assistant Minister promise that he is going to bring the figures of the cost?

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Wameyo, when do you want to bring the figures?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, since tomorrow is Friday and we are not meeting, I will bring the figures next Tuesday.

An. hon. Member: When? Next week?

Dr. Wameyo: Next week on Tuesday.

The Temporary Deputy Speaker (Mr. Wetangula): He will bring the figures next Tuesday. Next Question, Mr. Nthenge.

Question No. 052

MUSHROOMING OF ILLEGAL STRUCTURES

Mr. Nthenge asked the Minister for Local Government:-

(a) why the Nairobi City Council has allowed illegal structures and extensions to be put up in estates in the eastlands of Nairobi, especially Umoja and Buru Buru;

(b) what concrete steps the Ministry has take to stop the mushrooming of these illegal structures; and,

(c) if he can instruct the Nairobi City Council to strictly adhere to the Council by-laws before allowing any building to be constructed within the City and its environs.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) No.

(b) Since there are no illegal structures as such, part (b) does not arise.

(c) The Ministry has strongly advised the Council to strictly adhere to building by-laws before allowing any building to be constructed within the city.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is very serious---

The Temporary Deputy Speaker (Mr. Wetangula): Order! The fact that you have said "point of order" does not automatically give you the Floor.

Mr. Nthenge: You looked at him smiling.

The Temporary Deputy Speaker (Mr. Wetangula): Order! That is not---

(Laughter)

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for his answer. A lot of these structures are, strictly speaking, authorised through bribery and the Council is not involved. It is a few officers of the Council who do this. But under the circumstance, would the Assistant Minister be prepared to go into it and, if necessary, involve the police so that we eradicate this kind of illegal authority which is obtainable through dubious means?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, certainly, if we are given specific information.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has not answered part (a) of the Question. This Question does not demand "yes" or "no," unless he is speaking a language spoken in Mumias or in a gynaecology clinic. The question is: Why has the Nairobi City Council allowed illegal structures and extensions to be put up in estates in the eastlands of Nairobi, especially Umoja and Buru Buru? He has only given the answer as "no". This is not a question of "are you pregnant?" It is not a question of saying "Yes" or "no".

(Laughter)

This is not the answer he is expected to give. I live in Buru Buru estate and I know that these structures exist because I have seen them. Even now more structures are coming up. Can he now answer that Question? He should even read the Standard Newspaper because it has come up with explicit details of what is happening in those estates.

An. hon. Member: Exactly!

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I do not know how the issue of pregnancy arises. But the truth still remains, that the Nairobi City Council has not, as a City Council, allowed illegal structures. You have heard from the Questioner that he knows how it arises, through bribery, which I said, if we have specific information, we will deal with it.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has asked whether we have specific facts. It is very simple because the hon. Assistant Minister can drive to these areas with hon. Mulusya, myself and maybe, hon. Mutere, who is also a Member from that area so that he can see these structures. It is an open secret. We are even ready to go now and come back and report to the House what we have found.

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I understand, but whenever you see a structure, it does not necessarily mean the structure is illegal because you have seen it.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, in this House, we do not have somebody who is a representative for Nairobi City Commission to be answering Questions for the City Commission. The City Commission falls under the Ministry of Local Government---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Farah, you are saying the obvious. Can you ask your question?

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, but the Assistant Minister tells us that he has instructed. Who is supposed to enforce that? Can the Assistant Minister say that from now onwards he will enforce the by-laws and make sure that there are no illegal structures in Umoja and Buru-Buru? That is the

undertaking we want and not instructions.

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I have already said that. The only thing I said is that we need to be given information that this structure is illegal.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, it is all well and good that the Assistant Minister can have theatrics on a matter in this House. But today, it is a national shame, it is collective disgrace upon us all that persons in this City are building and putting up very dangerous structures, and the Assistant Minister is aware of this. Could he, for once, be serious? Fraudulently, these structures are not illegal any more, but can he just give us a ray of hope that the Ministry is going to undertake to curb the excesses that are involved in this very unfortunate exercise that is going on?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I have already answered that question. But given specific information, like a lady who is pregnant, we will deal with it!

The Temporary Deputy Speaker (Mr. Wetangula): Next Question, hon. Busolo.

Question No.044

CONSTRUCTION OF DISPENSARY

Mr. Busolo asked the Minister for Health when the Ministry would put up Sitikho Dispensary in Webuye Division.

The Assistant Minister for Health (Mr. Criticos): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Sitikho Dispensary will be put up when the project is accepted in the forward budget and capital funds allocated for its construction. The dispensary is given priority number five in a list of 15 projects for the Ministry of Health in Bungoma District.

However, the hon. Member of Parliament for the area is requested to initiate the project through a Harambee until funds are made available.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, I maybe treading on dangerous ground, but arising from the answer by the Assistant Minister, it seems to me that the Office of the Clerk needs to give out very clear-cut job description for hon. Members of Parliament particularly on the Government Bench. I do not think that Harambees are part of my job description.

The people of Sikikho, an area that I represent, deserve medical attention. If anything, they have already got a plot through Harambee, for the information of the Assistant Minister. And having done that, we cannot tax them any more, they deserve better. Could the Assistant Minister tell us if priority number five in the list of projects by the Ministry of Health does not deserve funding?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, all the projects are priority projects and that is why we have 15 projects by the Ministry of Health in Bungoma District on our priority list. Unfortunately, others are more urgent than this particular dispensary. We do appreciate with the hon. Member and that is why we are saying that until we get the funds for the other four projects or if he can initiate something or look for donor countries to assist us, we in the Ministry of Health will appreciate.

Mr. Sifuna: Thank you, Mr. Temporary Deputy Speaker, Sir. Arising from that sad reply from the Assistant Minister, is he aware that the people of Sitikho do pay taxes and it is not the work of hon. Member to hold Harambee for projects? But their work is only to inform the Government what is lacking in their respective areas and the Government is to come here and ask for funds and we provide the funds. Can the Assistant Minister confirm that in the next Budget he is going to request for funds to build Sitikho Dispensary, and the work of Parliament is not to hold Harambee?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that it is already in the Bungoma District Development Plan, page 199 - for Estimates of 1994-96. It is already there!

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, my understanding of the programme of the social dimensions of development is that it is meant to cater for the vulnerable groups arising from the implementations of the Structural Adjustment Programmes (SAP). Could I request the Ministry to look into certain funds which we understand run into billions that have been given to this Government and allocate a few of those funds to this dispensary?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, the only thing that we can do is since Budget is coming, we want the House to request for more funds for our Ministry of Health. We have a big shortage of money in our Ministry.

The Temporary Deputy Speaker (Mr. Wetangula): Next Question, hon. Ojodeh.

Question NO.062

DECENTRALIZATION OF NSSF

Mr. Ojode asked the Minister for Labour and Manpower Development what action he is taking to ensure that age assessment programme at the National Social Security Fund (NSSF) is decentralized to the districts.

The Assistant Minister for Labour and Manpower Development (Mr. Komen): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Minister has no immediate arrangements to decentralize age assessment programme to the districts.

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, this is quite an unfortunate answer. Let me give you an account of one Mzee who was employed by the Ministry of Public Works and Housing in 1958 before you were born. This man worked as a casual labourer, and he was confirmed on works-paid.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say that you were born in 1958?

Mr. Temporary Deputy Speaker (Mr. Wetangula): He is grossly out of order!

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, the mzee was confirmed on works-paid terms almost after five years. The same mzee was made permanent and pensionable just in Siaya in those years. This programme was in existence before and I wonder why the Assistant Minister is coming up and saying that it cannot be done immediately. Why can he not order for age assessment to be done in the districts? When these old men come over here in Nairobi they are always being knocked down by vehicles. Some of them have never come to Nairobi! What is important here is just to appoint doctors to do the assessment of age. That is all. What is so difficult in doing that?

Mr. Komen: Mr. Temporary Deputy Speaker, Sir, the hon. Member may think that it is only a question of appointing a doctor and a few officers as a panel to assess the age of the old men. No! Age assessment is a facility available to contributors who want to be paid their benefits on the grounds that they have attained the minimum qualifying age of 50 and whose records with the Fund indicate that they are not yet 55 years old. The facility is only available here in Nairobi because of the finger-prints which are filed only here at the headquarters. We did so before giving it to individuals to assess and it was abused by having people impersonating themselves. So, we had to withdraw and then they have to come here in Nairobi so that we may finger-print them and then be paid.

Mr. Obure: The age assessment programme has made the people in this country to suffer a lot. The people who are supposed to retire are old, our roads are not safe and life in Nairobi is very expensive for these old people. Could the Assistant Minister admit that the only reason for this programme to be centralised here in Nairobi is meant to enhance the corruption in that department.

Mr. Komen: The hon. Member knows very well that those people who want to be assessed are very few.

Mr. Sifuna: On a point of order, Mr. Temporary Deputy Speaker, Sir. Last year, I wanted to move a Motion related to this programme, but the Minister himself wrote a letter to me through the Clerk's office saying that they were going to decentralise the payment of NSSF dues. I was, therefore, informed that my Motion had been overtaken by events. The Clerk can bear me right. Now, we are being given another different answer and yet the Minister himself told me that my Motion had already been overtaken by events. Who are we supposed to believe the Minister or the Assistant Minister?

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Sifuna, I understand that your Motion was related to decentralising payments of NSSF dues and this is about decentralising assessment of age. So, those are two different issues.

Mr. Gatabaki: Is it in order for the Assistant Minister to give this type of conflicting information when he knows very well that NSSF can spend Ksh1 million to buy a plot at Embakasi when it cannot spend even Kshs50,000 on its age assessment policy. What criteria does this Government use? Is it only interested in serving the few corrupt people who are not known or the contributors? Is it a Government policy to enrich a few characters some of whom are seated on the Government Benches or is it to serve the people of Kenya?

Mr. Komen: That is a different Question.

Dr. Wako: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Gatabaki to point at hon. Members seated on the Front Bench of the Government side without mentioning their names? Can he tell us who these Members are, who get assessment benefits from NSSF to enrich themselves?

The Temporary Deputy Speaker (Mr. Wetangula): I have no reason to doubt that you do not know Standing Order No. 73 (1) and (4)

Question No. 019

CONSTRUCTION OF KARIRU BRIDGE

Mr. Kareng asked the Minister for Public Works and Housing:-

(a) whether he is aware that Kariru Bridge in Muruka Location of Kandara Division has been done by wananchi on Harambee basis; and

(b) if so, what assistance is he considering to give the residents of Muruka in order to maintain this bridge and other roads in the Location.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Temporary Deputy Speaker, Sir, I beg to give the following reply.

(a) I am aware that lines of culverts for Kariru Bridge in Muruka Location were installed by the local people on a Harambee basis and the Ministry provided assistance in the form of culverts, skilled labour and supervision during the construction.

(b) The Ministry will not give direct financial assistance to the residents of Muruka Location, but will undertake to maintain the bridge and the classified, in that location by grading when the current rains stop.

Mr. Kareng: Could the Assistant Minister tell this House the amount of money that has been allocated for the maintenance of Kariru Bridge?

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, I did not get the question.

Mr. Kareng: The Assistant Minister has said that he is not going to give any financial assistance---

The Temporary Deputy Speaker (Mr. Wetangula): That is not what he said. You simply asked how much has been budgeted for the project.

Mr. Kareng: That is right. I am trying to explain to him because he did not understand the question.

The Temporary Deputy Speaker (Mr. Wetangula): Then, I would expect you to repeat the question.

Mr. Kareng: Fine. How much money have you allocated for this bridge?

Mr. Mwamzandi: The bridge has already been constructed. The residents contributed materials worth Kshs120,000---

The Temporary Deputy Speaker (Mr. Wetangula): The question is: Have budgeted any money for this project and if so, how much?

Mr. Mwamzandi: We cannot budget for the bridge because it has been completed.

Mr. Kareng: According to the Assistant Minister's reply, they are going to maintain this bridge. How can they maintain the bridge without a budget? How much money has the Ministry allocated for maintaining this bridge?

Mr. Mwamzandi: It is not the bridge alone which will be maintained, but the entire road network. I cannot get the figure right now.

Mr. Ndicho: The Assistant Minister has been asked a very simple question: How much is his Ministry going to spend on this bridge? Now that he has become very generous and said that it is not only this bridge which is going to be maintained, but the entire road network in the location. So, how much money is the Ministry going to spend in order to maintain the entire road network that he has talked about? Is it Kshs50,000, Kshs30,000, Kshs80,000 or how much?

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Mwamzandi, you have already answered that question.

Question No. 072

GRAVELLING OF BUNGOMA-BUSIA ROAD

Mr. Sifuna asked the Minister for Public Works and Housing:-

(a) whether he is aware that Bungoma-Mateka-Busia Road has many pot-holes, thus making it impassable; and

(b) when the Government will gravel this road to make it passable.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Temporary Deputy

Speaker, Sir, I beg to reply.

(a) I am aware that some sections of Bungoma-Mateka-Busia Road have many pot-holes and therefore those sections are impassable when it rains.

(b) The road will be gravelled or patched in August-September this year.

Mr. Sifuna: I appreciate that answer which I hope will be acted on. Could he tell us how much has been earmarked for gravelling this road?

