

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 4th October, 1995

The House met at 9.00 a.m.

[Mr Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 365

KILLING OF MRS. CABRIEL

Dr. Kituyi asked the Minister of State, Office of the President:-

- (a) whether he is aware that on 27th December, 1992 bandits pounced upon Mrs. Brisca Cabriel, who was giving birth by the roadside at Kompases Trading Centre in Marakwet District and killed her together with the new baby and her escort, Mrs. Kobilo Daudi; and
- (b) if the answer to "a" above is in the affirmative, what action he has taken to arrest the culprits.

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

- (a) What I am aware of is that the deceased person was killed by cattle rustlers in Pia Village, Moni Location of Marakwet District on the 23rd December 1992, and not on the 27th December 1992 as alleged.
- (b) Following the incident, Iten Inquest No.7/92 was opened and it is still pending under investigation.

Dr. Kituyi: Mr Deputy Speaker, Sir, considering that this is just one among many incidents of violent destruction of human life and property among the Marakwet, and further considering that this incident occurred so long ago, could the Assistant Minister explain to this House, what specific measures his Government has undertaken to protect life and property, apart from opening an inquest which will never be completed?

Mr. Awori: Mr Deputy Speaker, Sir, the Government pays great deal of attention on the security of its citizens, in cases where rustlers and raiders sometimes come from across the border, it is very difficult to apprehend them. In this case, we did recover over 200 goats, but so far, nobody has been arrested.

Dr. Lwali-Oyondi: Mr Deputy Speaker, Sir, when I look at the question, I see that, that particular lady was trying to give birth. She was not giving birth to a cow or something but a child. Could the Assistant Minister explain to us exactly what connection is there between a woman who is delivering, and what it has got to do with cattle rustling?

Mr. Awori: Mr Deputy Speaker, Sir, the connection is simply that those were in the village that was being raided and, therefore, the raiders, intended to kill everyone who was there, so that they could not be identified.

Dr. Kituyi: Mr Deputy Speaker, Sir, the Assistant Minister is thoroughly misleading this House, and it would have been a more honourable thing for him to say that he does not know what he is talking about, because Mrs Cabriel was killed on the way to a health facility to deliver. She left home in labour and she was killed together with her escort and the newly born baby by the roadside, away from any village. At any rate, after a particular time, most of the people in that village had been driven away by raiders from their own homes and they were living in caves. Now, could the Minister say why his Government has looked the other way when its citizens are driven from their homesteads and have to seek refuge in caves like animals?

Mr. Awori: Mr Deputy Speaker, Sir, I cannot speak for the raiders and rustlers or their feelings. When they go raiding, they do not wait until they arrive at the village, anyone whom they encounter on their way is a threat to them, and they just kill. I can say that as of now, I pity them, but the security position in the area has improved tremendously, as the Member from Marakwet and not from Kanduyi, will testify.

Mr. Farah: Mr Deputy Speaker, Sir, because we had the scourge of banditry in our area for too long, wherever it happens in the country, perhaps it means the same might happen in my home area. The Assistant Minister said that those raiders came from across the border. If my knowledge of the geography of this country serves me right, Marakwet District is very much in the interior of Kenya. Is he telling us that raiders are coming from

across the border either in Sudan or Uganda, and coming all the way into Marakwet District to raid our people? What are our security forces actually doing?

Mr. Awori: Mr Deputy Speaker, Sir, I hope my hon. friend will identify himself entirely with Kenya, and leave Somalia to the Somalis. Borders can be within the same country, and I am saying borders bordering areas in Kenya, and surely, it is a long time since the hon. Member has been in this august House. Is it too much to ask him to identify himself entirely with his country, Kenya?

Mr. Farah: On a point of Order. Mr Deputy Speaker, Sir, I hate to say this about a very old hon. Member like hon. Awori. My question is, and the HANSARD is going to bear me witness, you said that raiders came from across the border. I am telling you that Marakwet District is very much in the interior; if a Pokot or a Turkana is killed, they can still die in the border. Why is it that raiders come from Uganda or Sudan because those are the two nearest borders, and they come all the way to Marakwet District and kill our people, the Marakwets? There is something seriously wrong with him or the Ministry, and do not talk about me being a Somali; I am a Kenyan Somali, for God's sake, and that is why I am here now, and telling you to do your job rightly.

Mr. Awori: Mr Deputy Speaker, Sir, if I was referring to the border of a neighbouring country, I would have added the word, "neighbouring."

Question No. 111

SHOOTING OF MR CHEPKWONY

Dr. Lwali-Oyondi asked a Minister of State, Office of the President:-

- (a) whether he is aware that the Chief of Ndamai Location ordered the Administration Policemen to shoot Mr Joseph Augustine arap Chepkwony in the stomach, thereby gravely wounding him;
- (b) also if he is aware that the victim was taken to Kaplong Catholic Church where he incurred Kshs.35,000.00 as hospital expenses; and
- (c) what arrangements he is making to offset this bill.

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

(a) I am not aware.

(b) I am also not aware. Since the Government is not the one which took the alleged victim to the hospital, it cannot really be held responsible for the victim's hospital bill.

Dr. Lwali-Oyondi: Mr Deputy Speaker, Sir, the Minister is trying to mislead the House. It was just the chief belonging to the Government, Mr Julius Kipketer Ng'eno, who robbed the cattle from this particular victim and four others, and, then, when he demanded for them, the chief ordered the Administration Policemen to shoot him in the stomach. He later on sold these cattle in front of the DO of Ndamai Division. Could the Minister tell the House why he is trying to deny this, yet it is the Government was responsible for hurting this particular person?

Mr. Awori: Mr. Deputy Speaker, Sir, I am not denying anything. The position was that on the night of 26th December, 1993, at about 2.30 a.m. in Ekerubo Sub-Location, Esise Location, of Nyamira Division in question Mrs Mary David Omwenga, raised an alarm and neighbours, together with Administration Police from the nearby Memis Chief's Camp came to her assistance and started tracking the cattle rustlers who had stolen nine heads of cattle. When they caught up with them, the cattle rustlers ran away. The Administration Police fired at the fleeing thieves but no one was arrested or found to have been injured.

Later, it was indeed discovered that Mr. Joseph Augustine arap Chepkwony was admitted at Kaplong Mission Hospital with bullet wounds but disappeared from the hospital before settling the hospital bill for fear of being arrested.

After investigations, Mr. Chepkwony was arrested and charged with the offence of stock theft vide Kiroka File No.642/19/94 which is still pending before the court.

So, arising out of that Mr. Deputy Speaker, Sir, the question of our paying the hospital bill does not arise.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I think this is now the practice whereby after an inquiry or something has been done wrong, the Government says: "It is before the court". This particular person was shot in his own home and he was admitted in the hospital the same day. You cannot keep on running with a bullet in the stomach for long and no doctor will treat anybody with the bullet without having informed the police and therefore, I think the Assistant Minister has been misinformed. Could he undertake an investigation in this particular case? As people saw, the man lost his own cattle which were taken by the Chief and sold openly in front of the DO as I have said. Could he promise the House to undertake to investigate, instead of hiding behind this legality because sooner or later, people will lose confidence in Government which they have already done anyway?

Mr. Awori: Mr. Deputy Speaker, Sir, investigations were carried out. As I stated, this man was fleeing and

that was when he was shot and he disappeared. There are people who have travelled miles with bullets in their bodies. This man was taken to the hospital to save his life. The man disappeared from the hospital, because he knew he was guilty or at least, he knew he had participated in the raid and he was going to be charged. So, he disappeared.

Mr. Deputy Speaker: Mr. Shikuku!

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

Mr. Deputy Speaker: Mr. Shikuku!

Mr. Shikuku: Mr. Deputy Speaker, Sir, arising from that terrible and absurd reply from the Assistant Minister, is he aware - and I may put this question as I did to Mr. Otiende - once you are shot in the stomach, you will definitely be incapable of running. Have you ever seen somebody shot in the stomach and could be able to move? Or is he going to be like Mr. Otiende, who told us that leaving a pair nine inch forceps in the stomach with cotton swops could not be the cause of the death of the late Ngaira.

Mr. Awori: Mr. Deputy Speaker, Sir, I will not speak for a former Cabinet Minister, Mr. J.D. Otiende. All I can say, is that the man managed to move and hide with a bullet in his body.

Mr. Nthenge: On a point of Order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question.

Mr. Nthenge: On a point of Order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your point of Order?

Mr. Nthenge: The Questioner---

Mr. Deputy Speaker: Is it a point of Order?

Mr. Nthenge: Yes, the question is; somebody was ordered to shoot another and now we seem to have escaped from the main issue that a Chief ordered his Administration Police to shoot. Could we deal with that problem?

Mr. Deputy Speaker: I heard the Assistant Minister say at the very beginning that he is not aware that somebody was ordered.

Next Question, Mr. Kapten.

Mr. Deputy Speaker: Nobody is here from the Ministry of Agriculture, Marketing and Livestock Development! This Question will be stood over at the moment. Mr. Obwocha!

An hon. Member: Mr. Deputy Speaker, Sir, it is not the Ministry of Agriculture, Marketing and Livestock Development but Office of the President!

Mr. Deputy Speaker: I beg your pardon. Office of the President! Mr. Moody Awori, Could you answer Question 627.