Mr. Mwamzandi: I do not have the figure right now but we will be able to spend more money as work on the road goes on.

Dr. Kituyi: We have heard two Assistant Ministers this afternoon, announcing dates in the next financial year when they will embark on some projects. Is this a statement about a forward budget or there is a plan underway to rubber stamp certain budgets for implementation during that time. How does the Assistant Minister know that in September we will have money for doing that road?

Mr. Mwamzandi: The most important thing is that the road will be done on the months I have given. Whatever the cost will be, we will know because we have petroleum levy and other moneies from the main Budget. We might spend as much as we want.

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, may I ask the Chair to give the Assistant Minister enough time to do proper homework because we do not want to be told that they would do it in August and September without knowing how much is going to be involved. He should be given enough time so that he would come back next week and give us a proper answer.

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, if the hon. Member was much more interested on the figure, he could have pointed out that in the Question. Meanwhile, I do not have that information.

Mr. Karege: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am wondering whether this Assistant Minister is serious---

The Temporary Deputy Speaker (Mr. Wetangula): What is your point of order?

Mr. Karege: Is he in order really to keep avoiding answering Questions? In my Question, I asked him about the figure and he refused to answer. Now, the hon. Member is asking him about the figure, but he is still avoiding the Question. Is he in order to do so, Mr. Temporary Deputy Speaker, Sir?

The Temporary Deputy Speaker (Mr. Wetangula): I think to be fair to the Assistant Minister, the Question is asking about an impassable road and when it will be gravelled. He has answered that. You are asking about the amount involved and he told you he does not have the figures readily. I do not know what you want to do with him? Hon. Mwamzandi, when would you bring them the figures?

Mr. Mwamzandi: Probably, I assure, the House by Wednesday next week.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, you should know that the quality of the answers reflect on the quality of the Questions. So, frame your Question to properly to get correct answers. Yes, hon. Mutahi.

Mr. Mutahi: Mr. Temporary Deputy Speaker, Sir---

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

The Temporary Deputy Speaker (Mr. Wetangula): Yes, hon. Falana.

Mr. Falana: Thank you, Mr. Temporary Deputy Speaker, Sir.

When Questions are asked on the Floor of this House or directed to Ministries, there are some valid supplementary questions which Ministers should expect that they would automatically be asked. How would the Assistant Minister stand here and answer that a road would be gravelled or maintained without actually knowing the initial amount of money to be used on the road? It does not make sense. One thing leads to the other. If a Minister knows that this road is going to be maintained, surely he should know how much money the Government is going to spend. These two go together!

(Applause)

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, if that bit of how much money would be spent was specifically put in the Question, I would be bound to give that. But the main issue was whether the road is going to be gravelled and I said it is going to be gravelled.

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

The Temporary Deputy Speaker (Mr. Wetangula): I had given the Floor to hon. Muhika.

Mr. Mutahi: Mr. Temporary Deputy Speaker, Sir, if you look at that Question on part (a), the road is already impassable and the Assistant Minister is talking of gravelling the road in the month of August; an

impassable road! It is not being used now neither is it going to be used until August, 1996. Could the Assistant Minister tell the House whether he is prepared to do something, at least, to make it passable between now and August when it would be gravelled because there is no tractor?

(Applause)

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, we are right now working on several roads, over 15 of them. By saying that it would be done that time---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Assistant Minister, do not worry You will invite so many other questions.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Mulusya!

Mr. Assistant Minister, you are also inviting a lot of unnecessary questions. You have simply been asked if the road is impassable and you will repair it in August and September, what preliminary plans do you have to make it passable now? Why do you want to go about the other 15 roads?

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

Mr. Mwamzandi: We have a grader which is right now working on other areas and until we have finished Tambani-Muliro, Rural access Road - 40, which is 15 kilometres, I cannot just move that machinery to any other place.

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Ministry is taking Members of Parliament for a ride. Many Questions have been asked here from both sides and we are getting negative answers. It is high time that the Ministry took the Questions seriously. Most of the roads are impassable. Can the Assistant Minister tell the House whether his Ministry is going to look for a permanent solution to this problem because every Member from both sides of the House has asked a question on roads?

(Applause)

Mr. Mwamzandi: Mr. Temporary Deputy Speaker, Sir, right now I am answering Question No. 072 of 1996. On those other roads, if one of the hon. Member is interested he can ask a Question about them.

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

The Temporary Deputy Speaker (Mr. Wetangula): End of Question Time.

POINT OF ORDER

NOTICE OF MOTION TO CREATE EXTRA CONSTITUENCIES

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I rise here on an issue that did come up yesterday and which has been carried extensively in the three daily Papers. Specifically on page four of the *East African Standard*, there is an article which headlined: Opposition MPs accuse State of Plot over Laws. It goes on to say as follows:-

"Sixteen Opposition MPs yesterday accused the Government of using some legislators to force a Constitutional amendment that would allow the creation of more than 22 new Parliamentary Constituencies. The MPs recalled that yesterday afternoon a nominated MP, Dr. Taaitta arap Toweett gave notice of his intention to Table a Motion for the creation of new Constituencies without the Motion reaching the Parliamentary Sessional Committee for balloting."

Mr. Temporary Deputy Speaker, Sir, I want to set the record straight. In the first place, hon. Taaitta arap Toweett drafted this Motion and forwarded it to the Speaker of the National Assembly in his capacity as a Member of this House, and every Member of this House has a right to draft a Private Members' Motion and forward it to the Speaker.

Mr. Temporary Deputy Speaker, Sir, the second point I want to clarify is that at its meeting on Tuesday, the Sessional Committee was informed that, indeed, hon. Taaitta arap Toweett had forwarded a Private Members' Motion to the Speaker and the Speaker had approved the Motion. In the discussion that ensued within the Sessional Committee, we said that the Sessional Committee has no objection to the hon. Member giving a notice of the Motion since it had been approved. However, the Sessional Committee decided that the question of ranking the Motion would be discussed at the next Sessional Committee. In other words, as to when it can be

brought to this House for deliberation. We decided clearly in the Sessional Committee that issue would have been discussed yesterday.

Mr. Temporary Deputy Speaker, Sir, the accusation by the Members of Parliament that the Government is trying to bend the laws to ensure that Motions should come here to be discussed, is not, indeed, true. What is, indeed, true, is what I have said. I think I leave it at that stage.

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

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

The Temporary Deputy Speaker (Mr. Wetangula): Yes, hon. Dr. Kituyi.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I am a Member of the Sessional Committee and I attended the session of the Sessional Committee being referred to by the Leader of Government Business.

Mr. Temporary Deputy Speaker, Sir, it is the practice of this House that matters of Motions to be balloted by the Sessional Committee are brought before the Committee by an officer from the Office of the Clerk of the National Assembly. Members of the Sessional Committee cannot, via a friend, that there is a matter which he wants to be urgent, bring a Motion and so assume the Motion to be balloted. I brought to the attention of the other Members of the Sessional Committee that this was irregular and it was being done irregularly. The default position is that the fact that somebody has mentioned that there is a Motion in some place does not constitute bringing a Motion to the Sessional Committee.

At any rate, the agenda of the Sessional Committee meeting we are talking about did not include balloting of any Motion and there was no single Motion that was balloted. To that extent, the Motion by hon. Dr. Taaita arap Toweett, up to this moment, has not been balloted before the Sessional Committee. A Motion cannot be brought before the Sessional Committee under Any Other Business by a Member because he has talked to another Member. If we start that way, this will setting a new precedent for the practice of this House, that if I know if a colleague hon. Mwaura has a Motion which has been approved by the Speaker, he tells me about it and raise the issue under Any Other Business in the Sessional Committee and I come and inform that I raised the issue and that he can now go ahead and give a notice of it, that is a new precedent we would be setting. But as of the moment we are speaking now, the hon. Taaita arap Toweett's Motion has not been brought before the Sessional Committee for balloting by the Clerk's Department.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. temporary Deputy Speaker, Sir, I hope that this matter is not going to end being a debate but I want to say this here once again. Hon. Kituyi, for the second time has come to this House to recant a decision that has normally been arrived at in the Sessional Committee. In the beginning of this Session, we did, upon the appointment by this House, sit as a Sessional Committee and agreed collectively in the Sessional Committee on a number of Procedural Motions. In the afternoon, the same hon. Kituyi was right here recanting what we had agreed. I think there has got to be some honour.

Mr. Temporary Deputy Speaker, Sir, on this particular issue, yes, the matter was raised under Any Other Business. I want to say that on an issue raised under Any Other Business, the Committee will have the right to deliberate and decide upon it. We discussed that issue. Let me also put it this way, for the information of the hon. Members although I do not really see that everything discussed in the Sessional Committee should all be laid out here. The whole issue was indeed raised by a Member from the Opposition rather than even from the KANU side. Maybe there is a Motion that has been given to the Speaker. We have to ascertain that the Motion had been approved by the Speaker. Our reaction, and it was agreed after some discussion was that Notice can be given on the Motion but giving the Notice does not mean that it has been the ranking; the actual issue of ranking. We refer that decision to the next Sessional Committee meeting. Once again, through you, I want to appeal to hon. Kituyi to be intellectually honest.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Order, hon. Kituyi. Order, Mulusya. Hon. Members, you all know that matters arising under points of order after Question Time do not give this House the liberty to open a debate on any matter. You are aware of that and I have no doubt. Hon. Members, the Chair does not wish to open debate on this matter and on that I will move to the next matter.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! hon. Kituyi. Order hon. Members. Hon. members, I want to say that courtesy is a very important issue.

Dr. Kituyi: Tell that to Saitoti.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Kituyi. Yesterday, hon. Kituyi, in my hearing called hon. Misoi an idiot. This afternoon you shouted at a colleague to shut up. All these are unparliamentary conducts and I want to appeal to all the Members in this House that if we want to have orderly

debate, respect is a two way process and we must learn how to respect each other and how to appreciate each others point of view whether we agree with it or not because if we all agreed on the issues of this House, we will not have been sitting on opposite sides. But let us disagree with dignity, decorum and with respect to each other.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I need some guidance on this matter.

The Temporary Deputy Speaker (Mr. Wetangula): What guidance do you want hon. Kituyi?

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I am seeking guidance from the Chair as to whether a Committee of this House has the authority to pass a resolution that is contrary to the normal practice of the House and purport to implement such a resolution. Whether the Sessional Committee can bend the procedures of accessing a Motion to the Order Paper which is outside the normal practice and custom of the House and pretend that now that becomes the practice?

An hon. Member: On a Point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! As far as the Chair is aware hon. Kituyi, the re is no Motion that has been listed on any Order Paper in relation to the matter that we are discussing. A Notice was given of a Motion and it was given after several objections including yours and the Chair ruled, after considering the matter and the facts as presented to the House at the time by both hon. Dr. Kituyi and the hon. George Nthenge, that the matter had gone through the Sessional Committee and allowed hon. Toweett to give Notice of the Motion and the matter rested there. As to what the gentlemen who constitute the Sessional Committee do in the closed doors of their meetings in preparing matters that come to the Floor of this House, we really do not want to drag that matter on the Floor of this House. You are supposed to act in an orderly manner there and bring the business to the House. But if you want to surrender your authority to the Floor of the House, say so.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! I have closed that matter. No more on that matter. Next Order.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mulusya. Order Clerk. Indeed you had seen and told me that you had a point of order to raise. The other point of order that you wanted to raise related to a matter you said and an Assistant Minister from the Office of the President answered you on a point of order and to rise aimless points of order on the same matter will be contrary to the rules of the House. So I will not give you the chance. Next order.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to clear my name! I pray to be granted permission to rise on a point of order.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mulusya. Mulusya your prayer will really help this House to proceed in an orderly manner but do it out there. Next order.

BILL

Second Reading

THE KENYA INSTITUTE OF ADMINISTRATION BILL

*(The Minister of State, Office of the President
(Mr. Kones) on 11.4.96)*

(Resumption of Debate interrupted on 17.4.96)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku was contributing but I think he finished.

Mr. Ndilinge: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii kusema machache kuhusu Mswada huu. Ningependa Wabunge, kabla sijasema lolote, wajue kwamba siku zimeenda na vita wanavyopigana hapa vinaonekana na wananchi kule nyumbani. Ningependa wajue kwamba watakapokwenda kwa kura zao kule nyumbani, kamwe hawatawaambia wananchi eti walikuwa wakitukana mtu wa Upinzani au wa KANU. Utaulizwa "mhe. Mbunge ulitufanyia nini?"

Kwa hivyo, yafaa Wabunge mjichukue kama Wabunge wa Bunge hili na msahau vita mlivyopigana baina

ya KANU na Upinzani kule nyumbani wakati wa kampeini. Ningependa kwanza kuwapongeza wale wanaohusika na huu Mswada tunaoujadili, na pia wasimamizi wa chuo hiki ambao wamekuwa wakiendeza shughuli za chuo hiki. Kwa sababu, tusipowapongeza, hata ikiwa Mswada huu utapitishwa, wataona kama walifanya kazi bure. Kwa hivyo, ningependa kusema kwamba wasimamizi wa chuo hiki wana ujuzi. Wasije wakaona wengine wanaajiriwa, kama vile mhe. Shikuku alivyosema jana. Tunataka viongozi ambao watakuwa administrators wakitoka katika Taasisi hiyo wasikaliwe na wengine ambao hawajahitimu. Viongozi walioko KIA wanajua mengi kuliko wale watakoajiriwa. KIA ni mahali ambapo DO, Chifu, DC na kadhalika hupatiwa mafunzo. Tunataka wajulishwe kwamba wanaenda kuwatumikia wananchi. Na mimi ninashindwa kuelewa jambo moja. Je, Taasisi ya KIA ikipewa mamlaka mapya, maofisa wakitoka kule chuoni watakuwa wanaambiwa wanaenda kufanya kazi katika utumishi wa umma? Kwa sababu anaweza kutoka kule KIA ambayo haitakuwa ya Serikali na huku anaenda kufanyia Serikali kazi na ajichukue kama anatoka kwa chuo kingere kule London ambako alienda kibinafsi. Tungependa maofisa watakoenda kule, wawe wakijulishwa kazi watakatayokwenda kufanya na hasa wale wa utawala, kwa vile inahusu mwananchi wa kawaida. Kuna viongozi ambao wanaitwa, "viongozi wa utawala" - na nikisema hivyo, nisieleweke vibaya - ambao wamekuwa wafalme kule nyumbani. Kiongozi wa aina hiyo akipelekewa kesi na inahusu mwanamke ambaye hana kuku, kabla hajapewa pesa havezi kuangalia hiyo kesi. Nchi hii ina watu wa aina nyingi. Kuna maskini na wajane. Tungependa maofisa wakitoka katika hicho chuo, wawe wakijua wanaenda kufanyia kazi mwananchi ambaye hana kiatu, wala mavazi. Kwa hivyo, wajue wanaitwa maofisa kwa sababu ya hawa wananchi. Hata ingawa ningependa kuongea juu ya hawa maofisa, wengi huusika na shughuli za DDC. Kuna sehemu nyingi ambako wanaamini kwamba wao ndio wenye jukumu la juu ya matumizi ya pesa za DDC. Ningeomba hao maofisa, hasa Wakuu wa Wilaya, waondolewe katika orodha ya wale wanaoratibu matumizi ya pesa hizo za DDC. Maana ikiwa wewe ni Mbunge au mwakilishi wa sehemu fulani na yeye ni adui wako, anazuia pesa zisipelekwe katika sehemu yako. Kwa hivyo, yafaa wafahamu kwamba wao wanatumikia mwananchi na wala sio Mbunge au viongozi wa aina yoyote. Kwa sababu hata mimi nikikosana naye kama Mbunge na asinitendee jambo fulani, haniumizi mimi, anaumiza yule mwananchi ninayemwakilisha Bungeni. Kwa sababu tunajua maofisa hao huusika na mambo ya pesa ambayo hupitia katika Bunge hili, ningependa niwaombe Wakuu wa Wilaya wakati huu wakipelekewa pesa, wajue kwamba, sisi tunastahili kujua zilitumika namna gani. Kuna sehemu nyingine ambako mimi kama Mbunge nikiuliza pesa tulizopitisha Bungeni za mradi fulani zilikokwenda, naambiwa, "usilete siasa katika mambo haya." Ningependa hawa viongozi wanoitwa watawala wajue hii nchi ni kisiasa, utawala wake ni wa kisiasa. Waelewe kabisa, na wajue tuko katika Serikali ya siasa. Na akiulizwa jambo na mwanasiasa ajue anaulizwa na mkubwa wake, yule aliyemwajiri. Kuna wengine, ukiwauliza jambo, wanakuita katika Kamati ya Usalama. Ni hivi juu tu nilipoongea habari ya chakula ambacho kilikuwa kimeuzwa na maofisa katika tarafa, na wengine wa Serikali, na ikasemekana kwamba nimeanza vita na wafanyakazi wa Serikali. Mimi nilianza vita dhidi ya wizi na siyo wafanyakazi wa Serikali. Mtu akiiba chakula cha Serikali anakosea. Hakupelekwa pale kuiba kwa niaba ya Serikali. Mimi nilianza vita dhidi ya mwizi. Serikali tukufu ya Mtukufu Rais Moi, imeleta chakula kwa wananchi wake na kimeibiwa na mtu fulani. Yeye hakuiba kama DO ama mkuu wa polisi, yeye aliiba kama mwizi tu.

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

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

Kwa hivyo, ni wajibu wangu kama mwakilishi wa wananchi nikiona mwizi akiiba nimtambue. Wakati huo sitaongea habari ya DO wala DC, nitaongea juu ya mwizi. Mimi kama Mbunge nikiiba hapa Nairobi; nitashikwa kama mwizi na wala sio kama Mbunge. Kwa hivyo, ningependa jambo hilo lijulikane kabisa kwa maana, kuna tisho. Watu wameanza kutishwatishwa, hasa wanasiasa. Ukisema jambo fulani, wanaligeuza na kusema wewe unaipinga Serikali. Mimi kamwe sitapinga Serikali iliyoko; siwezi. Kwa hivyo, kwa sababu hili jambo linahusu Ofisi ya Rais, ningemuomba Waziri, kwa maana yuko hapa na anatusikiza sana, aangalie sehemu ya Makueni maana yeye mwenyewe amewahi kutupatia chakula. Kuna watu ambao wamejitokeza kujitajirisha kwa hicho chakula cha maskini. Na tukisema, tunaambiwa ni siasa. Yawezekanaje kudai Wakamba wamepewa chakula na wakati huo kinaelekezwa Mombasa kuuzwa? Bw. Waziri ningekuomba jambo hilo lichunguzwe, na mimi nitadumisha msimamo huo huo wa kusema kwamba, mahindi yaliuzwa na nikitakikana kuthibitisha, nitathibitisha. Na sitaki kutishwa, kama vile nilivyotishwa hivi juu, na nataka wajue kwamba, mimi si mwanasiasa muoga, na nitaendelea kusema.

An hon. Member: Waeleze!

Mr. Ndilinge: Bw. Naibu Spika wa Muda, hili ni jambo la ajabu sana na ningependa niwajulishe kwamba, jambo likisemwa na yeyote, hata awe kiongozi wa Upinzani na ni la ukweli, haifai kulikanusha. Hata ikiwa wewe ni Mbunge wa Upinzani umesema ukweli. Jambo likisemwa na Mbunge wa KANU na wewe uko upande wa Upinzani, usipinge kwa sababu yeye ni wa KANU. Ni vizuri kusema kwamba, "kiongozi aliyesema haya ni wa chama cha KANU, lakini amesema ukweli." Wakati umefika ambapo yafaa watu ambao hawana kazi wasaidiwe. Ni lazima hili jambo liangaliwe. Maofisa wengi wanaopewa waajibu wa kuajiri watu, hawangalii kiwango cha elimu cha mtu binafsi bali wanaangalia kama ndugu zao wamefika kwenye mahojiano. Na jambo hilo limeumiza sana wananchi wa nchi hii. Tungependa watu wajue, wakati umefika ambapo ukipewa wajibu wa kuajiri watu, si vyema kuangalia kama ndugu yako amekuja kwa interview, bali uangalie kile kinachotakikana ndio mtu huyo astahili kuajiriwa. Watu wameumia sana.

Wakati wa misako ya usiku ya polisi, hatutaki kuona watu wakisumbuliwa bure. Kuna wakati hata yule mtu ambaye hajawahi kunywa pombe tangu azaliwe, anashikwa na kushtakiwa kwa ulevi na kukosa adabu, ilhali mtu huyu hajui hata harufu ya pombe. Tunataka polisi wajulishwe kwamba, kabla mtu hajakosa wasimwekelee makosa yasiyo yake.

Nikiendelea kuzungumza kuhusu jambo hilo, maanake ni hawa maofisa wa utawala wanaohusika na mambo ya kesi za mashamba, tungependa wajulishwe kwamba, Rais wa nchi hii na anayependa watu wake sana, alisema kesi hizi zitolewe kortini na ziende kwa wazee. Lakini kesi hizi zingali zinaangaliwa na watu wa utawala. Kesi nyingi hasa zimeenda kwa matajiri. Kwa sababu wakiitisha ule "uji" na sijui ni uji wa aina gani ambao huitishwa wananchi? Bibi maskini anaitishwa uji wa Kshs500 ilhali yeye anadai Kshs50. Na anasema afadhali hizo Kshs50 zipotee maana hana mia tano, na shamba linaenda kwa tajiri. Hilo ni jambo ambalo linafaa kuangaliwa sana maana huenda maskini wataumia na matajiri wachache waendeleo kuwanyang'anya maskini. Tungependa machifu waangaliwe sana. Wajue tuko katika mfumo wa vyama vingi. Maana kuna wengine wana kasumba ya ule mfumo wa zamani wa chama kimoja. Nikisema hivyo, nisieleweke vibaya. Tunataka machifu hawa wajue kwamba, Kenya sasa imo katika mfumo wa vyama vingi.

(Applause)

Hii ni kwa sababu wakifanya jambo, na huku wana kasumba ya ule mfumo wa zamani, watakuja kutenda kitendo ambacho kitatia aibu Serikali hii.

An hon. Member: Sema, ili akina ole Ntimama wasikie!

Mr. Ndilinge: Bw. Naibu Spika wa Muda, ninaposema hivyo, sisemi juu ya Waziri ole Ntimama, kwa vile yeye ni Waziri ambaye amekomaa.

Kwa kumalizia, kwa sababu sitaki kuharibu wakati, ningependa kuzungumza juu ya uaminifu wa maofisa wetu. Jana, mhe. Kiliku alipokuwa akiongea, alitaja mambo ya maofisa kutolewa Singapore. Ningependa nimjibu, ingawa hayuko hapa. Wale walikuwa ni maofisa wachache tu waliohitajika kuja kuonyesha ile tunayoita "Technical Know-how."

Hii ni kwa sababu Singapore ni nchi ambayo imestawi sana na nimeizuru mimi mwenyewe. Kama watu 20 au 100 wangepelekwa kwa mafunzo huko Singapore, ingegharimu Serikali hii pesa nyingi zaidi ya zile zilizotumika kuwaleta watu hao sita hapa kuwafunza maofisa wetu.

Kwa hivyo, Bw. Naibu Spika wa Muda, kwa hayo machache, ninaunga mkono Mswada huu na ningependa mambo kadha wa kadha yarekebishwe na maofisa wetu. Asante.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members, I am going to allow the Assistant Minister for Agriculture, Livestock Development and Marketing to make a short Ministerial Statement, which he was supposed to make earlier.

An hon. Member: Yeye alikuwa wapi?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Proceed, Dr. Misoi!

MINISTERIAL STATEMENT

PROCUREMENT PROCEDURES

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Thank you Mr. Temporary Deputy Speaker, Sir.

I would like to make a short Ministerial Statement, from the Ministry of Agriculture, Livestock Development and Marketing on Tender KR2/1995 - under the Grant Aid from the Government of Japan. This was raised by Hon. Anyona yesterday.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! He is on a point of order and you cannot raise another point of order.

The Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, following inquiries raised concerning the procurement procedures being followed by my Ministry in the current KR2/1995 tender for the supply and delivery of fertilizers, agricultural chemicals, agricultural machinery and equipment, I would like to state as follows:-

One, the tender under reference was advertised on 19th March, 1996, and it is due to close on 19th April, 1996, at 10.00 a.m. The period covered by the given dates conforms to that stipulated within the Government Supplies Manual Chapter 6, Section 8 (1).

Two, the goods to be procured in this tender will be funded under a Grant Aid from the Government of Japan. The tender duration, therefore, was agreed upon with the donor and in accordance with the signed agreement, responses are limited to Japanese firms. It would be prejudicial on my part, if I would disclose the value of this tender, given the fact that the tender is yet to be closed. I would, however, like to assure this House that the goods to be procured under this grant will contribute greatly to the increased food production. In this regard, the fertilizers will be applied by the farmers for increased yields while the agricultural chemicals will be used for the control of plant diseases and pests such as army worms and quilea birds. In addition, under this grant, the country will be able to procure irrigation equipment for our smallholder farmers. The financing of seasonal credits, for example, is part of the income from disposal of fertilizers under discussion. That is how Kshs700 million has been allocated for the production of food, particularly cereals during this season. Thank you.

Mr. Anyona: Mr. Temporary deputy Speaker, Sir, arising from that Ministerial Statement, which clearly misleads the House, I would like the Assistant Minister to clarify the following points. The tender is exclusively for supply from Japan or South Africa; both of which are overseas contracts. Paragraph 681 of the Manual that he was quoting from, states as follows:-

"Adequate notice must be given to the Press and tenderers to allow them to process the notification for contractors to communicate with their sources of supply, especially when these are from overseas. The object of open tenders is to secure as wide a selection of bids as possible for competitive reasons".

This is the crucial point:-

"The minimum period should be four weeks notice, in normal circumstances for a local tender and six weeks for tenders which are likely to attract overseas suppliers."

Now, I have just said that in these tender documents, only Japanese firms and firms from South Africa can tender. So, those are overseas firms, and the Manual provides that in that case, the notice takes six weeks. In this case, the notice went out on the 19th of March, 1996, which is correct. After one week, they were not able to produce tender documents because apparently the computer and the photocopying machine broke down which meant that prospective tenderers could not have the copies. So, effectively, we had three weeks. Now, can the Minister explain how come they have violated this very specific requirements of the Government of Kenya Supplies Manual?

The Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, the Government has not violated any tender requirements in this regard. Instructions to tenderers as per item No.18 - Eligibility, states as follows:-

"Tenders shall be considered only from Japanese trading firms with offices or agents in the Republic of Kenya, capable of providing after-sale service and close communication with the purchasers",

Therefore, the four weeks period is proper according to the law.

(Resumption of Debate on the Bill)

Mr. Obure: Thank you, Mr. Temporary Deputy Speaker, for this opportunity to contribute to this Bill which is essentially overdue. I support this Bill fully because it has come at a time of multi-partyism, at a time

when we should sit down and evaluate our stand. It has come at a time when we need transparency and accountability in this nation. It has also come at a time when there is total disregard of the law, in our country and at a time when our people are awake, to see the evil that is being done to this country. That, a Government of long standing has done things that have affected its own people. There are a lot of things that I can reflect on. Most hon. Members from both sides of the House can recount a lot of things that need to be rectified accordingly, if we have to pass this Bill in this House and effect it. This Bill talks about the establishment of the Kenya Institute of Administration. It would have been better for this Bill to talk about the establishment of an Institute of Administration and Management.

Mr. Temporary Deputy Speaker, Sir, this could be more comprehensive and accommodative because my understanding of the terminology "administration" from the knowledge I acquired from the university is "to be told to do". But in management you must be an administrator and be able to manage the administration. People in this country have wasted a lot of resources over the years since Independence. We have taken our children to the universities and to different training colleges, but it is amazing that nothing worthwhile is coming out of them.

The issue I am raising here touches hon. Members and the nation at large. This is our country; an independent Kenya. Where are we going to get administrators? Will they come from heaven? We have people who are educated in this country. We have not taken them to overseas countries for studies. We have taken people for refresher courses thinking that they could come out and do some good job. But on the contrary, what we get is brutality, harassment and so on, which does not augur well for this country. There is no proper management of the economy. Where do we start? Do we start from laymen or from the few elites whom we have so much faith in and we are proud of? A lot has been said here. Do we start by training our Ministers? Will that save the situation in this country? The Ministers are the officers responsible for any Government and they are expected to manage the economy and the administration of a country. You will find that the first people to violate the same laws that are enacted in this Parliament are the Ministers. They cannot manage the Government. When we ask Questions, they are unable to answer them effectively and this makes Members stand on points of order in this House. When we look at the Office of the President where hon. Kones, a young bright man whom we think can assist the President run the country, we find that things are not running smoothly. When you look at the Provincial Administration which is under the Minister of State, Office of the President, hon. Kalweo, what we get is unimaginable.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Obure in order to mislead this House and impute improper motives that Ministers are inefficient and incapable of answering questions when we have been doing that?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I do not think Dr. Misoi ever went to any training institute. He just got his Ph.D I do not know from which country. I do not think this man---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really in order for this hon. Member to continue misleading the House? For his information, I have undergone very senior management training courses at KIA, to the top most where he has not been. Is he in order to talk like this?

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Obure, I am sure you are not sure of your facts. You have heard that Dr. Misoi attended courses at KIA. Proceed.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, if he was at KIA, I appreciate that very much, but I doubt it. He could have been the only bright man from there, but when you combine all the Ministers, what comes out? I am not criticising our Ministers. They are bright but they evade their responsibilities sometimes.

I have a concrete case. If I could give a living example from Bomachoge Constituency, maybe they would say that I am prejudiced, but this is something that happened. It concerns policemen. You know from historical point of view that I have been a victim of police brutality and indeed, many of our Parliamentarians and senior Government officers have been victims of circumstances that are beyond their control. Our policemen today are uncontrollable. Thugs have been picked from the streets and recruited into the Police Force. Whether you like it or not, this country is in danger if the Police Force cannot be controlled in the next five years to come. There is a question that has been posed by many people: Who is in charge of this country, the police or the Government? Who is the Government, is it the police or who is it? Today, a police officer in Bomachoge and specifically Nyangusu Police Station, wakes up in the morning, puts his hands in his pocket, does not find any money because he drank it all the previous night, and decides to look for money from the people. This is a case that is in my mind and I do not know whether it affects people in Bomachoge only. It is pathetic to the nation and to my people. Policemen go to the villages, collect bribes in various forms; money, chicken, eggs and so on. It is a pathetic

situation, but when we are sent here and we want to stop these ills, we are termed as Opposition Members of Parliament whose work is only to politick.

Today, I have several cases in mind and there is one where I was a victim of circumstances. There was a time when I was beaten, arrested, my back broken and had to be taken before the judge on a stretcher. They just sympathized with me because they did not want me to die in the court and I had to be rushed to the hospital. That is an example of a personal experience. I have another concrete case and it is contained in a letter that was sent to me and this is an appropriate time to talk about it. It is sad to note that it took place in Kisii District. The copy of the letter that I am going to read to you has been sent---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Obure, I do not want to interrupt you, but do you realise that although what you are saying may be very important, it has got very little relationship with the Bill we are discussing?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, have a look at Clause 4, which reads as follows: The functions of the Institute shall be.....to provide national development and standards of competence and integrity--

That is what I was referring to. When we train people, we expect them to become competent and to have integrity as administrators in front of the common man. An administrator should be trained to respect his boss. His boss in this respect is the people. It is not the police or the Minister, who is a boss in this country. The boss in this country is that common man and woman who is walking barefoot. That is the boss of hon. Kalweo. Hon. Kalweo, is not the boss of the common people. He is their servant. But you have put yourself as the boss of the common man in this country.

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it not out of order for the hon. Member to address me directly instead of doing so through the Chair. Meanwhile, I am in order to kindly request the hon. Member to stick to the Bill because his case of argument pertains to what is happening to him and so on? Now, the issue before this House concerns the functions of KIA.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I am dealing with the case of competence. When we train our officers, they must be competent. We must know the programmes that are going to be incorporated at KIA. That is what I am saying, and the Minister should be listening to rather than criticising me.

For example, I want to show you a letter that was written to me showing that brutality and violent robberies exist in my home. It was signed by a man called Peter Makori. I do not even know him. It reads as follows:

I write this letter to protest in the strongest terms possible, the brutal and savage manner in which my ageing parents and elder brothers were recently treated by armed administration policemen.

Mr. Temporary Deputy Speaker, Sir, I do not want to bore you with the contents of this letter, but I want to refer you to some specific parts in this letter. If you may allow me, Sir, I will hand this to Mr. Kalweo to read it for himself.

Mr. Chebelyon: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to call an hon. Member of Parliament, the Minister of State, Office of the President, Mr. Kalweo? Is he in order?

Mr. Obure: I am sorry, Mr. Temporary Deputy Speaker, Sir. I will call him hon. Kalweo.

Mr. Chebelyon: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member---

The Temporary Deputy Speaker (Mr. Ndotto): Who has given you permission to raise the second point of order?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I am not surprised because this constitutes to some of the indiscipline that we have in this country. This is because we have laxity in this Institute. I am sure that, Mr. Temporary Deputy Speaker, Sir, will agree with me that---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Obure, you have been on that point for the last 15 minutes. I think if you do not have anything more to say on the Bill, you better end your speech so that others can contribute.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I have a lot to say on this Bill. But, you may allow me to say that this man is complaining about how people are being robbed. Ms. Maria Nkwaro was robbed Kshs1000. Mr. Masese was robbed Kshs400.

The Minister for Information and Broadcasting (Mr. Makau): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would not like to interrupt the contribution of the hon. Member, but what has a letter written by somebody from a place that we do not know got to do with this Bill? Nobody has asked the hon.

Member to substantiate anything. So, he should not be referring to the document that he is having.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I know that they do not want me to say this because I know they are afraid. But, hon. Kalweo, should read that letter because it is good for him to do so.

(Hon. Obure laid the letter on the Table)

Mr. Temporary Deputy Speaker, Sir, let me go to the second point concerning the director. Incompetency starts from the top. It has been stressed by many hon. Members in this House. I quite agree that incompetency starts from the top. I have said here, and I will continue saying again and again until the end of the Seventh Parliament, that corruption will not subside until we have put in a Government that recognises the common man. If we can appoint directors who are incompetent, then we are not going to achieve anything in this Institution. This will be tantamount to training the administrators on how to become corrupt, thieves, liars and how to enrich themselves. So, what we are asking in this country is this: In all fairness, is it possible to have a Government that can focus its attention to the common man. Let the officers who are appointed in various departments and the private sector think about the common man. This is the man who makes this Government. He is the one who trains young men on how to administer people, and how to run the Government. When directors are being appointed, I would like that to be done by this Parliament. If we can vet officers who are appointed by the President in this Parliament, we will know their political history and educational background. Thieves have been appointed in various departments. You find him here today and tomorrow you find him somewhere else. When we take him to Central Bank, he steals. When he is transferred to KIA, he does not change his habit. Let us be fair here. When we are appointing directors and administrators, we should make sure that they are people of integrity. They should be people with a sense of belonging and integrity. They should know that they are serving the common man and not themselves.

Nepotism is rampant in this country. There are so many other ills in our society. So, when we appoint directors and administrators, we must ensure that they are honest.

In training our managers, we should uphold the principle of one man, one job. In all sincerity, the rate of unemployment in this country is over 60 per cent. We have very many youth without jobs. Last Tuesday, hon. Members were afraid because there was chaos outside. I wish I had a chance to convince hon. Members of Parliament including the Ministers that chaos comes as a result of unemployment. We will not be spared in the next 20 years to come. There are a lot of young people leaving our universities, various institutes, primary and secondary education. Mr. Temporary Deputy Speaker, Sir, we are sitting on a time-bomb.

There is a time bomb and when it explodes it will not spare our Ministers, nor will it spare hon. Obure. You will not be safe when this bomb explodes. Let us all be serious, including Ministers. People in senior positions in the government should wake up, and know that the time bomb is about to explode. When it explodes, it will engulf all of us.

Mr. Temporary Deputy Speaker, Sir, unemployment is a "disease" that has engulfed this country, and something must be done by the Ministers for Planning and National Development and Labour and Manpower Development. What do we do with unemployment? These days we have one person who is, say, a Minister, a chairman of a parastatal, a chairman of a board of governors and a chairman of KANU sub-branch. This is why we have incompetence. Another person is, say, a Permanent Secretary in charge of the Provincial Administration and the Kenya Institute of Administration (KIA) and a member of the boards of Governors of the Kenya Science Teachers College and Nyamesocho Secondary School. Since we are all human beings I do not know how people in the Government handle all these positions. I know that we may have somebody who is very intelligent and capable. But you cannot handle all these jobs at the same time.

That is why, I commend our President for his hard work. He has shown a good example of how we must work hard. If our Ministers were to emulate the example portrayed by the President, we would not have had problems in this country. If I could ask hon. Kalweo: How many times have you been to Bomachoge Constituency?

The Temporary Deputy Speaker (Mr. Ndotto): Order, Mr. Obure! Address the Chair!

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, how many of these Ministers know Bomachoge Constituency? How many have gone there and talked to the District Officers who work there? I can say none. What does that mean? They want the President himself to go there and do administration work. So, this practice of giving one man 10 jobs must stop, because it is the cause of unemployment.

If I may talk generally about management in the public sector, I would suggest that we should train our people to be patriotic. We should do this without discrimination. We should tell our children that this is their country. We should get rid of the bad attitude that many people have in this this country of regarding public

property, just as: "Mali ya umma". We should use the KIA to teach our people that the concept of "public property", which we got from the whiteman, was meant to cheat us. We should know that the glass on this Table belongs to me as much as it belongs to the person who actually bought it. When we put people in positions in state corporations they say: "Since I do not own this corporation I can defraud it". If you put somebody in charge of Kenya Science Teachers College he will misuse its property. Similarly, when you appoint people as Permanent Secretaries or directors of state corporations they misuse, say, drugs, because of the feeling that it is public property. The point, which should be directed to our people and our Government, is that we should think as one people. How do we change this attitude of "public property" to "our property"? This attitude is the main cause of the problems in this country, but I want it to change.

Clause 5 of the Bill provides for the appointment of non-executive chairman for the Council. We have been appointing retired people to positions like this one. We should now start appointing young people to positions like this one. We have people who are capable of handling the affairs of our Government. We should appoint young, qualified and knowledgeable people. Today, we are in the computer age, but I do not think our Ministers, directors and Permanent Secretaries know how to handle a computer. However, the young people have been trained on how to handle a computer, and today they are manipulating their senior officers, without those officers knowing it. We have trained people who are very good at accounting and they know how to manipulate figures. We come to learn of their activities when everything has been stolen. These young trained people have been surprising their seniors and Ministers, who do not have as much knowledge as they have. What is the point of appointing a 65-year-old man to be an executive chairman somewhere? This man has been working for a long time and now needs a rest. Why should we give him another burden? This question of overburdening our people who have served this country to their fullest capacity must stop. It must not be necessary for you to be 50 years old to be appointed a non-executive chairman. You must not be required to be a supporter of a particular political party in order to gain such a position. It should not be so. We have young and dedicated people, whom we train at the KIA to take up positions and serve this country faithfully and diligently. What I am saying here is that the question of overburdening people must stop, and this will also reduce unemployment.