An hon. Member: Where was he? Speak the truth.

The Assistant Minister, Office of the President (Mr. Awori): And nothing but the truth, so help me God!

(Laughter)

Question No. 627

SUB-DIVISION OF FARMS

Dr. Kituyi, on behalf of **Mr. Kapten**, asked the Minister of State, Office of the President:-

- (a) how many farms of the Agriculture Development Corporation and Settlement Fund Trustee have been sub-divided and given to individuals in Trans-Nzoia District since 1991 to-date;
- (b) what is the total acreage of these farms; and
- (c) how many people have benefitted from this allocation and what is the tribal break-down of the beneficiaries.

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

(a) There are two ADC and one Settlement Fund Trustee farms which have been sub-divided and given to individuals in Trans-Nzoia District since 1991 to-date. These are Chepchoina, Nai (ADC) and Ex-Hillbrook.

(b) The total acreage of the three farms is 20,975 acres out of which 4,275 acres were sub-divided.

The break-down is as follows:

Nai Farm 4,000 acres - sub-divided land - 319 acres.

Chepchoina Farm 16,000 acres - sub-divided land - 3,000 acres.

Ex-Hillbrook Farm 975 acres - sub-divided land - 956 acres.

(c) 736 people have benefitted out of the sub-division of 4,275 acres as follows:-

Nai Farm 15, Chepchoina Farm 600 and Ex-Hillbrook 121.

However, it is important to emphasize that it is the Government Policy that the allocation of settlement plots is done on the basis of landlessness and the ability to develop the land for agricultural purposes and not on tribal basis.

Dr. Kituyi: Mr. Deputy Speaker, Sir, notwithstanding the fact that this reply is factually incorrect, that it is more than three farms which have been sub-divided and further, notwithstanding a statement that Nai Farm with 4,000 acres can be divided and given to 15 individuals because they are landless, could the Assistant Minister explain to this House if the rationale in the sub-division and distribution of land is to deal with land for farming why more than one half of all the persons who were allocated sub-divided farms came from Uganda and not Kenya? The Sebeis and persons who claim to be Kalenjins but are citizens of a neighbouring country were given land when there are Kenyans, including Kenyan Kalenjins who are landless. Two, why in a District which is more than 50 percent Luhya, not a single Luhya citizen of Kenya got one acre in the sub-division of Government land?

Mr. Awori: Mr. Deputy Speaker, Sir, I have no information that the sub-division or sub-divided land was allocated to Sebeis from a neighbouring country, Uganda, and I have no idea whether there is one or no Luhya or 100 Luhyas allocated.

Dr. Kituyi: Going by the fact that the hon. Member is originally from Uganda, is he in order, as a Government Minister, given a critical Question that when he does not have sufficient information to answer the Question, he comes here and he is going on saying I am not aware and, this or that? Could he not be ordered to go and find more information before he answers, if he does know this critical information about this terrible act by the Government?

Mr. Awori: While I will ignore the preamble to the rambling of my hon. friend, indeed I have got a brother, who is a Member of the Constituent Assembly in Uganda--

Mr. Shikuku: On a point of order. Do you agree with the statement by the Minister, that the hon. Member who asked the Question was rambling, do we ramble in this House?

Mr. Awori: Yes, he was "rambling", Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I understand the hon. Kituyi talked of preamble, not rambling. Order! Order! Hon. Members never ramble, hon. Awori!

Next Question, Mr. Obwocha.

Question No. 109

FRUSTRATIONS AT ICIPE

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

- (a) if he is aware that the former Director General of the International Centre for Insect Physiology and Ecology (ICIPE) Prof. Thomas Odhiambo left his former job under mysterious circumstances;
- (b) whether he is also aware that the current Director General, Dr. Hans R. Herren, is frustrating professionally qualified Africans through demotions, retirements and sackings, replacing them with unqualified expatriates; and
- (c) if the answers to "a" and "b" above are in the affirmative, what steps the Government is taking to redress this serious problem.

The Assistant Minister for Foreign Affairs and International Co-operations (Dr. Manduku): Mr. Deputy Speaker, I beg to reply.

(a) Prof. Thomas Odhiambo, stepped down from the International Centre for Insect Physiology and Ecology (ICIPE), on 31st March, 1994, after 25 years of service as the Director. Prof. Odhiambo announced his decision to leave ICIPE through the Governing Council of the organisation in its end of year status report of December 1993. The Government is not informed of any mysterious circumstances surrounding the change at ICIPE.

(b) I am not aware.

(c) It is not applicable.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this reply is very unfortunate, because Prof. Odhiambo is now heading the African Foundation for Research and Development (AFRD). Mr. Deputy Speaker, Sir, the new Director General, Dr. Hans Herren, is frustrating indigenous people of this country who were with ICIPE. The Minister says he is not aware. I wish to lay on the Table, a list of 154 Kenyans who have been laid off, and out of that, 13 are doctorate degree holders. The list is here, to show how he is frustrating the Africans. Now, one of the Africans who was retired from ICIPE, is a Mr. Okolla, and replaced by an Asian from Zambia called Mr. Tendon, who is not qualified as the

Director, Management Services.

Now could the Minister go and investigate what is happening at ICIPE, why the key indigenous Kenyans are being frustrated and being retired without being paid, for example, their final benefits? When is the Government going to pay these people this money they are entitled to get?

Dr. Manduku: Mr. Deputy Speaker, Sir, like every other institution in this country, ICIPE has also been going through the restructuring system, and there must have been changes, and in this effect, having had quite a number of workers, some have been cut down. Therefore, the question of frustration of Africans, does not apply.

Dr. Otieno-Kopiyo: If the answers given by the Minister were to be correct, how would you explain the fact that over 50 per cent of African professionals employed under Prof. Odhiambo's leadership, have had to leave this organisation? In addition to that, most of the programmes started during Prof. Odhiambo's tenure as a Kenyan Director of ICIPE, have been discontinued. How does he explain these activities?

Dr. Manduku: Mr. Deputy Speaker, Sir, as I said, there has been a lot of restructuring, and this is due to the economic constraints throughout the world and, therefore, some of the projects could be cut down in the restructuring period.

Mr. Achieng'-Oneko: Mr. Deputy Speaker, Sir, is the Minister aware that some of these appointments are based on the amount of money contributed to such international organisations as ICIPE, and not entirely on the qualifications of the persons to fill those posts and perhaps, that is the reason why many Kenyans have been replaced by unqualified personnel in the organisation?

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

Mr. Obwocha: Mr. Deputy Speaker, Sir, the ICIPE, applied for immunity from the Kenya Government. Could the Minister confirm to this House, why they are providing immunity to staff of ICIPE, when it does not fall under the normal diplomatic service?

Dr. Manduku: Could the Member repeat the question?

Mr. Obwocha: Mr. Deputy Speaker, Sir, the question is, ICIPE applied for diplomatic immunity from the Kenyan Government, and it was granted. Now, it does not fall in the normal category of the diplomatic service. What are the reasons?

Dr. Manduku: Mr. Deputy Speaker, Sir, ICIPE is an international organisation like we have the United Nations, the World Health Organisation, and so it falls in the same category.

Mr. Deputy Speaker: Next Question, No.461 is stood over. So, we pass that Question. Question 278, Bishop Kimani

Question No.461

PAYMENT OF COMPENSATION

(Question deferred)

Mr. Deputy Speaker: Question No.278, Bishop Kimani

Question No.278

SACKING OF MR. WERE

Bishop Kimani asked the Minister for labour and Manpower Development:-

(a) whether he is aware that the Kenya Milk Records Limited, Nakuru, terminated the services of Mr. Duncan Mugo Were; and

(b) if the answer to "a" is affirmative, when he will be paid his terminal dues or be reinstated.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, I beg to reply.

(a) Yes, I am aware.

(b) Mr. Were was paid all his terminal benefits in 1992.

Bishop Kimani: Mr. Deputy Speaker Sir, arising from the answer given by the Minister, could he tell this House how much money was paid to this man?

Mr. Masinde: Mr. Deputy Speaker, Mr. Were was employed by Kenya Milk Records, in Nakuru in 1991. He was the milk recorder. In September, 1992, he was given Kshs1,500 to enable him perform his duties. He however,

absconded, until at the end of the month when he came and picked his salary and disappeared again. So in October, that was after three weeks, he reappeared and then his services were terminated for being absent. So he was paid one month's salary in lieu of notice although really, he should not have been paid anything, having absconded from duty. He was paid house allowance as well as a half of the salary for October less the statutory deductions plus the outstanding imprest of Kshs 1,500 which he had been given to use for work and then disappeared. So finally he got Kshs 1,513.00 as final payment.

Bishop Kimani: Mr. Deputy Speaker, Sir, I think the Minister has been misinformed because this man was frustrated by his boss. Whenever he reported for duty, he would be chased away. The money that he was paid two weeks ago is very little. Could he go back and find out why this man was paid such a little amount of money and why he was not reinstated in his job? His boss was frustrating him because he wanted to fill his position with someone else. Could he investigate that fact?

Mr. Masinde: Mr. Speaker, Sir, the Question was not as to how much money he was paid but rather, the Question was whether he was paid his terminal benefits or not. I have said that he was paid his terminal benefits.