Mr. Temporary Deputy Speaker, Sir, last but not the least, there is another "disease" that has engulfed us.

This Bill states that the Council can accept gifts, trade, own and dispose of assets. This would be all right, if the people to be appointed were to be faithful.

But I wonder as to how many of the people could be faithful. Today, we do not know how vehicles in state corporations are being managed. Today, District Officers are walking on foot while on duty. Yesterday, we had a case where a Minister was fighting a Permanent Secretary over a vehicle. This happened because of one thing.

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Obure, you are now touching on an issue which we dealt and finished with, and I ruled on it. So, you are out of order!

Mr. Obure: Thank you, Mr. Temporary Deputy Speaker, Sir, for reminding me that. I wanted to say that today, there are many vehicles in state Corporations and Government Departments grounded, and are awaiting to be auctioned. A new vehicle is bought and then given to a mechanic to dismantle, so that it can be sold. The officers concerned give their relatives money to go and buy new vehicles which those officers have written off.

A good example is a vehicle which was bought at Kshs200,000, sold for Kshs75,000 and yet it was a new vehicle and the young man who bought it was very proud.

I wish our hon. Ministers and Permanent Secretaries could do some research and find out how many of these vehicles are grounded.

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I thank hon. Obure for revealing this very important issue. Can he really, substantiate and bring some documentation or some proof on that aspect?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, as much as I respect our hon. Ministers---There was a case brought here yesterday where a Minister and a Permanent Secretary were fighting over a vehicle. Was that not an example? And it was quoted as evidence here.

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Obure. The matter is very simple. The hon. Minister wants to know whether you can produce evidence that there was a vehicle which was worth Kshs.200,000 and was sold for only Kshs.75,000. That is a simple matter.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I would like to invite hon. Kalweo to his own Ministry. Will you accept that we go to your Ministry tomorrow and I show you the vehicle, its value and why it is standing there. Do you agree?

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Obure!

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, if he can agree, that is a challenge.

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Obure! This is a simple matter and I do not want to waste your time or you to waste the time of the House. You either have the proof or just withdraw that particular and specific remark.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, do you want me to undertake to bring the documents here?

An. hon. Member: Yes!

The Temporary Deputy Speaker (Mr. Ndotto): It is important you do that if you do not want to withdraw. When are you going to bring the documents?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, documents of that particular vehicle?

The Temporary Deputy Speaker (Mr. Ndotto): Yes.

(Loud consultations)

Order! Order! Continue, Mr. Obure.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I undertake to bring documents to this House for not just one vehicle but many.

The Temporary Deputy Speaker (Mr. Ndotto): When?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, next week.

The Temporary Deputy Speaker (Mr. Ndotto): When? What particular day?

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, I think Thursday will be a good time.

The Temporary Deputy Speaker (Mr. Ndotto): Thursday next week. Okay, proceed!

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, what I am saying here is that we should respect the property owned by the public, by the people of this country as well as property owned by different departments. This Bill deals with administration. If we can be honest with each other, and to the people who elected us to this House, this country will be rich. Everybody, including the poor man will get the little he can, you and I will also enjoy the fruits of this country. This country will be a place that would be admired by many, it will be a beacon of wisdom and a source of wealth.

With those few remarks, I believe strongly that this has been undertaken by our hon. Ministers and the Government and we hope that when we put it in place, it will serve our nation and our future generations.

Thank you.

Mr. Chebelyon: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niungane na wenzangu kuhusu Mswada huu wa Kenya Institute of Administration Bill (Bill No.1).

Bw. Naibu Spika wa Muda, Mswada huu ni wa maana sana, na unajaribu kurudisha umarufu wa Kenya Institute of Administration (KIA). Vile ninavyojua (KIA), baada ya vita vya pili vya dunia, KIA, ambayo hapo mbeleni ilikuwa ikijulikana kama National Institute of Technical Training (NITT), wale watu wote ambao walikuwa wakitoka vitani walipelekwa huko Kabete Institute of Administration, ambayo kwa wakati huu ni Kenya Institute of Administration kufundishwa useremala, ujenzi wa nyumba na mambo mengine. Baadaye, hii taasisi ilibadilishwa ikawa KIA. Nimeona kwamba pengine wakati mwingine taasisi hii imejulikana, au watu wengine wameitafsiri kuwa na jukumu la kuwafundisha watawala wa mikoa, wakiwemo wakuu wa tarafa na machifu. Lakini vile nijuavyo, KIA ni mahali ambapo watu wa tabaka mbalimbali wanafundishwa ujuzi wa utawala wa kazi zao. Administration does not necessarily mean provincial administration. Financial administration inaweza kushirikishwa hapo, mambo ya utawala wa management yanaweza kutokea hapo na hata mambo ya ujuzi wa mambo mengine mbalimbali. Hata wakati mwingine, Wabunge wengine, kama sisi tunaweza kupelekwa huko KIA ili tukitoka huko, tuweze kuchunga ndimi zetu na mambo mengine. We have to administer our tounges.

An hon. Member: Maziwa! KCC!

Mr. Chebelyon: Hata maziwa pia! Watu wanaweza kupelekwa huko ili waweze kufundishwa mambo ya Kenya Co-operative Creameries (KCC). Wengine wanafikiri ni mambo ya Provincial Administration peke yake ndiyo yanafundishwa huko. Wakati huu ni wakati ambapo Bunge hili linaweza kusafisha KIA kuwa pahali ambapo watu wa tabaka mbalimbali wanaweza kufundishwa.

Jambo lililo la maana zaidi ni kuona ni nani anaongoza hii taasisi. Ni lazima tuwe na watu walio na ujuzi ili wapitishwe ujuzi wao kwa wale wanaopokea mafundisho haya. Kama ni Mkurugenzi au Mwenyekiti, ni lazima awe ni mtu mwenye ujuzi mwingi. Halmashauri ya taasisi hiyo ni lazima iwe na watu walio na ujuzi wa kutosha ili wakati mwingine, nchi hii inaweza kuwa na watu ambao wako na ujuzi. Kwa mfano, Naibu wa Chifu anaweza kuajiriwa lakini hana ujuzi wa kutawala wananchi katika kikao chake. Ni lazima afundishwe na wale

walio na ujuzi ili awe na ujuzi wa kuwatawala wananchi, ili shida zisitokee. Wakati mwingine, mambo mengi yanaweza kutokea kwa sababu ya kutokuwa na ujuzi. Kwa hivyo, hapa KIA ni mahali ambapo watu wote wanaweza kufundishwa na wala si Provincial Administration peke yake.

Mfano mzuri ni Kenya Utalii College ambayo ni maarufu sana duniani kwa sababu wale watu ambao wanaongoza huko ni watu walio na ujuzi. Huu ujuzi unavutia watu kutoka nje ili waje kujifunza mambo mapya hapa Kenya. KIA vile vile, ikiundwa, ikitengenezwa, ikipambwa, ikisafishwa na ikiongozwa vizuri, watu wetu katika nchi hii wataweza kupata ujuzi mwingi kutoka taasisi hii.

Kwa hivyo, Bw. Naibu Spika wa Muda, ninaunga mkono Mswada huu. Tusiendelee kupotosha kwa kusema chuo hiki kitatoa mafunzo kwa maafisa wa utawala wa mikoa tu, bali yawe ni mafunzo ya kuendeleza nchi hii kwa ujuzi wa utawala wa aina yoyote.

Mambo ya ufasidi yamo, lakini ufasidi upo kwa sababu watu hawana ujuzi. Si kwa sababu watu wanapenda kuharibu mali ya umma, bali ni kwa kukosa ujuzi. Si kwa sababu wanapenda kuharibu, lakini ni kwa sababu si wazalendo. Na zaidi ya hayo, ikiwa hawana ujuzi au wana ujuzi, wanakosa uzalendo. Jambo kama hili linaweza kusababisha ufasidi.

Kwa hivyo, Bw. Naibu Spika wa Muda, ninaona kwamba Mswada huu ni wa maana sana. Mswada huu, Bunge hili "likiusafisha" uwe sheria na kuweka mambo mazuri mazuri ni lazima chuo hiki siku za baadaye kitakuwa International Institute of Management and Administration. Yafaa kiwe cha kimataifa na kisiwe cha kitaifa tu. Ni lazima tuangalie kwamba chuo hiki kitafundisha mambo muhimu ya kufaidi nchi hii na nje ya nchi yetu. Chuo hiki kitafaa kama pia kitakuwa cha kimataifa.

Kwa mfano, Brooke Bond wana International Institute of Administration, na hata sisi ni lazima tupange mambo yetu kama tunavyofikiria.

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

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

Mambo mengi yanaharibika si kwa sababu watu wengi wanapenda bali ni ukosefu wa ujuzi. Kwa hivyo, ujuzi unahitaji uangaliwe kwa makini sana.

Kwa hayo machache, ninaunga mkono Mswada huu.

Prof. Anyang' Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill establishing the Kenya Institute of Administration as a corporate body. But before I do that, I am going to make certain remarks which will lead me to make certain specific proposals to the Minister concerned on the amendments which, I think, will make this Bill perform its objectives much more realistically. First, if we think of establishing KIA as corporate body, we must recognize the fact that the Institute has in the past existed, but in a different personality. And we should be able to review the performance of this Institute in its past personality and give reasons why we are changing that personality to a new one.

The tradition in this country from colonial times to much more recently was that the Government should have training institutes where certain administrative principles and practices are inculcated into the civil servants or those working in the public sector. This in colonial times was done very well by the Jeans School, Kabete, apart from the KIA. But since then the Government has established what we call Government training institutes which, unfortunately, over the last 10 years or so, have not performed very well precisely because some of them have been taken up and converted into parts of universities. In as much as I appreciate the expansion of higher education in this country by establishing universities, it is very unfortunate that this has been done at the expense of strengthening Government training institutes and making them respond more to the needs of training facilities for public servants.

Mr. Temporary Deputy Speaker, Sir, the second point that I want to make is that while a lot of emphasis has been laid on administration by the Government and training for administration, not as much emphasis has been paid to training for management. Management is much more important, I think, than administration. The colonial Government thought of administration as equipping a few people with a skill to administer "natives." They did not realise that an economy, a society and a Government also needs to be managed. While management is amenable to being a science, administration is not. Quite often, people who are good administrators have never gone to any institution to learn the art of administration. I would have thought that this Bill should incorporate, as part of its functions, an emphasis on administration and an emphasis of inculcating a "culture" of management in the public service which is singularly lacking in this country.

Hence, in section 4 of the Bill, I would have wanted to add after (c) as part of the functions of the Institute and I quote:- "To improve management in the public service" and secondly, (d) "To instil a culture of decency, honesty, hard work, transparency and accountability within and among public servants." These are important functions that should be put as part and parcel of the work of the new body called the Kenya Institute of Administration (KIA), so that it can depart from the past personality of KIA and become a new part of its personality which emphasises management over and above administration.

Mr. Temporary Deputy Speaker, Sir, I will repeat. The new part 4(c) should read, "To improve management in the public service;" and a new 4(d) "To instil a culture of decency, honesty, hard work, transparency and accountability within and among public servants."

Why do I say this? In 1969, which I think it is an important year in our history, Kenya lost an opportunity of becoming a newly industrialised nation. Because in 1969, South Korea, for example, had GDP per capita of US\$87 when Kenya's GDP per capita then was over US\$200. Today, South Korea has GDP per capita of about US\$6,000 when Kenya's GDP per capita is about US\$230. In a period of about 20 years, we have only increased about US\$20 in our GDP per capita, whereas, South Korea has made a big stride forward. We could use the same similar figures for Malaysia, Singapore, Mauritius and even Botswana, and you will find that we have performed very poorly since 1969. Why? Because from that date to this date, the level of performance in the public sector and, indeed, in our economy, has not qualitatively improved. And if, indeed, we had taken management and good management as an important aspect of improving performance in the public sector, I think, we would have done very well. This is the period when we increased the size of the public sector. If you look at the number of parastatals that were established from 1969 to now, you will realise that quite a lot of them came into being. That is the time when, indeed, management in the public sector should have improved.

I think, now that we are divesting from the public sector and privatising, it is even more important to ensure that management improves in the public sector because, prior to any corporation being privatised, the Government is always busy preparing that particular corporation for privatisation. And the Government culture or practice is not really to improve management, usually it is to invest money into that public corporation to make it attractive for the private sector.

But, I think that the public sector could, indeed, continue to do well with improvement in management. A case in point is Kenya Cashewnuts. A few years ago when Mr. Opi from the Ministry of Agriculture, Livestock Development and Marketing, was seconded to Kenya Cashewnuts to turn the company around, Mr. Opi was able, within two years, to turn the company around by sheer good management. It has, therefore, been proved in this country that a sheer good management and by allowing the public sector to be run by competent people, people who can manage these things well, they can be profit-making and they can add money to the Treasury. I, therefore, hope that one of the functions of the new KIA will be to instil a culture of good management in the public sector and to produce good managers for Kenya's public sector; to ensure that our Civil Service goes back to that kind of culture which it enjoyed in the 1960s when Kenya was, indeed, known to have one of the best public service in the Commonwealth.