Question No. 611

NATIONAL LIBRARY FOR ISIOLO

Mr. Deputy Speaker: Next Question, Dr. Wako. Dr. Wako is not here? We will stand over that Question for the moment.

Next Question, Mr. Mwiraria!

Question No. 566

USE OF MT. KENYA FOREST

Mr. Mwiraria asked the Minister for Environment and Natural Resources that given the fact that the Meru people have from time immemorial put forests to traditional use such as collecting firewood, dry weather grazing, and bee-keeping, he could arrange for the continued use of the Mt. Kenya forest for these purposes by those living next to it.

The Minister for Environment and Natural Resources (Mr. Sambu): Mr. Deputy Speaker, Sir, I beg to reply.

It is the Government policy that the people living next to the forests get some benefits. However, this has to be done within the provisions of the Forests Act, Cap. 385. Many people bordering Mt. Kenya Forest are allowed to obtain firewood, dry weather grazing, bee-keeping and recently, they have benefited from non-resident cultivations in the industrial forests.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I thank the Minister for his answer in which he has not revealed what is actually happening and his answer is actually contained in one sentence: "However, this is done within the provisions of the Forests Act, Cap. 385." What is actually happening on the ground is that people are not being educated on what the provisions of Cap. 385 are with results that today, 30 years after Independence, the Meru people do not enjoy the use of forests as they used to do under the colonial Government. The question I really want to ask is: Is it fair for the people to be allowed to drive their cattle to the forest to graze them only to have the forest warders come and surround them and charge Kshs 100 per cow without issuing receipts, which means the application of the Act today is benefitting the forest officers and not the Government? I do not even know what the provision of licensing under this Cap. is. Are they supposed to pay Kshs 100 per cow to graze them and if so, why not issue receipts?

Mr. Sambu: Mr. Deputy Speaker, Sir, I would like to know the specific forest station and the specific foresters who are doing that.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, this is a common practice in the Timau area, Ngare Ntare and the Mt. Kenya Forests.

Mr. Sambu: Mr. Deputy Speaker, Sir, if they are collecting cash from people without issuing receipts, action will be taken against them.

Mr. Gatabaki: Mr. Deputy Speaker, Sir, is the Minister aware that most of the forests we are talking about have been given out formally to Kanu sycophants and that instead of according the grazing grounds to needy Kenyans, they have gone to private hands?

Mr. Sambu: Mr. Deputy Speaker, Sir, I am not aware of any forests in Meru being given out.

Mr. Murungi: Mr. Deputy Speaker, Sir, it is quite obvious that the natural resources in Mt. Kenya Forest do not benefit the people of Meru who live around the forest. These resources only enrich forest officers and a few individuals who are able to access them.

Could the Minister explain why the Kanu Government has banned the people of Meru from Abogeta Division from taking their cattle to Themwe Salt Lick which the colonial Government used to allow us to do but we are not allowed to do by the Kanu Government?

Mr. Sambu: I am sure that, that Salt Lick is in an area where there is an agreement between the Wildlife Department and the Forest Department and this is an area where the Wildlife Act is also enforced and, therefore, domestic livestock should not be entering in.

Question No. 279

INFLUX OF HIGH-TECH MACHINES

Mr. Nthenge asked the Minister for Labour and Manpower Development what the policy of the Ministry is towards the influx of *high-tech* machines which have flooded the country and are a major cause of unemployment of late.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, Sir, may I apologise that the answer I have is not quite satisfactory.

I would have liked to say a bit more and I, therefore, ask if I could have time to get a satisfactory answer for my hon. colleague.

Mr. Deputy Speaker: You want the Question stood over until when? When will you be ready? We will say, tentatively, Thursday should be about the right time.

(Loud consultations)

Mr. Mumba: Mr. Deputy Speaker, Sir, before I ask my Question---

Mr. Deputy Speaker: Order! Order! Order, hon. Members! Yes, please, ask your Question.

Mr. Mumba: Mr. Deputy Speaker, Sir, before I ask my Question I would like to protest that I have not been furnished with a written answer on this Question but I proceed to ask it.

Question No.633

EMPLOYMENT IN COAST HOTELS

Mr. Mumba asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that some managers of tourist class hotels in the Coast Province do not employ indigenous locals in jobs which do not require high qualifications and,

(b) whether he will direct the management of tourist class hotels at the Coast to ensure that all hotel employees at the level of clerks, waiters, sweepers, cleaners and gardeners are indigenous and recruited from districts in the Coast Province.

Mr. Deputy Speaker: Is there any Minister from the Ministry of Tourism and Wildlife? If nobody is here from that Ministry, then we go back to Dr. Wako's Question for the second time.

Question No.611

NATIONAL LIBRARY FOR ISIOLO

Mr. Deputy Speaker: Dr. Wako is still not here! The Question is dropped.

(Question dropped)

Well, I am afraid, procedure compels me to allow Mr. Mumba to ask his Question for a second time, just incase collective responsibility may allow somebody to answer it. Mr. Mumba's Question for the second time?

Question No.633

EMPLOYMENT IN COAST HOTELS

Mr. Mumba asked the Minister for Tourism and Wildlife:-

- (a) whether he is aware that some managers of tourist class hotels in the Coast Province do not employ indigenous locals in jobs which do not require high qualifications and,
- (b) whether he will direct the management of tourist class hotels at the Coast to ensure that all hotel employees at the level of clerks, waiters, sweepers, cleaners and gardeners are indigenous and recruited from districts in Coast Province.

Mr. Deputy Speaker: There is nobody from that Ministry? The Question is stood over and will be put on the Order Paper at the earliest convenience. We will now move on to Questions by Private Notice.

QUESTION BY PRIVATE NOTICE

CLUMP-DOWN ON PRIVATE CLINICS

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, I beg to ask the following Question by Private Notice.

(a) What was the rationale behind the recent clump-down on private clinics using the National Hospital Insurance Fund in Nyanza and Western Provinces?

(b) Could the Minister confirm or deny that the move was meant to, especially, undermine private health services in Nyanza and deny the fund contributors from the region, the use of this vital facility?

The Assistant Minister for Health (Mr. Mutiso): Mr. Deputy Speaker, Sir, I beg to give the following reply:

(a) The exercise carried out by the Government to investigate submissions of fraudulent claims by a number of private hospitals and nursing homes gazetted under National Health Insurance Fund Act, Cap 255, was not directed at any particular region of our country. It was aimed at putting to a stop, the theft of contributors' funds that has gone on at the Fund for several years. The investigations have covered so far, 61 private hospitals and nursing homes throughout the country and this exercise will continue.

(b) The exercise is not meant to undermine health services in any region of our country nor to deny any contributor the right to seek reimbursement for medical services expenses from the fund. All the private hospitals and nursing homes under investigation have been inspected in the last two years under Section 19, National Hospital Insurance Fund Act, Cap 255 and malpractices found and documents that are associated with fraudulent claims. In all cases, there have been no patients and no medical services provided.

Mr. Deputy Speaker, Sir, it is a coincidence that the majority of these hospitals and nursing homes are located in Nyanza and Western Provinces. The rest are located in the Rift Valley, Nairobi, Central, Eastern and Coast Provinces.

Mr. Deputy Speaker: Mak'Onyango!

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, arising from that long and winding statement that says very little, could the Assistant Minister deny that arising from this move, several of these private hospitals and nursing homes, especially in Nyanza, have had to close down and that closing down means withdrawing a very vital service from the people and the result is that, we have more people dying as a result of this move and the Ministry is doing nothing about it?

Mr. Mutiso: I quite agree with the hon. Member that some of these hospitals and nursing homes have had to close down and investigations carried out did prove that actually, they were mainly dependent on funds from the National Health Insurance Fund and that is why they had to close down. But the contributors are not denied their rights to claim reimbursements when the cases are proved to be right.

Mr. Aluoch: Thank you very much Mr. Deputy Speaker, Sir. This Question should be treated very seriously because all the contributors especially in the area I come from, are not being treated and the health system of the Government has collapsed and these others are not being run at the moment. What is the Assistant Minister going to do to make sure that the contributors get their benefits?

Mr. Mutiso: Mr. Deputy Speaker, Sir, maybe, I may enlighten the hon. Member and House, by adding these facts that the first 41 hospitals which have been de-gazetted under Section 29 of the National Health Insurance Fund and the remaining 20 which have been suspended from seeking reimbursement from the Fund---

Mr. Deputy Speaker, Sir, since all these hospitals are still licensed under Chapter 253 of the Laws of Kenya, any

contributor who has received medical services in any of them and has paid is reimbursed by the Fund directly as a general claim---

Mr. Deputy Speaker: Mr. Ogeka!

Mr. Ogeka: Mr. Deputy Speaker, Sir, may I know from the Assistant Minister whether he accepts or denies that the role played by these private nursing homes in national development with regard to health is so vital as an alternative to Government hospitals, that in their closure, the wananchi for whom we cater to improve their welfare are left with no alternative, given that in Nyanza all the Government hospitals have no adequate drugs syringes and even writing paper for prescription?

Mr. Mutiso: Mr. Deputy Speaker Sir, I think the hon. Member should agree with me or perhaps he can tell this House whether it is proper for these hospitals and nursing homes to continue robbing the Government the country---

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Order!

Mr. Mutiso: I want to emphasise the fact that the reasons why the Government had to close these hospitals and nursing homes is because of corruption.

Dr. Otieno-Kopiyo: On a point of order Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Kopiyo, what is so burning? Why do you not allow him to finish? I will give you the floor.

Dr. Otieno-Kopiyo: The Members are emphasising a conspiracy theory. The Assistant Minister is cutting that issue all the time. We are saying; "yes", there was corruption but why only in Nyanza and Western Provinces?

Mr. Mutiso: I think that is a very valid question. Why Nyanza and Western Provinces? It is because most of these hospitals where this kind of corruption existed are located in these areas. There are similar cases even in other parts of the country where we have such hospitals. Such hospitals are also run by people from those areas! This is very strange!

Mr. Deputy Speaker: Dr. Kituyi!

Dr. Kituyi: Mr. Deputy Speaker, Sir, considering that the best known institution that has benefited through fraudulent arrangements involving funds from the National Hospital Insurance Fund in Kisii Town has a prominent owner, why has the Minister failed to have the owner of that Masaba facility in Kisii town arraigned for similar crimes as other people have been charged?

Mr. Mutiso: That is a hypothetical question from the hon. Member. Could he substantiate who this is and which hospital this is?

Dr. Kituyi: Mr. Deputy Speaker, Sir, I have mentioned the particular institution and I have named the owner. It should be very easy for the Ministry to know who owns the Masaba facility in Kisii Town that I am taking about and I am asking the Assistant Minister why it has not been investigated. If he does not know, then he has no business being in this Ministry.

Mr. Mutiso: I have a list of 41 hospitals which have already been de-registered. I have 20 which have been suspended and investigations on them are going on. Therefore, with regard to the one the hon. Member is mentioning, I have to go through this long list to find out whether it is among them.

Mr. Shikuku: On a point of order! Now that the Assistant Minister has referred to a list he has in his possession, could you, Mr. Deputy Speaker, Sir, ask him to lay that list on the Table, so that we can have the advantage of knowing what he is talking about?

Mr. Mutiso: With pleasure, I am prepared to lay it on the Table.

Mr. Deputy Speaker: Are you laying it on the Table?

Mr. Mutiso: Yes.

Mr. Deputy Speaker: I think we have had enough of this question. Mak'Onyango, the very last one then.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, the Nyanza Provincial Commissioner was quoted yesterday in the local Press, confirming that medical services in Nyanza have totally collapsed. Would the Assistant Minister, in view of this confirmation from the Government in which he is a party, and in the light of the fact that most of the degazetted medical facilities are in Nyanza and Western provinces. These two facts end up depriving the people of this region medical services. Could the Assistant Minister promise this House that they are going to review this situation? Otherwise, people are dying in large numbers as a result of what appears to be a deliberate move by the Government to facilitate the deaths of people in this area.

Mr. Mutiso: Mr. Deputy Speaker, Sir, I take objection to that last statement by the hon. Member. As I said

earlier on, first of all, this is the list, and I have the pleasure to lay it on the Table of the House.

(Mr. Mutiso laid the list on the Table)

Could the hon. Member repeat his question again? The hon. Member is confused.

Mr. Deputy Speaker: Next Order.

Mr. Mak'Onyango: What I am saying is that the Nyanza Provincial Commissioner was reported in the press yesterday, confirming that medical services in Nyanza have ground to a halt. In other words, the Government itself is confirming that medical services in Nyanza have collapsed and I am saying in view of that and in view of the fact that 40 out of the original 61 medical facilities that have been degazetted, are from that region, is it not true that the Government is deliberately facilitating the deaths of people in this area in order to depopulate the area?

Mr. Mutiso: Mr. Deputy Speaker, Sir, I totally deny that allegation because these are private institutions and Nursing Homes but the Government Hospitals are still there; they are functional and helping the people. I would like to add that we cannot stand people who continue to rob the country and facilitate them to continue reaping where they have not even provided medical service and have presented false receipts. These cases have already been taken to court and investigations are going on into the other 20 and therefore, we want to rid the country of this corruption.

Mr. Deputy Speaker: Next Order.

MOTIONS

UNRESTRICTED TRAVEL FOR PUBLIC SERVANTS

THAT, this House urges the Government to remove restrictions on international travel which were imposed on civil servants and parastatal employees in 1981.

(Prof. Anyang'-Nyong'o on 7.6.95)

(Resumption of Debate interrupted on 26.7.95)

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, when the House rose last time, I was moving this Motion which urges the Government to remove restrictions on international travel which were imposed on civil servants and parastatal employees in 1981.

Mr. Deputy Speaker, Sir, I recall that when that restriction was imposed, myself and a colleague at the University were the first to suffer this restriction. We must remember the atmosphere under which this restriction was imposed. It was in 1981 when the Government then was extremely insecure and there was a tendency to resort to the politics of control rather than the politics of participation. With the advent of multi-party politics and with the liberalisation of our economy, this particular measure has outlived its usefulness even as far as this Government is concerned. Unless, of course, the Government is still insecure but we are re-assured by the day, by the people in the Government, that it has the confidence of the wananchi and if it does, it should also have the confidence of its civil servants. Civil servants render very useful service to this country, except of course, the wayward ones who involve themselves in corrupt practices to defraud our economy and our society. But by and large, the ordinary civil servant, is a professional who is dedicated to his work and who should be given the enabling environment to perform his work professionally and who should be rewarded accordingly. I consider this restriction on civil servants movement, especially when they are leaving Kenya, absolutely unnecessary. It adds to unnecessary bureaucracy.

Mr. Deputy Speaker, Sir, you will remember that when this particular restriction was imposed, that is the time when the World Bank also published a report on accelerated development in tropical Africa or in Sub-Saharan Africa, an agenda for action. One of the things that this report pointed out was that African countries are not developing as fast as they should because they are burdened by unnecessary bureaucracy. Bureaucracy weighs heavily on both the State and the economy.

It was recommended that African governments should go into a process of cutting down on unnecessary bureaucracy. This cutting down is behind the present programme of retrenchment; of removing some people from the civil service either through the Golden Handshake or other measures. It would be much better if we also cut down on unnecessary bureaucracy by removing **[Prof. Anyang'-Nyong'o]** unnecessary and unproductive work. One of the most unproductive work being done by the civil service is this of processing permission for people to leave the country.

[Mr. Deputy Speaker left the Chair]

*[Mr. Temporary Deputy Speaker
(Dr. Ombaka) took the Chair]*

You will find that in an office, there are so many people, who all they are involved in is who is coming in to acquire a letter to travel abroad and quite often, this also leads to corruption because then, somebody with a pen who knows that he is going to sign your letter when you are leaving the country, will delay the process as long as possible until the poor fellow who is travelling has to produce what they call *Kitu Kidogo*. We should curb on corruption by removing this unnecessary bureaucracy in the Civil Service. For example, if a university lecturer wants go for a seminar in the University of Cape Town, first he has to have a letter from the Head of his department, then he goes to the Dean and then to the Principal of the college; then he goes to the Vice-Chancellor and then to the Ministry of Education and finally, to the Office of the President to clear him. These are six steps just for somebody to be given permission by the State to attend a seminar; one person, and six different aspects of control are put on his life. Not to forget that when you go to the airport, you also fill what they call immigration forms.

Surely, Mr. Temporary Deputy Speaker, Sir, I think it is at the airport or the bonder stations where it is necessary to know who is leaving and who is coming in. That form contains all the information the State wants to know about the person travelling abroad. It has your name, your date of birth, the place where you were born, your signature, your address when you are leaving and when you are coming back and so on. So, that form is so comprehensive that surely, I do not see why an innocent Kenyan soul should be subjected to so much torture just because you are going to serve your university or your country abroad at a seminar which might not last one week or so.

Mr. Temporary Deputy Speaker, Sir, I do think that we are our worst enemies when it comes to spending public money. We put all these unproductive activities for people to do just because we want to know where somebody is going. I think this is highly irrational, and I would like to appeal to the Government to remove these restrictions with immediate effect.

Mr. Temporary Deputy Speaker, Sir, one other thing that it does, is that it discourages Kenyans from serving their country abroad. The State should not assume that when somebody is travelling, it is necessary for his own pleasure or advantage because quite often, that journey to Lagos, Cape Town, Jamaica or New York is going to result to a lot of gains to this country; a lot of public relations that somebody can do on behalf of his country, negotiating contracts and a lot of other side benefits that might not be necessary be associated with a piece of letter that tells him that is going to a conference on fresh water management or something like that. Those side benefits that the country gets should not be hampered by making an individual feel as if he is guilty by travelling out of the country.

Mr. Temporary Deputy Speaker, Sir, another important aspect is that not only the civil servants are restricted in travelling abroad, but they are also being grossly neglected in terms of the State recognizing their contributions to the economy. A civil servant in this country is paid very poorly, but one of the reasons why Kenyans have for a long time been proud to serve in Civil Service was because of some of the benefits associated with the Civil Service. Those are benefits like housing, health facilities and the recognition that the society gives you as a responsible person. Of late, these three aspects of Civil Service work have been seriously depleted or undermined. For example, in privatising public land and public housing, civil servants who have served the State for 25 years or so are denied the opportunity to buy these houses but, instead, these houses are grabbed by the big ones in politics and the State.