Section five of this Bill talks about the establishment of the Council of the new KIA. I note with a great deal of regret that there are two constituencies which have not been addressed in the membership of the Council; the constituency of the universities; and the constituency of the research institutes. I would have been happy if it was stated in the Bill that part of the membership of the council will come from the universities and some of the research institutes. The appointment of members of the Council should not be left at the discretion of the Minister or somebody else. It should have been stated expressly that, indeed, the universities and the research institutes will be represented in the Council. I am saying so because these are sister institutions to the new KIA. The KIA will depend on them for the sourcing of manpower or human resources, advice, for the conceptualization of its consultancy services and of its examination management because they are sister institutions. These are two important functions of KIA in which I think it should rely on domestic resources provided by the universities and the research institutes.

One thing which worries me is a statement in the functions of the institution that it will offer training, consultancy and research services on commercial basis. I am afraid of the use of this word - on commercial basis - because it could lead to the KIA adopting a duka-wala mentality if it does not have competent Chief Executive. Rather than use the word - commercial basis - we would have words like - to provide training consultancy and research services amenable to proper market practices- Words like- Commercial basis - to me does not constitute a very good language. The phrase gives a bad vibration. Although I have formulated in my mind clearly what should be used, the words -commercial basis - worry me a little in an institution that is engaged in intellectual activities. Intellectual activities are usually rendered not so much on commercial basis, but on the basis of commitment, inspiration and intellectual reward. It is not that intellectuals should be paid like paupers. They

should respond to market forces. The words - commercial basis - constitute rather an inappropriate language when used in a Bill like this. So, I think the people who drafted this Bill will, perhaps, reflect on that and come up with perhaps a much more appropriate and imaginative language.

On functions of the Council which are contained in Section six of the Bill, I would have thought that Section six, Sub-section (Vi) (i) (e) onwards and particularly Sub-section (e) should read as follows:-

"To receive on behalf of the Institute grants-in-aid, gifts, donations, fees subscriptions or other monies in accordance with the State Corporations Act, Cap 446 (52)."

I am saying so, because our experience in the Public Investments Committee, has shown us that unless this is stated, Chief Executives will always think that the Act has given them the powers to receive these and use it outside the context of the State Corporations Act. In as much as the State Corporations Act is referred to in other sections of this Bill, I would have thought that when it refers to the specific reception of monies, that section of the State Corporations Act that regulates the reception and use of monies should be mentioned expressly in the Bill. So, I thought that the phrase being in accordance with State Corporations Act, Cap 446 (52) should be mentioned with respect to Section 6 (1) (e). Following Section 6 (1) (e), I would have added after part (e) a new sub-section for that matter which should read as follows:-

"To invest surplus funds in accordance with the State Corporations Act, Cap. 446 (16)."

This is because the Bill does not say how the new KIA, because it is involved in getting aid and raising monies, will do with these surplus funds and this has been a major problem in State Corporations. Corporations have in the passed invested funds anyhowly. I think the State Corporations Act specifies how surplus funds should be invested and a Bill like this should state that there is no ambiguity whatsoever. If that is stated in Section 6 (1), then 6(2) becomes redundant. That is the guiding Act that the Attorney-General's Chambers could look at. Those are some of the specific strengthening exercises that I think the Bill should take. I do not really have much to add except to say that I would be happy if those additions were made to strengthen the Bill and, indeed, to ensure that the KIA is established as a corporate body that will ensure that the management in the public service is properly carried out and that the public service helps this nation to grow to the next stage that we want, indeed, a newly industrialised nation.

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

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Asante sana, Bw. Naibu Spika wa Muda. Ninakushukuru sana kwa kunipatia nafasi hii ili nitoe hotuba yangu juu ya Mswada huu.

Ningependa kuzungumzia jinsi maofisa wa utawala wanaenda kufundishwa utawala ili wajue jinsi watakavyotawala wengine. Utawala ni kitu kikubwa sana kwa sababu unatokana na wale ambao waliopewa uwezo wa kutawala. Kwa hivyo, ni lazima wafundishwe jinsi ya kutawala.

Tulikwenda KIA miaka kumi iliyopita kuwafundisha utawala maofisa wa utawala namna ya kutawala na namna ya kupeleka nchi. Wao walipewa kitabu kinachoitwa "*Blue Book of the DDC*" ili waweze kupeleka maendeleo katika kila mahali katika Kenya ili kila mwanachi afaidike. Lakini kitabu hicho hakikufanya kazi yoyote. Tuliketi siku tatu huko, tukifundishwa lakini DDC katika Kenya mpaka sasa haijafanya kazi yoyote. Imefika wakati ambapo ni lazima maofisa wa utawala wafundishwe namna ya kutawala nchi katika hii enzi ya vyama vingi. Ingefaa twafundishe maofisa wa utawala jinsi watakavyotumikia chama kinachotawala na vile vyama vingine.

Bw. Naibu Spika wa Muda, mpaka tufahamikiane. Maofisa wa utawala kama DO na DC wana wajibu mkubwa. Sisi katika Bunge tunatunga sheria na kufanya kila kitu. Lakini mambo yote huenda kwa maofisa wa utawala. Hata kama kuna Wizara za Afya, Elimu au Ardhi na Makao, mambo yote yanahitaji ushirikiano na maofisa wa utawala.

Bw. Naibu Spika wa Muda, nchi hii yetu ilikuwa rahisi kuitawala ikiwa watu wote watakuwa na mapenzi bila ukabila. Maofisa wetu wa utawala wataweza kuitawala nchi hii yetu bila mapendeleo au lugha ya kusema maneno haya yametoka kwa higher authority. Wakiondoa maneno haya na kutenda jinsi walivyoambiwa kufanya kazi, mambo yatakuwa mazuri. Ikiwa mna chama ni lazima watu wengine, wajue kuwa kuna sheria na mambo ya kupelekwa na kila kitu. Lakini ukimwuliza higher authority ni nani, hakwambii, wengine wanasema basi nimekwaambia hivyo tu mhe. Nassir, ni "higher authority". Ikiwa higher authority ni yule aliyekufundisha namna ya kuitawala nchi katika District Development Committee (DDC), lakini haikuchukuliwa, sasa sijui ni nani mwingine ambaye anafanya mambo haya.

Bw. Naibu Spika wa Muda, maofisa wa utawala kama alivyokuwa akizungumza mwenzangu lazima wafundishwe mambo ya utawala. Katika wilaya, kama ni DC, ni lazima ajue kuna taabu na watu hawana kazi. Pia ni lazima ajue kuna taabu kuhusu mambo ya ardhi na vile vile kuna bahari kule Pwani ambapo watu hawavui kwa sababu hawana vifaa vya uvuvi na hawana msaada. Kuna jangwa kubwa la ardhi ambapo maskini hawawezi kulima kutumia mitindo ya kiasili, wanataka huduma za matrekta. Huu ndio utawala mzuri, lakini si hali

ambapo maofisa wa utawala wanavua kofia na kuketi ofisini na kusema kuwa wanatawala ile staili ya kikoloni, hapana! Wewe ni mtumishi wa Serikali anayeangalia taabu za watu. Kwa mfano, ikiwa mtaa fulani una taabu fulani na ule mwingine hauna shule, ni lazima tujue tutasuluhisha taabu hizi namna gani. Lakini kama maofisa wa utawala hawawezi kufanya yale walioambiwa kufanya na kufundishwa jinsi nchi iko katika mfumo wa vya vingi vya siasa mtawala anatakiwa kujua jinsi ya kuendesha mambo. Lazima wajue kwamba matajiri wao ni kile chama ambacho kinatawala. Ikiwa hajui hivyo, yeye anajiona ndiye mtawala na kwamba ana uwezo mkubwa kuliko Chama kilichomtawala na kumwandika kazi na jinsi ambavyo anatakiwa kukitumikia, hiyo ni taabu kubwa sana.

Bw. Naibu Spika wa Muda, lazima tuelewe kuwa si mambo ya siasa na utawala tu ambayo watu wanataka kufundishwa katika KIA, lakini pia wanataka kufundishwa mambo ya uchumi. Maofisa wa utawala wanatakiwa kushirikisha Wizara za Biashara, Ardhi na Makao na Kilimo katika juhudi za kutafuta njia za kuwasaidia watu. Mwanasiasa yeyote hawezi kuwaamrisha jinsi maofisa ya utawala watakavyofanya. Ni lazima awasikilize maofisa wa utawala ambao wako katika kikao hicho. Kwa hivyo, kuna haja kubwa ya kufundisha upya maofisa wa utawala namna ya kutawala Kenya. Kuitawala Kenya sasa si sawa na Kenya ile ya zamani. Sasa ni vigumu kutawala Kenya. Huwezi kutii amri tu. Unaambiwa wewe umfanye hivi huyu au vile, hapana! Ni lazima ujue kuwa sifa ya Chama cha KANU itatokana na utawala mwema. Utawala ukifanyia watu kazi zao sawa sawa, basi Serikali haitakuwa na taabu. Baada ya Chama kinachotawala, kikaandika watu na wewe ni DO au DC na unaketi ofisini na hujui taabu za watu wala hupeleki taabu hizo kwa matajiri wake kama Chama cha KANU ili uwaeleze kuwa wananchi wana taabu fulani, mambo hayatakwenda sawa sawa.

Bw. Naibu Spika wa Muda, nataka maofisa hawa wa utawala wafundishwe na wafahamu kuwa matajiri wao ni Chama kinachotawala cha KANU, na hakuna mtu mwingine. Pia ni lazima washirikiane kwa sababu itakuwa ushindi wa chama chochote. Lakini ikiwa kuna mvutano kati ya maofisa wa utawala, Chama kinachotawala hakitakuwa na nguvu yoyote.

Mr. P.N. Ndwiga: Chama kinawalipa kutumia kodi yetu---

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, sipendi kuwajibu watu sana. Tumeona yaliyopita na jinsi tulivyojua utawala, lakini ninaomba Mungu atuweke hai. Mhe. Mathenge angekuwa hapa angekuambia leo kama unasikia. Lakini ni kwa sababu maofisa wa utawala lazima wafanye kazi na Chama kinachotawala ili waweze kuwatumikia wananchi vyema na wajue taabu zao kwa sababu kuna taabu ya ardhi, lakini sio kukaa afisini tu. Wananchi wana taabu za ardhi na kulima, wanatakiwa kusaidiwa. Ni lazima maofisa wa utawala, madiwani au Wabunge wakae ili kutafuta suluhisho kwa shida hizi. Hii ndio maana Mtukufu Rais aliposhika hatamu ya uongozi, aliita DDC kule Kabete kwa siku tatu, nne ili kufundishwa namna ya kuwasaidiwa wananchi ambao wana taabu. Kwa sababu baada ya kutawala wananchi ambao walikupigia kura kuwa Mbunge wanataraji mambo mengi kutoka kwako. Kwa mfano, wanataraji elimu, chakula na nyumba za kulala. Na ikiwa Bunge hili ndilo linatoa nguvu kuwapa maofisa wa utawala na huko chini eti wanamngoja mwanasiasa afanye kazi hiyo, hawezi. Ni kufanya Harambee kidogo na asubuhi akiamka anapata mlolongo wa watu ambao unamwomba pesa za kutimizia mahitaji yao. Lakini kazi kubwa ni ya utawala. Ninawaomba hata wakienda kusoma huko KIA, waje wafanye kazi yao ya kujua taabu ziko wapi na kupiga ripoti kwa wakubwa wao. Kila Wizara inawakilishwa katika wilaya na mkoa. Maofisa hawa wa utawala wanatakiwa kuongea na wananchi hao ili kutafuta suluhisho kwa taabu hizo. Kama kuna ardhi kubwa, DC aseme kuwa kuna ardhi kubwa tugawanye watu na kuwanunulia matrakta na wao wanawajibika kuona kuwa matrakta hayo yanaliwa na wale wananchi.

Kwa hivyo, ni lazima kuwe na mambo ya utawala ambayo yatawafurahisha watu. Pia waende wakafundishwe tena kuwa wao ni watumishi wa watu kama vile polisi wana motto wa "Utumishi kwa wote." Ninafikiri wakati umefika maofisa hawa wa utawala nao wawe na motto wa, "Utumishi kwa wote." Kwa sababu wana matajiri wao, hata wewe ukiwa ni mtu gani, hawana fikira juu yako. Kwa hivyo, lazima tuketi pamoja, wasifundishwe peke yao. Na wale maofisa wa chama wafundishwe pamoja na wakitoka wajue namna ya kufanya kazi.

Kwa hayo machache, ninaunga mkono.

Mr. Kibaki: Mr. Temporary Deputy Speaker, Sir, I rise to make a few very important points on this Bill. Kenya Institute of Administration, for those that remember when it was actually an Institute of Public Administration and has been training District Officers, in the beginning it did an enormously good job. It was not possible for us to not only Africanise the Civil Service, but to also upgrade the quality and performance of the Civil Service. At that time it was agreed, and it was not questioned, that the civil servants who were to be trained at KIA were to be independent of politics. They were civil servants. A very atrocious thing has been said by a Minister of the Government, Minister for Information or disinformation. He says, and he is published and it repeated in the media, that the Civil Service cannot be de-linked from KANU. That is to mean the Government

has not made up its mind that we are going to have a democratic system. It means that the Government wants to have a fascist system where there is no dividing line between a civil servant when you find when you go to an office and a politician.