It would be very good if the Government would set up a mortgage system whereby after somebody has served the Civil Service for 15 years or so, he is allowed to buy the house or the flat he lives in rather than that house or flat going to a fat cat who already owns billions and billions worth of property for which he never worked for or sweat for.

It is a big shame, for example, now we are seeing all these railway houses in Parklands and Juja Road being privatised to two, three or four individuals whose names I would not mention now. But, we know that people who have lived in these houses have served the Kenya Railways Corporation for years and years. Now, they are being told that they are being given a golden-handshake by being given about Kshs.160,000.00 instead of being given a mortgage to buy those houses which will help them and their children. I think this would be a much better golden handshake than the one they are being given now. Indeed, this is one of the injustices that will visit this country in 10, 20 or 30 years time. The children of these people who founded this nation in the Civil Service will not forgive this nation for not having rewarded their fathers who sweat and created a professional Civil Service and ensured that the Civil Service managed the wealth on which these fat cats are feeding without having managed it as well as these civil servants did.

Mr. Temporary Deputy Speaker, Sir, I am pleading for the State to help build a professional and well rewarded Civil Service in this nation.

I beg to move.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. In his play called *Hamlet*, the famous English playwright, William Shakespeare said that something was rotten in the State of Denmark. I think something is very rotten in the State of Kenya. Our fathers fought for Independence in this country, so that

Kenyans can be free, but after 32 years of Independence, Kenyans, especially senior civil servants, are not free.

Mr. Temporary Deputy Speaker, Sir, 32 years after Independence, the senior civil servants in this country are living in slavery and servitude. Our civil servants are living under colonialism, bondage and they are living under the yoke of oppression; they are also living in the culture of fear and silence. They are the most politically oppressed class and the most exploited people in this country. I have a letter from the *Daily Nation* of 3rd October, 1995 headed - The plight of the Senior Civil Servants. What the letter says is that senior civil servants are living below the poverty line. They are saying that they are earning a salary of Kshs.13,120.00 per month. This is what is paid to those on job group N and this is what clerks in the Central Bank earn.

So, our civil servants are the most exploited and oppressed class in this country, and this must change. Because of the tyranny and oppression among the civil servants in the country, the civil servants are finding it difficulty to greet even important people in the Opposition. They cannot greet you in the street without looking behind their backs to see who is looking at who he is greeting.

They cannot go freely abroad as they would like to go. They cannot say freely what they would like to say. For example, the other day, I gave a lift to a D.O. in my constituency and the following week, he was transferred to Mandera; he was accused of being a member of Ford (K). Three weeks ago, I had a soda with a new D.O. who was posted there. I went to show the boundary of the constituency. I am sorry to say that he has now been transferred to Marsabit and, he is now being accused of being a member of Safina. How can we operate in a situation where MPs cannot talk to the civil servants? We are pleading with the Government to allow this basic freedom of association and movement.

Section 81 of the Kenyan Constitution is quite clear; it protects the freedom of movement which includes the right of every Kenyan to freely leave this country. This is a basic and fundamental right and it is not dependent on the goodwill, benevolence or charity of another person. It is a basic entitlement.

So, Mr. Temporary Deputy Speaker, Sir, our civil servants are routinely being denied this fundamental right through illegal and unconstitutional circulars. These circulars are null and void because they violate Section 81 of the Kenya Constitution. As we are all aware, Section 3 of the Kenya Constitution makes it quite clear that any law, regulation or circular which is inconsistent with, or repugnant to the Constitution is null and void to the extent of that inconsistency or repugnance. So, these circulars, which require civil servants to report to the Office of the President (OP) and get clearance before they can leave the country, are null and void under this provision of the Constitution. Now, when you hear about the OP, it is not people like hon. Kalweo here and others who consider these circulars. These circulars are taken to Special Branch Officers who will go to check whether Prof. Anyang'-Nyong'o read books by Carl Max when he was in the university or whether he has at any time worked in a dangerous state like Ethiopia or some other place. We should not allow this primitive one-party political culture to continue in a multi-party system.

Now, Kanu Ministers are always complaining that senior civil servants are undermining the Government. Now, if you were a civil servant who was so exploited and oppressed, what business would you have singing praises to it? Civil servants should be understood when they cannot fully co-operate with the Government, which is oppressing and exploiting them; a Government which is denying them their basic freedoms under the Constitution.

I do not want to take a lot of time on this but, let me mention that when the people of Israel were oppressed by the Pharaohs in Egypt, the Lord appeared to one person called Moses and told him to go, confront the Pharaoh and tell him to "let my people go". It is high time we stood up for our civil servants. We know that they are hard working and honest people and we should stand up against the tyranny against them by Kanu and President Moi's Government. We should tell Moi and Kanu "let our civil servants go". Thank you, Mr. Temporary Deputy Speaker, Sir and I beg to second.

(Question proposed)

Mr. Kiliku: Thank you very much, Mr. Temporary Deputy Speaker, Sir. This country has introduced liberalisation in the economy. However, we cannot succeed unless people are free to move internationally. It is only non-indigenous Kenyans who are benefiting from the economic reforms that we have now. This is because most of our people who could be going to Dubai over the weekends, where we have a free port, to buy things and bring them back here cannot do so. It is only Asians who are benefiting now from economic reforms. This is because they have relatives in the Eastern World, Europe, Canada and the United States of America (USA).

Civil servants in this country are educated and have the capital. So, they can participate, while they still work, in the economic development of this country. However, they are not free! On Saturdays, civil servants do not work, and it is only four and a half hours flight from here to Dubai or Cairo for one to go and buy things and bring them back here and sell them in the market. But they cannot go because they are not free. Economic reforms have given benefits to Asians only because Africans are not free to move.

Mr. Temporary Deputy Speaker, Sir, I am calling upon the Government to remove this restriction because it is against this country's Constitution. Again, the Government, as an employer, is not allowed to supersede the Constitution. By our Constitution, any citizen is free to move anywhere! How can we allow the Government, as an employer, to interfere with the constitutional rights of the citizens? This is very wrong! The Government has also not registered a trade union for the civil servants, which can represent them in case of a labour dispute.

If today there were labour disputes between the Government and civil servants, I do not know whom the Minister for Labour and Manpower Development would deal with! Why can the Government, which claims to practise democracy, not register a trade union to represent civil servants? The Government, as an employer, should allow its workers to be represented by a trade union.

That is why we have lost a lot of skilled labour from the Civil Service to the private sector. Most of the skilled people in the Civil Service are leaving it because of these bottlenecks, obstacles and colonial rules in the Service. In fact, there is no respect for senior civil servants and even the Minister for Lands and Settlement, who is here, knows it. Let him go to Kizingo in Mombasa and see that houses in which senior civil servants were living in were condemned. The civil servants were then told to leave without being given an alternative accommodation, and the land was allocated to somebody. Why were those houses occupied by senior civil servants condemned if the Government had respect for the civil servants? The Government condemned those houses because civil servants were living in them and did not provide a substitute for them. Even the plot on which the residence of the District Commissioner is built was allocated to somebody. You can go there now and you will find that the District Commissioner's house is now surrounded by a very big stone wall; the plot was allocated to somebody when the District Commissioner was on leave.

The Assistant Minister for Health (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member stick to the issue raised in the Motion? He is now talking about land allocation, which has nothing to do with the Motion before the House!

The Temporary Deputy Speaker (Dr. Ombaka): Mr. Mutiso, that is not a point of order. The hon. Member has a right to address the topic the way he wants to.

Mr. Kiliku: Mr. Temporary Deputy Speaker, Sir, I was talking about lack of respect by the Government to the civil servants. In fact, I was a victim of this lack of respect one day at the air port when my wife and I were going to the USA. When we were about to board the aircraft, she was told that since she works with the Kenya Ports Authority, a state corporation, she could not travel abroad. When I said that as my wife she had to accompany me, I was told she had to get clearance first and so I had to leave her behind.

That happened when I was going to Los Angeles, California, and that is why I am supporting the Professor who has moved this Motion, because it is after 32 years of Independence and we are being told that we have to obey that condition. You say you are going to meet the conditions of the World Bank, the IMF, or this and that. We want the civil servants to be free, we want everybody to be free. There was a time when hon. Makau alleged that the former Head of the Civil Service and the former Assistant Minister went to Uganda, without notice. He stayed in Uganda for 7 days, and came back here without being noticed. Why should he? Those are the incidences whereby we say our people are not free. People are not free in this country, not only civil servants.

Mr. Temporary Deputy Speaker, we are getting a lot of problems even getting the passports. To get a passport is a problem. We want the Government with immediate effect, to remove these restrictions on Civil Service, and raise that one, on the trade, because, our people are free to trade also. When these simple civil servants are on leave, they cannot go anywhere. They cannot even visit their children who are studying abroad; they cannot. You have to apply, and that application must be approved by the Permanent Secretary in the Ministry where you are working. If you are working in the Ministry of Lands, the Permanent Secretary must approve and also your boss. It can even take a lot more days than the leave itself, before it is approved. By the time you get the approval, the leave is over. Therefore, this Government should be the Government of the people, as they always say.

If it is the Government of the people, we want, and I appeal to the Government to register that union of civil servants which was deregistered by the Government. The civil servants have the right to be represented. Why are they not registering it? It is because, they want to enter into collective agreement with the Government.

The civil servants are being exploited by the Government as an employer, because, they have no representation. They have no collective bargaining power to negotiate with the employer and that is why most of the people who are still in the civil Service are leaving. They are going to the private sector, after we have trained them for many years. The time has come and now the Government should realize we are talking after 32 years of independence, and this is a multi-party country. They should not behave the way they behaved in 1980, when we could move a Bill here, and after five minutes, everything would be over. This is another era and, the Government should go with the times, before it is too late.

With that, I beg to move.

The Assistant Minister for Commerce and Industry (Mr. Osogo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my observations on this Motion which, listening to the Hon. Mover and his Secunder, a very learned gentleman, they have not impressed me very much that they understood what this restriction is about. It is actually not restriction. I happen to have been in the Cabinet that year he has quoted in that Motion and I know what happens. Even the hon. Member seconding the Motion says, "it is because of the economic reform that probably, this restriction came about" It is not Sir. Economic reform had not come by 1981.

Mr. Murungi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to misquote me and say that, I said, it was economic reforms which brought the restrictions? I did not talk about economic reforms, Mr. Temporary Deputy Speaker, Sir. I think the Assistant Minister was deep asleep.

The Assistant Minister for Commerce and Industry (Mr. Osogo): No, Mr. Temporary Deputy Speaker, Sir, I was making my notes and I have them here; I could check in the HANSARD tomorrow. But, I am certain he used economic reforms as being one of the reasons why these restrictions came, and I am only pointing out, that, by 1981 economic reforms had not come. They were not in sight at all in this country. But be that as it may___

Prof. Anyang'-Nyong'o: On a point of order, Sir. I have deep respect for hon. James Osogo, but I think my point of order is that, what I was saying was not because of economic reforms. I said, "in the context of economic reforms", is it proper to continue with political restrictions?

The Assistant Minister for Commerce and Industry (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir, I did not say the hon. Mover said that. Be that as it may, when the Government decided, that it would have to clear its employees who wanted to go overseas or who wanted to leave this country for any reason, it had a reason for it. Mr. Temporary Deputy Speaker, Sir, I am not yet satisfied, that, if I am an employer and my employee leaves my work to go for either shopping in Dubai, as it is said, that he can go without my permission. I do not think it is fair. The people who are being asked to be cleared, and by the way, I would like to inform the hon. Member for Changamwe that clearance is not by the Permanent Secretary of the Ministry; it is clearance by the Office of the President, not by the Permanent Secretaries of the Ministries. Now, the Office of the President is the overall supervisor of all Ministries and the whole Civil Service, that is where the Head of the Civil Service is, and any civil Servant who wants to go out of the country for any reason, will have to inform the Office of the President that he/she wants to go.

Now, it will be remembered that, all those who have spoken before me, none of them gave an example of a civil Servant who ever asked for clearance and was refused to go; none of them. So, it means that nobody with a genuine reason has actually been refused to leave this country for any reason, either to see his/her children or to go with their husbands. Mr. Temporary Deputy Speaker, Sir, the reason for this is that, most civil servants for example, when they went overseas, if they got ill for example, the Government was responsible, because, they are employees of the Government; so are parastatal civil servants, and it has nothing to do with the union of civil servants. If that is coming, I would be the first person to support that the union should be revived but, this Motion is not talking about it. The motion is talking about the restrictions, about the clearance that is being requested of the employees of the Government, to leave this country for any other place for whatever reason. That is why we are saying that, the Government has got a duty for its employees to be cleared so that it knows exactly where each employee is. What used to happen was that civil servants, and this includes even Members of Parliament on this side of the House--- They are civil servants particularly those on the Front Bench and, they have also to be cleared. Now, what used to happen before these restrictions came was that. Civil servants and Ministers at that time, used to create their own journeys to go overseas and they used to commit Government funds and in so doing, for *per diem* claims. Now the Government could not just afford that type of wastage by civil servants creating journeys for themselves, to either see their relatives or go for shopping while using Government funds. That was why it was necessary that they had to be cleared, and in that clearance, they would show whether they were going to use their own money or not, or whether they were going to use Government money. So the Government would then know exactly that, its money was not going to be used by an employee who is creating a journey for himself to go overseas. Even if, for example, I am an Assistant Minister now, and indeed, I am supposed to go to Kampala for a conference to represent my Ministry, the Office of the President has to know that I am going, and I am going for what purpose. They have to be satisfied that the conference I am going to attend concerns the work of my Ministry. I do not think that the Mover and the Secunder and Members of the Opposition have got a genuine reason to ask the Government to remove the restrictions imposed in 1981 to her employees who want genuine leave to go out. That is not the case and whoever requests permission to leave the country for whatever reason in normal cases, he is always permitted and so long as it is a private visit, he or she is going to use his or her funds. But if it concerns the Government, then the Government will be satisfied that, that kind of seminar that is being attended by her civil servant is relevant to the Ministry concerned, or relevant to the civil servant who is going to attend the seminar. That was the reason why the Cabinet decided in 1981 to impose those restrictions.

However, I want to say that the 1981 order was only an emphasis. This type of restriction used to be there even in the regime of the late President Kenyatta and nobody used to leave this country without informing the Office of the President the reason for going out of the country. We had to inform the Office of the President and get cleared that we were going out of the country as Ministers or civil servants. But before 1981 it was only an emphasis and it was put into writing in form of, I think a circular from the Office of the President. That is why it is now pronounced as having been given out as an order. It used to exist and it was understood even in the old regime that this could happen. So, I would only tell my friends in the Opposition that there is no sinister motive and there is no restriction of movement at all in this order. Restriction of movement does not arise when an employer demands from his employee to inform him where he is going. I would like to explain to the Members of the Opposition that this is a Motion that we actually, as the Government feel should not pass and it should be opposed because we believe the servants of this Government have to explain and get clearance for whatever journeys they are going to make outside the country.

With these remarks, Mr. Temporary Deputy Speaker, Sir, I beg to oppose this Motion.

Mr. Gatabaki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a few remarks about this very important Motion.

Next to the Opposition, I think the civil servants in Kenya are the most oppressed, castigated, hated and demeaned category of Kenyans. Being a civil servant does not make one a lesser Kenyan. Violations of human rights are violations, whether you are in the Opposition or you are a civil servant. The Constitution of Kenya is very clear. It allows and guarantees Kenyans certain fundamental rights and freedoms. Among them is the freedom to move freely in and out of Kenya. Disallowing one category of people that movement is a violation, and a repugnant violation of human rights. What worries me is the treatment given to certain categories of civil servants. Even where some civil servants are humiliated and disallowed certain freedoms, others are selectively treated unequally.

I will give a case in point. Sometime ago, a whole Vice-President of the Republic of Kenya, the late Dr. Josephat Karanja was abused, demeaned and indecently thrown out of office by action of a diminutive low category placed civil servant. So, we have a situation here where certain civil servants are treated more equally than others. Even where the freedom of movement is curtailed for certain categories of civil servants, others are given liberties to do whatever they want. So, we have a situation here where the law is applied unequally and inhumanly to certain categories of people by this Government. This Government which depends so much on the efforts of the civil servants, is known to violate the rights of certain categories of civil servants. The civil servants who particularly come from the areas of the Opposition strongholds are deliberately oppressed and repressed by this Government. So, the law which was introduced in 1981 goes to tell you how this---

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir? The hon. Member on the floor is saying that some civil servants who are from the Opposition areas are deliberately oppressed. Could he give us an example? As far as we are concerned, civil servants are supposed to do their jobs as civil servants and if the civil servant makes a mistake, he is dealt with as an individual, and not on the basis of where he comes from. Could he give us an example or examples of where civil servants from the Opposition areas have been discriminated upon while others are not being discriminated after committing similar offences?

The Temporary Deputy Speaker (Dr. Ombaka): Mr. Masinde, that is not a point of order. The hon. Member is stating a point of view, and you are at liberty to challenge that view when you get a chance to speak. Continue, Mr. Gatabaki.

Mr. Gatabaki: Thank you, Mr. Temporary Deputy Speaker, Sir. Whereas there are civil servants here who have access to diplomatic passports, there are other civil servants who cannot move out of this country. So, I can answer that by stating that the law here is applied selectively to civil servants. It would not be difficult to categorise and bring to this House the wrongs done to the civil servants from certain sections of this country. The treatment of civil servants by this regime is so inhuman, that it has brought about corruption, or what we call the *TKK (Toa Kitu Kidogo)*, as a result of the kind of treatment metted to the civil servants.

Mr. Temporary Deputy Speaker, Sir, I think after 32 years of Independence, a Government worth its salt should treat its people humanly and accord them the liberties that any decent civilised society gives its people. There is no difference between a civil servant and the rest of Kenyans. Treating the civil servants the way we treat them here in Kenya is another reaffirmation of how oppressive the Nyayo Government has been towards the people it is required to serve.

Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me that opportunity to contribute.

The Minister for Labour and Manpower Development (Mr. Masinde): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. Employers and employees get into contracts whether written or verbal and this applies to the Government. A civil servant or a person joining the Government as a civil servant has to accept the orders or standing orders or the procedures that are laid down by his employer. Now, among

the procedures that are brought up or among the conditions that are given to the employees, are that if a civil servant wants to leave the country for whatever reason he or she needs a clearance. Now, obviously, many civil servants who have wanted to do their own businesses outside the country have been given this clearance. It serves as a formality but whether in the private sector or public sector, any employer will want to know where his employee is and I wait to see which employer, including the hon. Member who brought the Motion would like to leave his employees leave his place of employment and go where he wants without his knowledge as to where he is.