Mr. Temporary Deputy Speaker, Sir,---

The Assistant Minister for Information and Broadcasting (Mr. Nassir): On a point of information, Mr. Temporary Deputy Speaker, Sir.

Mr. Kibaki: I do not want any information from people who do not know. How can I have it, Mr. Temporary Deputy Speaker?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Kibaki. It is not up to you, hon. Kibaki, to deny him the opportunity to rise on a point of order. Was it a point of information or a point of order?

The Assistant Minister for Information and Broadcasting (Mr. Nassir): It was a point of information.

The Temporary Deputy Speaker (Mr. Wetangula): He says it was a point of order.

Mr. Kibaki: No, it was a point of information and he has no information because he does not know.

The Temporary Deputy Speaker (Mr. Wetangula): You have the right to reject his information.

Mr. Kibaki: That is right because he does not know that what I am saying was in fact said in this House by your Minister and you are his assistant. You should follow what he says or do you not?

Mr. Temporary Deputy Speaker, Sir, what I know, for sure, all Kenyans who love Kenya and who want to have a Government which is respectable internationally would want the Civil Service to be distinct from the KANU Youth Wing. In this nation today, there is nothing so atrocious like the use of police, for instance, to do KANU Youth Wing work. Recently when we visited Meru and we attended a meeting there were trained police officers in uniform throwing tear gas into shops. These were shopkeepers who had not been to anybody's meeting and who were not in anyway interfering with anyone. They were doing their normal trading and there you are. Tear gas is thrown into the shops thus children and everybody suffer for nothing. Why? Because of that refusal to de-link the Civil Service from party activities and some of those people who were in charge of those police whether they are officers commanding stations or what, probably thought that they would please the bosses that look after them by behaving in that manner. Equally, we have all experienced - I should not say all - but at least those of us that we are in the Opposition, that we get meetings which are licensed and when we go to address those meetings, there is a District Officer who has not been trained at all and who thinks he will please his masters by coming to disrupt our meetings. It is totally shameful that an Assistant Chief, a Chief, a District Officer or even a District Commissioner will come to a meeting being addressed by a Member of Parliament elected by the people and that man has no respect even for the people and he will come and try and disrupt that meeting for no reason whatsoever and he will pretend he is defending the President. In which manner is he defending the President? How can they defend the President when they are stopping people from enjoying their freedoms? How can they defend the President when the President has said that these people should be left free to enjoy their freedom and they should be left free to hold their meetings, to associate, to assemble? But in practice, these officials have not been given the right training and instructions and what we are really saying is the starting point is to make sure that the Civil Service know that their role is to serve the public of Kenya, the taxpayers of this nation. And when the Minister comes to reply and his reply is from the Presidents Office, he will not ignore this issue. He will have to speak up. Otherwise the message which has gone out from this nation, from a Minister of the Government, is that the Government wants the Civil Service to be servants of the Party in power. You know KANU dreams that they will always be in power. Well dreams are dreams. The reality will tell. What we know, in any case, is that if you want to build a proper nation, you will have to serve people who are not supporters of KANU or who are not in the support of that party because multi-partyism is a continuing fact of this society and into the future you will still have different parties. Civil servants at KIA must be taught that in a multi-party system you serve all citizens because they are citizens. What Party they belong to is not an issue for the civil servant. This is the whole point. Now, the hon. Member for Mvita is talking about civil servants taking orders from their masters.

The masters of the civil servants whom they must serve are the people of Kenya who pay the taxes. It is not KANU. It is the people of Kenya. The Government is a temporary phenomenon. It is the people who maintain the society. It is the people who pay taxes. So, this is a very important point and we are not satisfied if the Minister is not going to reply to this question. Are we actually passing this Bill so as to go on training people who will be dedicated to serving political parties? That is ridiculous because there is no such a structure in any democratic country anywhere in the world and if they want to do it in Kenya they are going to try and experiment which will fail, very miserably.

Mr. Temporary Deputy Speaker, Sir, the second point I want to make is that those new recruits need to be brought back for re-training. Civil servants should be encouraged that wherever they go, particularly those who are

in the field, they should seek to learn the way of life of the community they are going to serve and liaise with elders, meet with elders, discuss with elders. Let them listen to the needs of the people then when they are doing their administration they will be fulfilling what is meaningful. As it is now, we are still encouraging a phenomenon where the Provincial Commissioner sees himself as Governor. You can even have a PC who has the audacity to abuse a Bishop of the church. This is something unheard of. So, we want them to be disciplined people who respect citizens and will respect all leaders; leaders of a church, leaders of political parties and leaders of co-operatives when I speak of co-operatives, I would like to request the President's Office to issue a circular to the whole country to tell the DO's and DC's and other administrators that, surely, they have no role whatsoever in the management of co-operatives.

As it is now in our co-operatives, in all the rural areas, you have DOs who take the powers upon themselves and they announce what is going to be done in co-operatives; they have no such roles, they are assuming powers which under the law are not their powers. There are powers vested in the Minister for Co-operative Development and in the Commissioner of Co-operatives. But we now have DOs who assume those powers and are misusing co-operatives.

Mr. Temporary Deputy Speaker, Sir, equally, the President's Office should stop creating new districts which have no meaning. This shows the contradiction there is in the system of Government. Recently, in a document which was given to us as Members of Parliament, the Government of Kenya in its negotiation with all those who give them aid and with all those who give assistance to Kenya, the Government has issued a Paper which is supposed to be a Policy Paper for the next three years. In that Paper, there are at least six paragraphs where the Government commits itself to retrenching the size of the Civil Service, because, it is top heavy, it is consuming very exorbitant proportions of our resources, and the Government itself in that Policy Paper which was circulated to us - I hope it shall be Tabled here for debate - commits itself to regulate the Civil Service, to control the number and to control the growth of it. That is commitment. But in practice, every other day, a new district is created, which means you are going to begin employing new people again and for nothing. Now, which is policy now? What the Government is doing in practice, or what the Government has told the world and Kenyans? Which is policy? There is confusion and a system which has confusion and which lacks consistency, cannot work. So, we want a declaration on these matters. Are we going to go on to elevate every sub-tribe to become a district in the whole country? To the benefit of who and what? The ordinary Kenyan will gain far more if those resources went into providing fresh water to the people in the village. Or into having medicine for hospitals and health centres, but not to just pay people salaries. That does not help anyone except the fellow who receives the salary. We need these issues to be clarified, because it is not enough for us to be told we are creating an institution for further training. We want to know what we are training for. That issue should be clarified in matters of policy.

Mr. Temporary Deputy Speaker, Sir, you know that this Parliament, sometime ago has pronounced itself very clearly on the corruption and whatever is going on now within the Civil Service. The Government and many Ministers have declared that civil servants are the ones who are promoting this corruption. It has been said by numerous Ministers. May I take the opportunity to say that this Bill is under the Office of the President and that the President's Office should at least be the defender of civil servants, not the one to attack them. Because, those that are known to be promoting corruption must be known to the Office of the President. There is no way anyone is going to condemn a Government house in Milimani and allocate it to some fellows and then say, "we do not know who has grabbed five Government houses." It is corruption; it is ridiculous. We all know, it is with the authority of the President's Office, Commissioner of Lands, etcetera. So, will the Minister in his reply speak up? Is there seriousness in controlling corruption in the Civil Service, or is it only lip service? This is an important question not only being asked by me as a Member but by every intelligent Kenyan, and it must be answered. It is not enough to shout once in a while that you have sacked two people at Mombasa Port, or even that you have removed some corrupt directors in the KCC. We dairy farmers protest. The Office of the President has allowed Kenya Commercial Bank to put KCC under receivership. We are now being managed by a bank. We have just appointed directors of KCC but they will have no authority to make any decision. We are being fooled, we are being taken around in circles. The bank will manage us under the guise that they have provided the money. But KCC has its own money, because KCC sells milk for cash, and that money has been swindled and stolen, as we have been told by everybody, by people who were employed by KCC. The Government knows them and takes no action. Government pretends it is going to lend KCC money, but we farmers are not asking to be lent money, we are asking to be paid our own money; money which has been recovered from selling our own milk because KCC is a middle-man. But now the Government has handed KCC over to a bank; for us to be managed by a bank where we cannot ask questions; where our directors cannot ask questions. Why did we choose directors? We are being swindled; hoodwinked. The whole world is seeing and we are here to speak for milk producers around Kenya

because they want justice and justice has not began to be done, so we demand it.

Equally, on the KIA where we shall train a DC, District Commissioners have not agreed to what was passed in this House. And the Minister for Agriculture, Livestock Development and Marketing told us here that the tea money, the cess we collect, will be supervised in its expenditure by tea committees of different factories. The Minister announced it here, but no action has been taken. District Commissioners of various districts are still the chairmen of the committees which give tenders on the application of the money collected from tea cess. Now, the tea growers whom we represent do not agree that we can go on in that manner and it is for the Office of the President to tell the District Commissioner to relinquish that function to the tea committees of the different factories. It is the only way that we shall make sure that our money is used to develop the tea roads.

Finally, Mr. Temporary Deputy Speaker, Sir, we do not want the District Commissioners, DOs and Chiefs to go on being used by KANU for election campaigns. We have been to a number of elections, Local Government and Parliamentary elections. These people are being used as election campaigners. That is misuse of public finance and public personnel. Surely, KANU can take care of itself, it does not have to spoil the name of administrators. Equally, it is for the Electoral Commission to see that, that does not continue to happen.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Magwaga: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Bill. Before I go to every one of the articles or paragraphs, generally this Bill is for proper administration. Where do we start with the Administration? In our system here, we start with the assistant chief and the chief. Let me start with the chiefs and assistant chiefs. I do not see any provision where chiefs will have a chance to be trained as grassroot administrators in the new Kenya Institute of Administration because it seems to be only taking care of the DOs and other people above the DOs. I would want strongly to suggest that we should revive the system where we had provincial institutes for training the administrators in those early days. For example, Maseno used to be a Government Training Institute, Government Training Institute in Mombasa and the KIA. We do not know whether this will take into consideration the administrator who is the chief and assistant chief. They are the backbone of our administration and I would want them to have a chance to train at the provincial level, so that each province will have an institution where the assistant chiefs and the chiefs who take up the jobs as new administrators, will be given by the system the necessary training.

Mr. Temporary Deputy Speaker, Sir, the Minister, in this Bill, has been given a lot of power to decide the fate of some of the workers. An example, is where they are saying that, "Any appointed member who conducts himself in a manner deemed by the Minister to be inconsistent--"

If the Minister is going to watch how the members of the council behave, it is going to be very dangerous because if this Minister differs with members of the council in a bar, the council may not have fair judgement on his conduct. For that reason, I would wish to suggest that more power be given to the Council to employ the Director and the members of the Council, which is going to run KIA.

In about three places, the Bill mentions the appointment of staff and this appointment is to be made by the Council. I would suggest probably that if terms of service would be harmonised, as it is with the public service, why can the public service not appoint the Director of the Institute instead of the Minister appointing him, because this Director will act according to the Minister's whims?

Mr. Temporary Deputy Speaker, Sir, on paragraph 9 (2) (C), states:

"After consultation with the Chairman of the Council, the Director shall engage temporary employees at such daily rates of pay--"

I should think, the moment you leave the Chairman and Director to decide on who to employ, this trend will encourage nepotism and corruption.

I would like the Council to interview people for employment. Why should they employ temporary employees and not people who qualify to do the job? Why can these people also not be employed by the Council instead of the Minister consulting with the Chairman of the Council?

Mr. Temporary Deputy Speaker, Sir, Clause 5 (c) reads:-

"The governing body of the Institute shall be the Council which shall consist of the Permanent Secretary for the time being in charge of the Directorate of Personnel Management".

The phrase "for the time being" sounds interesting because Clause 5(d) does not have it. Why can they not remove that phrase? I would like it stated categorically who the members of the Council are, and not just leave it hanging. They should be included in the Bill.

Why do they say, "the Director shall act as secretary to the Council and any committee which the Council may establish"? Can we not be told what kind of committees the Council should establish while we are debating so that we can see who the members of those committees could be?

I feel very strongly that the chiefs should be trained in this Institute. I am sure that if chiefs knew what

was contained in the Chiefs Act, the enormous power they have in their hands, some of these people would not be in existence. It is good that they have not been trained to know that. We ought to give chiefs and their assistants a chance to be trained at KIA since they are powerful people in the locations. The reasons why people complain about chiefs and their assistants is because some of them are not trained. For example, a former teacher may be employed as an assistant chief and since he is not trained in administration, he becomes a big problem in the society.

This Institute should also cater for the elders who are doing a lot of work in the countryside. Sometimes they are referred to as *mkasa* and *Liguru*. These people should definitely be considered so that they can benefit from some allowances as an appreciation for the work they do for the Government and people in the villages.

I do support the Bill, if what I have suggested would be put into consideration by the Minister concerned. Thank you, very much and I beg to support.

An hon. Member: He has spoken before!

Mr. Busolo: I have not spoken. Thank you very much, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Have you spoken on this Bill?

Mr. Busolo: No, I have not spoken on this Bill.