To start with Mr. Temporary Deputy Speaker, Sir, it is important for the Government to know where its citizens are, and if they are leaving the country, where they are going so that, if the Government wants them for an urgent reason, it can get hold of them immediately. Of course, the employees who are on duty whether in private or public sector are liable for call any time, even when they are on leave because, they are supposed to leave known address in case of emergency. It is therefore very normal not only within the Government but even within the private sector that the employer should know where his employee is and the Government being the biggest employer in the country, obviously it is not doing anything out of order at all. Therefore, as such I stand to oppose the Motion that civil servants should be allowed to go out of the country without having to seek clearance.

Mr. Osogo has given some of the reasons why the Government deems it fit to ask people to get clearance when they are going out. Even Ministers get clearance when they are going out of the country, whether it is official or otherwise, regardless of whether they are going to spend Government money or their own money and for this reason, there is no discrimination at all to say the Government is discriminating people of other categories or from some communities because as far as I am concerned, if the Government cannot give whoever is going out clearance, they have a very good reason for that. At any rate, if we are interested in going outside to tour other countries, there are formalities like having a passport or a visa *et cetera*. Why should we be scared or feel aggrieved when the Government demands that whoever is leaving the country should be cleared first? This is a matter of common sense which applies to everybody and without having to labour to that point, I am saying that I oppose the Motion and as far as far as we are concerned, the Motion is meaningless at the moment because there are hardly any people that have been denied clearance if they have really had a reason to leave the country. With those few remarks, I oppose the Motion.

Mr. Obure: Thank you Mr. Temporary Deputy Speaker, Sir, for this opportunity to express my views on this Motion. There is no freedom in this country. Let us start from the politicians right down to the common man, including civil servants and students. In a nutshell we are oppressed in this country. I stand here to express my feelings that a free mind, free movement and freedom of expression are the keys to freedom and freedom is a key to success and economic growth for a growing nation. You may ask why I am saying this. Our civil servants in this country for a long time have been marginalised and that is the reason why we say that our civil servants are inefficient. They are inefficient because in a sense, they are oppressed. Our civil servants today cannot move even from one province to another without being questioned. They cannot attend public meetings or political meetings without being questioned. Our civil servants are our resource persons and they would like to know what is going on in this country. They are human beings who are supposed to understand the environment in which they are working in order to serve the nation. The civil servants are our think tank who are supposed to move freely within the country and outside the country. It is unfortunate that our Government does not realise the essence of freeing the mind and movement of our civil servants. I happened to be very fortunate to be in one of the foreign countries when I was a student and that is the United States of America and one of our civil servants was sent to negotiate for a Government deal in the US. Can you imagine I was called to translate for that senior civil servant because an American was speaking and our senior civil servant could not understand the American English. Why was that so? It was so because the way our civil servants are confined, they cannot interact with the international community so as to be conversant with the way other people speak and know their culture so that when they are negotiating for Government deals, they will be able to understand what they are talking about. Many of our civil servants who are confined as chicken are sent out to make Government deals and what comes out of it is fraud without knowing. They commit this Government and the people of Kenya without knowing what they are doing. Why is the Government afraid----

QUORUM

Mr. Chebelyon: On a point of order, Mr. Temporary Deputy Speaker Sir. This is a very important Motion but there is no quorum in the House.

The Temporary Deputy Speaker.(Dr. Ombaka): Yes, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Dr. Ombaka): Order! We now have a quorum. Proceed, Mr. Obure.

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, we are running out of quorum because the Members of this Government go out freely to do business while they restrict civil servants from doing the same. Now that they are here, I concur with hon. Anyang'-Nyong'o for bringing this Motion because it is important to have a free people in a free nation. We cannot restrict, confine and oppress a section of a nation and still say that the nation is free. You cannot say this nation is free if the "think tanks", who are the workers of this nation are under bondage. We are, so to say, oppressed and we are asking why this Government should be afraid of its own sons and daughters who are citizens of this country. That means there must be something wrong with this Government. That is why they do not have confidence in their own civil servants. They are not confident with their own people and that is why they are restricting people from enjoying free movement. Let people be free. If people will be free, I think they will have free minds and even enhance efficiency. You cannot confine your chicken in a basket or a net and expect them to know the enemy, that is, the hawk.

Secondly, we have to pay our civil servants handsomely. Many times, we blame them for corruption, especially the police. This Kenya Government should know that the source of corruption, especially in the Police Force, is because the penalties in our courts are so stiff that when citizens are apprehended, they find it easier to pay lesser fines to the police rather than to this Government. That is the reason why we have corruption in the Civil Service. Take, for example, traffic offences. If somebody is arrested, the police ask the victim if he wants to be taken to court or to have a makeshift court on the spot, which would impose lesser fines. So, the police arrest, charge and convict you on the spot. Then they tell you to pay Kshs100 because when you go to the real court, you will pay Kshs300. Surely, even if it was you, would you not pay? There are two types of courts in this country, the Government court and that of the civil servants and it is up to you to choose whichever is cheaper. You find that this has corrupted our system.

Mr. Temporary Deputy Speaker, Sir, today, our civil servants are paid peanuts. I do not see the reason why they cannot be tempted to take bribes. Honestly, if you are paid Kshs2,000, while on average, the lowest house rent in this country is Kshs1,500, how can you survive?. Within this salary, you are also supposed to pay PAYE, service charge and many other charges. Eventually, you may be left with Kshs300. For those who come from Nyanza, the fare home is Kshs500. You are left with, say, Kshs200. Supposing you go and buy chicken at home, and I know this because I happen to have been a civil servant, then the next day, you find that KANU Youth Wingers come to take away the chicken. Are you not oppressed? That was what was left of the Kshs200 and you bought chicken, then the KANU Youths come and take the chicken. Now, that means that out of your salary of Kshs2,000, you have not earned anything. Then you will be forced to take bribes.

An hon. Member: Because they have a *jogoo*!

(Laughter)

Mr. Obure: And this *jogoo*, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Dr. Ombaka): Mr. Kalweo!

The Minister of State, Office of the President (Mr Kalweo): Thank you, Mr Temporary Deputy Speaker, Sir. Well, I am not standing to argue about the "Jogoo" my hon. colleague has been trying to sell, but it has been taken by the KANU youth wingers. That has nothing to do with the travel restrictions. But there is order in every sector of any country or Government or even personal body. This is why we are here, and this is why you are yourself, because there is order. For example, if one ear is removed from you, you would not be a complete person, because there would be something missing.

Mr Temporary Deputy Speaker, Sir, having international travel restrictions, these are employees of the Government, and they are Kenyan citizens. How can you leave everybody to travel freely? Suppose everyone came up with requests of travelling on any given day, then, you come to the office and find that there is nobody. So, that is the order of the day, that there must be restrictions, so that wherever you travel you are safe. I do not know whether there is any Government in the world, which does not take care of its people. How does the Government, then, take care of its people? Some of the contributors here, are abusing civil servants saying that they are corrupt and so on, and yet you are saying they should be allowed to travel freely. Now, which is which? So, really I cannot stand here, and I feel strongly that not all of them are corrupt. Corruption is like theft and, it is just practised by those people with that art of stealing or being corrupted, and not everybody. This is why we should have morals. To have those morals, it requires a lot of effort, joint effort from parents. When a child is going to a given home, there must be some moral upkeeping from the churches, leaders, teachers and everybody, and there must be a general view of any country that people should love their country. By loving their country, that means you respect yourself. This is why we cannot allow civil servants to travel freely anywhere they want, including Ministers and everybody else, because human beings are human beings. We want to know where they are. Suppose they go to other countries because of

credentials, and they mess? You are talking of donors, Interpol, and so on. This machinery cannot operate without any order, or a formulae as who is to rule that country. For instance, if we take a classroom which disorderly, you cannot teach those children and, they will run mad.

So, Mr Deputy Speaker, Sir, I stand here and with these few reasons I oppose this Motion with the strongest terms, and because of working relations, this must be maintained even in this august House. We have Standing Orders which govern the conduct of Members for the smooth running of this House. For instance, if a Member does not attend eight sittings consecutively without any reason, he is bound to be kicked out. That is not oppressive, and without that, one day you may come and find there are no Members in the House and that would be very serious. So, for the smooth running of a country, there must be these orders, and they are not here for any other purpose, but for maintaining and running the Government.

Mr Temporary Deputy Speaker, Sir, those who brought in the police issue, the police have nothing to do with corruption of getting a lower fee or whatever, but that has nothing to do with travel restrictions. The Police Department is headed by the Head of State, so that order can be maintained.

I do not want to bore the House, but I stand here to oppose this Motion.

Mr. Mwaura: Mr Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this very important Motion. I speak like my other colleague from the other side, hon. Osogo, who said and indeed he was a good Cabinet Minister for many years, and he is still today a very respectable Member of Parliament, who has experience in what he was talking about. I speak from my own experience in the Civil Service and I would like to support this Motion.