The Temporary Deputy Speaker (Mr. Wetangula): The Clerk has the record; you have not spoken.

An hon. Member: Both of you come from Bungoma!

Mr. Busolo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for protecting me.

Bearing in mind that many other hon. Members still want speak on this Bill, I will try to be brief.

The first point that I would like to raise is on Clause 3 (2) of the Bill which states as follows:

"The institute shall have perpetual, succession and a common seal---

I would like to suggest that it is of utmost important that there is new thinking on matters of this kind, that is, the establishment of KIA as an autonomous institute. The point that I would like to raise is that there needs to be a certain impermanence to this kind of Institute. Many at times, we have just established institutes which just stay on whether they are performing or not: Because they are established by an Act of Parliament, they just continue operating. I believe that we need to amend and alter this kind of situation so that if we establish an institute of this kind, we give it a period or a specific term so that if it not performing, and when that term expires, then there should be new re-thinking on the existence of such an institute. I would like an amendment to the effect that there is a limited time on the operation of this Institute that we are seeking to establish by enacting this Bill.

When we come to Clause 5 which deals with the establishment of the Council, I think we should have new thinking on the matter. We should have a new thinking contrary to the traditional thinking. The KIA Council should be established by an independent body. In this country, we have the local chapter of the African Association of Public Administrators and Managers. For so long, we have had officers of the Council and statutory bodies being appointed by either the President or the Ministers. Somebody suggested that, maybe, the Public Service Commission should be the one to appoint officers of an institution such as this one.

My suggestion is that there are professionals from public administration and public management bodies like All Africa Desk (AAD) which should have their local chapters engaged in organising appointments or election of Council members. Related to that, I feel that we have it all wrong here in this Clause. We have various Permanent Secretaries of various Ministries being represented. These people do not have time to look after an institution of such importance like KIA. I believe that we should just have independent public administrators. They are there and we have the necessary personnel and we have the necessary cadre of people who have specialised and trained in public administration. These are the people who should be chosen to manage such an Institute.

There is no need to argue that we want to make this Institute autonomous, when as a matter of fact, we are limiting the autonomy by having the Council members appointed either by a Minister or the President. These people may not be independent enough to discharge the duties that they are supposed to perform without looking back to the people who appointed them. Mr. Temporary Deputy Speaker, Sir, still on the question of appointment of officers to this body, the context under which appointments are made seems not to have been taken into account. Today we are in a multi-party system, but appointments to whatever council seem to be for persons sympathetic to only one political party. If anything, this has limited the performance of some of our public servants. I suggest that appointments should take into consideration the environment in which the Institute will be operating. In that case, there is the question of the diversity in the political realm, where we have various parties. I think that, even if such persons belong to FORD(K) or DP, as long as they are of high integrity and have been socially recognised for their good work in the management of public affairs, they should equally be

considered for jobs. I think they should be given a chance to serve on a Council such as the one that needs to be established for the Kenya Institute of Administration (KIA).

Mr. Temporary Deputy Speaker, Sir, I have already said that the thinking here is muddled up. We are talking about a Council which will manage a very high institution for training leaders of this country. I do not think that the colonialists were wrong to think of anthropologists and sociologists. An earlier speaker, hon. Prof. Anyang'-Nyong'o referred to the absence of university or research institutes personnel in these fields. I support his point by adding that the Council should also think of anthropologists. These are the people who have an idea of the environment that we operate in. The Council needs to have socialists. These are people who are aware of the kind of issues that will be dealt with by this Institute.

Clause 5(5) provides:-

"A member of the Council, other than an ex officio member, shall attend meetings of the Council in person and no person shall be appointed as an alternate for a substantive member who is unable to attend such meeting".

I agree with the spirit of this provision. This is in line with my thinking that instead of including Permanent Secretaries, we need independent people on the Council. These are the only people who will be able to attend meetings of the Council. If we have Permanent Secretaries on the Council, they might not have time to attend the council meetings. I have many examples to support my point. We have cases of state corporations where Permanent Secretaries are members of the boards of directors. More often than not, they send alternate directors to meetings. In a number of cases these alternate directors have been found wanting in terms of knowledge and awareness of the activities that take place in certain state corporations. So, the management messes up because the alternate directors do not understand what happens in those organisations. So, I believe that the question of not having alternate members can only be possible if we have independent members of the council, who are appointed by independent bodies.

Clause 11 of the Bill is on the question of funds. Here I think that, as we are in the era of liberalisation, it is high time we thought of having organisations that will earn their own monies and accrue their rewards from performance. Many Acts have been passed in this House, just in the same way we are passing this Bill to give the KIA autonomy. I think the Government needs to think seriously on this matter. For how long is the Government going to pretend that it can set up or budget for certain institutes and organisations then after a while, turn round and say that we do not have money? After a while, the services offered by those institutes or organisations will deteriorate on account of there not being enough money. The reason for that is that these institutes, organisations or parastatal bodies are set up on the conception of their being budget-based. They will draw money from the Consolidated Fund instead of drawing money from their own activities.

Having said those particular points that come specifically from the Bill, there is the general context of the question of training of public administrators. Training of public administration and leadership has to do with character moulding, habit formation and behaviour. All these are environmentally determined. Many at times, when you meet public officials in this country, leaders of various shades, there is a certain gap in their thinking and a certain miss in the way they conceive issues. Many at times, public leaders and administrators have no idea what they are doing. Take the example of the Provincial Administration. The Provincial Administration has been taken up by the system as people who can purvey their views and their system in the rural areas. They are supposed, in a country such as ours, to deal with development administration. But if anything, as many hon. Members have said, they have deviated from that goal of development administration to terrorising people in the country-side. Instead of advising the citizens of this country about the role they need to play and, instead of conceiving themselves as servants, they conceive themselves as bosses. That kind of mentality arises from a certain gap in the nature and character of training. That character of training, if I could emphasise, has to do with the kind of courses that these public administrators take at the KIA. For example, the induction course for public administrators is about the Kenya Constitution, the National Philosophy, National Objectives, National and Rural Development, Political Awareness, Party System, Current Policy and Issues, Ethics and Attitude to work, Delegation, *etcetera*. I suggest that we need to add a course on philosophy and anthropology. If they are public administrators, let us have a course on political anthropology of the various communities of this country. Many at times, you find a public servant, for example, coming to serve in a place like Bungoma when they have no idea how the Bukusus, the Tachonis, the Tesos and other communities that live in Bungoma organise their lives. So, they come with their own pre-determined views, and if the community leaders go to them and suggest to them that this is the way things should go, there is a problem. It is in that regard that I am suggesting that this induction course be included. What national philosophy do we have in this country? One wonders. If you look at it, you wonder if anybody who wrote that kind of thing, that is, the National Philosophy, has ever been to any school.

Turning to the Kenya Constitution, the sociology of the Constitution is not taken into account. All there

is is the law, but law is formed by the sociology, the environment of the community. These public leaders are not told about that, and that has meant that the kind of things that these people do in the countryside are not good.

There is also the question of the Councillors who, in my view, are the public servants that are really at the base. These people do not seem to have a place in terms of training of leaders in Kenya. If the citizens of this country are paramount and sovereign, they always look upon their public officials and the first-line officials they look upon are the local councillors. With the removal of the literacy test which they used to sit during their nomination, these councillors, sometimes, may not be aware of the intricacies of the workings of the Local Government system.

I suggest that the KIA should institute a programme or find ways of training councillors in the kind of environment that they operate in. They need to know about environment, modern transport system, modern financial structures, public sanitation and so on.

The training is not just to tell them that they need to do this and that. But, we ought to have foreign values included in the training of councillors. The textbooks or teaching materials used at KIA are molded on experience that come from else where. The experience that is popular in this country is common also in England, and that experience may not have much to do with us. So, the kind of teaching materials that are used, I think is something that the officials in the Office of the President and the particular officials or people in charge of KIA need to look into.

Using the case of councillors again, I would suggest that instead of one or two lecturers meeting here either at the University of Nairobi or elsewhere determining what the councillors should learn, let the need of training of the councillors, for instance, as a community or as a group, be determined by the Ministry of Local Government. Let the need of the trainees from the Office of the President be determined by the Office of the President.

The training method is also very important in this matter. What we have at KIA, like what we have in most of our education institutions, is lecture method. If one gets a group of wazee and sits them down from morning until evening lecturing to them, one will be wasting his time. There are modern methods of instructions or training. We need to have videotapes, computers, films and so on. Training or instruction through such media is much more easily expressible to older fellows than if one were to lecture to them from morning until evening. These people have a lot of problems; they have families at home, political problems or worries about elections and so on. They would not have time to listen to lectures. So, I think the training method is something which need to be looked into.

The capacity of the KIA should be able to evaluate its own programmes. We have had the KIA since 1961 upto date, and I do not know if they have ever evaluated their own performance. I am thinking of a situation whereby every five years, KIA calls back its graduates and finds out how much they can still remember of what they learned at the Institute. That kind of systematic evaluation of performance after graduation of trainees will help the Institute.

With those few remarks, I beg to support.

Mr. Mwaura: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Bill which seeks the establishment of an Institution, which most of us went through when we were in the Civil Service. At that time it was a very credible institution.

Mr. Temporary Deputy Speaker, Sir, the most important thing in any country is the stability of its Civil Service. I believe that the effective management of the affairs of any country can only be strengthened by a good Civil Service. For many years, this country has been known within this region and the whole continent of Africa as having the most efficient Civil Service. This was the time when KIA was doing its proper job because it was training the civil servants of this country to be effective and non-partisan.

During this era of multi-party in this country, I believe that it would be necessary for leaders and, more particularly, the leaders in this House, both in the Opposition and in the Government side, to go to KIA to be inducted on how to harmonise multi-party democracy in this country. I believe that most of the problems in this country have come from politicians who move around telling civil servants that they must be loyal to the party that is in power. We should know that in the developed world, the Civil Service is not linked to the party that is in power. A good example is in Britain, where the Civil Service serves the country irrespective of the party that forms the Government. There is no time when the Civil Service is required to pay their allegiance to the party in power. This does not mean that civil servants must be disloyal to the country. The loyalty of the Civil Service must be directed to the country, but not to politicians. This is why some of my colleagues here have said that certain civil servants, for example, the DCs, are being retained in certain stations for too long. Some DCs have been in certain stations for five or six years exploiting the people instead of serving them. For example, they have

started treating coffee and tea cess as their greasing oil. This is the type of corruption that we keep talking about in this Parliament.

Mr. Temporary Deputy Speaker, Sir, we must ensure that we train our civil servants at KIA not to be corrupt officers and tribal minded. Instead, we should train our civil servants to have a national outlook and to serve this country as their country, and not to serve particular areas because they might assume that since I come from this tribe, therefore, I must not serve this other community.

Mr. Temporary Deputy Speaker, Sir, how can we say that we are going to make KIA autonomous when the Chairman of this Institution is going to be an appointee of the President? This means that the loyalty of the individual that would be running KIA, would remain to the person who has appointed him. We also find that the Director, who would be the overall executive of the Institute, will be appointed by the Minister. Therefore, I do not see how we are making KIA autonomous from the linkage it has at present with the Government, if the Minister in charge of KIA is the one who is going to appoint the Director to manage KIA. My own view would be that, if we really want to create an autonomous Institution, we must completely privatise KIA, make it a private Institution where the teachings of the Institute would not have overall supervision from the Government or any interference from the Government because that way, then we shall be opening up.

Mr. Temporary Deputy Speaker, Sir, when the Institution becomes autonomous we should allow training of consultancy services or the private sector to train its people there. I think here we must really have a more enlightenment because I do not see how a Government Institution would succeed at offering those consultancy services, unless we make it completely private. We should make it half-way commercial and half-way it Government controlled. Mr. Temporary Deputy Speaker, Sir, let me emphasize here that there is no country whose stability, guidance and development can really succeed without a strong Civil Service. When some Government Ministers continuously condemn the civil servants, particularly those who are from the Opposition areas by telling them that they are not loyal to the Government of the day, this is wrong. It would be wrong even for us Opposition leaders, to try to influence civil servants who come from our areas by telling them not to be loyal to the Government they are serving. We want to urge that the kind of civil servants we produce in this country must really be loyal and dedicated to the Government of the day, not to a party but to this country. If we produce that type of civil servants, then I think we can hope to see the development and stability of this country in the future remain very strong.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I wish to support.

Mr. Orenge: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I am very lucky to have the last word today and for this week.

Mr. Temporary Deputy Speaker, Sir, this is a very, very important Bill. The KIA, over the years, has been a very, very important Institution in training civil servants, particularly in the days when the Civil Service was the Civil Service. A lot of what improved the performance of the Civil Service was the good training that they got at the KIA.

Mr. Temporary Deputy Speaker, Sir, I read from the Bill that one of the major objectives of the KIA would be to train and to offer consultancy services on a commercial basis. I have no problem with that. But while undertaking the job of training civil servants, I think the most important thing that every civil servant must bear in mind is the question of peace. Without peace, this country cannot be able to make any achievements either in the economic fronts or in any other fronts. That peace would only--

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! Waheshimiwa Wabunge, Bunge sasa linaahirishwa mpaka Jumanne, tarehe 23, Aprili, 1996, saa Nane na nusu alasiri.

The House rose at 6.30 p.m.