Many speakers here who have spoken earlier on, appear to have some confusion as to what is really being talked about. I think, it is wrong to require civil servants when they are on leave to get clearance and I do not think that this Motion is asking the Government that civil servants should not be required to tell their seniors if they are required to travel outside Kenya when they are on duty. But it is wrong when our civil servants are on leave, for 60 days or 90 days including even the Ministers, cannot be allowed to travel outside Kenya, unless they are advised or they get a clearance from the Government. Mr Temporary Deputy Speaker, Sir, earlier on, one Member asked this side to indicate whom they knew who was refused to travel because he did not have such permission. I know many years back in the Ministry of Foreign Affairs, when hon. Burudi Nabwera was an Assistant Minister, and simply because those days he was seen as a critic of the Government, he was removed from the aircraft at the airport when he was going to represent this country at the UN, because he did not have that clearance. What an embarrassment to this country! Another diplomat, Mr Muli, when he was an Ambassador in Somalia, was also supposed to go to a meeting in the UN and, he was removed from the aircraft because he did not have that clearance.

The then Minister for Labour, I believe it was hon. Osogo, said that the requirement was made, because some senior civil servants or others and, maybe politicians, had to "create journeys" to go for their personal business. I do not agree with that statement, because our system has the machinery of checking what even a Minister knows that he cannot travel to a foreign country unless, whatever he is going to do, even if it is official, it has been cleared by the Government. In other words, a Minister of the Kenya Government cannot "create a journey" for himself, neither can his own Permanent Secretary create a journey for himself, because his Minister, would have to be convinced that, that journey is for the interest of this country. To say that our civil servants or Ministers can "create journeys" for themselves, is really something that I disagree with.

I do agree with the other speakers that our Civil Service has really not been given the credit that they require because, in my own experience, and in any country, any stability or development of that country, anywhere in the world depends on its own civil servants.

Anyone of us who has read the book by Mrs Margaret Thatcher 'Climb To Power', knows even a lady like that one who was an "Iron Lady", in her memo she goes to praise the civil service in her own country and admit that without the civil service role in her country, she herself as able as she was, there were many things she could not do. I am saying that the stability of this country will depend on how we treat our civil servants and I do not think that our civil servants really require to be cleared if they have to travel outside the country, either to visit their children overseas or even do business if they are on leave or because of their wives or their families. Why does the Government require that they must be given clearance.

Again, Mr. Temporary Deputy Speaker, Sir, you find that even this clearance sometimes is used as a red-tape by some senior members of the Government. I, myself, when I was a civil servant I was twice refused by two different Permanent Secretaries, whom we did not agree with and yet I was in charge of the department which was required to go and negotiate or deal with the housing projects of this country. You will find sometimes if a Permanent Secretary does not require a Head of a Department, he will make sure he jumps over that head of department and looks for maybe, a junior officer or somebody who is really not conversant with the mission for which this country's negotiations are all about.

Mr. Temporary Deputy Speaker, Sir, the other thing which I want to mention when we talk and support the civil servants is about salary. Look at the salary of the civil servants today in this country. I think there is a big disparity in what is being paid today to the Permanent Secretary and other civil servants in the ministries. While, we agree---

An hon. Member: We cannot afford!

Mr. Mwaura: Yes, I know we cannot afford Mr. Minister but I think it also creates a very bad feeling among the civil servants when you pay, for example, a Permanent Secretary, and I am not saying that they should not be paid what they are being paid today, but when a Permanent Secretary, receives say KShs.65,000 salary, KShs.30,000 house allowance and car allowance and his or her deputy is earning KShs.13,000 a month, I think that disparity is not good.

What I am saying here, Mr. Temporary Deputy Speaker, Sir, is this; it is the civil servants of this country who can make this country develop. We have seen here, in most cases, the politicians are destroyers. Most of the statements that are made by Ministers here are not good for this country. We have seen recently when a Minister in this country goes and makes an outrageous statement about teachers based on tribal feelings, a statement that will destroy and affect the children of this country. So, it is the civil servants of this country who are really going to make the stability of this country strong or weak.

The other point, Mr. Temporary Deputy Speaker, Sir, is that when you are recruiting these civil servants, let the question of tribalism not arise. We know of memos in some various Ministries where recruiting officers are told, "yes, we require an officer, but make sure, the members of this community are not recruited." I think that, that is the most disastrous element in this country which does not justify where we are heading to.

The other area, Mr. Temporary Deputy Speaker, Sir, that I would like to emphasise is the support for civil servants' travel. Let the civil servants perform jobs which they are trained and qualified to do. We have known cases, for example when one of the leading engineers in this country who was in charge of roads, Eng. Otongolo, was moved from a Ministry where he had worked on a job which he had been trained for by this country for many years and then he was sent to a Ministry to work as a Deputy Secretary, an area which he was not trained in. What a waste of manpower and resources? And the reason was just because he is from the opposition group.

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

The Temporary Deputy Speaker (Dr. Ombaka): Government responder, hon. Manga.

The Assistant Minister, Office of the President (Mr. Manga): Thank you very much Mr. Temporary Deputy Speaker, Sir. I want, first of all, to correct the impression this Motion is giving.

The Motion states: "This House urges the Government to remove restrictions on international travel which were imposed on civil servants and parastatal employees in 1981".

Mr. Temporary Deputy Speaker, Sir, there were no restrictions imposed. There were requirements put in for civil servants and parastatal employees to seek clearance. Those are two different things. Nobody is restricted to travel but you are just required to have a clearance before you leave the country. The clearance is not meant to oppress anybody. It is meant first of all, to allow the Government and to give the Government a hand or a chance to be able to control the finances that have been voted by this House to be used for public purpose. I am sure my friend hon. Prof. Anyang'-Nyong'o, will be interested to know whether the Permanent Secretary or the Government is actually controlling the money that has been allocated for travel of civil servants overseas. He will want to know that.

I want to support a point that hon. Osogo, brought up - that there is a tendency of some chief executives colluding with their junior officers to create some unnecessary tricks, so that they can travel overseas and do their own things. It is going to be very difficult for the Government to control that kind of phenomenon. Therefore, it is important these clearances are executed.

Mr. Temporary Deputy Speaker, Sir, this is also meant for planning. If everybody just wanted to go overseas and as you now know that civil service has been reduced so much because of retrenchment, it is will be difficult for the Government to plan in terms of giving effective service to the public.

The other thing is actually controlling the foreign currency resources that we have. I know one will say that the economy has already been liberalised.

Dr. Lwali-Oyondi: On a point of order, Mr Temporary Deputy Speaker, Sir. Is the Minister in order to mislead the House that we have a shortage of foreign exchange when he knows very well that the Central Government is crying to the other banks to come and buy the excess foreign exchange that we have?

The Temporary Deputy Speaker (Dr Ombaka): Definitely, that is not a point of order; please continue.

The Assistant Minister, Office of the President (Mr. Manga): Thank you, Mr. Temporary Deputy Speaker, Sir. I still want to say that inspite of liberalisation, the foreign exchange we have is limited. Therefore, it would not be right for us to just use the foreign exchange that we have in our reserves just unnecessarily. We need to control it. Therefore, the control is very necessary. It is the duty of the employer, to know where his employee is, whether he is

on leave or whether he is in service. There are cases where some of the civil servants went overseas, and because of not planning properly, they found it difficult to come back. They were stranded. They went to our embassies and the Government was called upon to rescue and bring them back. This kind of thing will not happen if the clearance rules are maintained, because before you leave, you must show who is going to pay for your ticket to the intended destination, and who is going to pay for the ticket back. There have been cases, where private organisations and churches have said that they will take care of your travel expenses, but then it comes a time when the funds are not there, so you find a traveller is in trouble. Therefore, it is important that the Government knows how you are going to travel, who is paying your expenses and how unlimited those expenses are. Mr. Temporary Deputy Speaker, Sir, travel clearance is not meant to "remove freedom" from our civil servants. Somebody has said that, our civil servants are not free, they cannot travel, but that is not right. That impression is not right, because I know there have been cases where the civil servants have been refused to travel. But there must have been reasons, otherwise, civil servants are allowed to travel overseas. I know of one country where civil servants are not allowed to travel, not that they are asked to seek clearance, but they are not allowed to go there. Therefore, our situation is, that we need to clear them. That must be known, and we are not giving an impression here that we are tampering with the right of movement for our civil servants. We are not tampering with the right of movement of our civil servants by asking them to tell us where they are going. There have been cases where services of civil servants are required even when they are on leave and leave has been shortened, and they have been called from leave to come and offer those services.

Mr. Temporary Deputy Speaker, Sir, if a civil servant went without informing the Government where he is going, it will be very difficult to know where he is, if you have to shorten his leave because of the important service that he has to offer. Therefore, it is important that he is cleared, and information put on the form so that the Government or the employer knows where he is. A civil servant or a parastatal employee on leave, if stranded outside there, it will be the Government responsibility to bring him back, but then, he must have informed the Government the purpose of travelling. If he is going to visit his child overseas in school or do anything else, he still has to tell us where he is.

Mr. Temporary Deputy Speaker, Sir, very often, we have had questions or elementary questions, on whether the Government knows the whereabouts of a servant, for instance, who was killed, in the country or overseas. Always, it is assumed that the Government being the employer, should know where he is. And it would be very difficult for the Government to answer such questions, if somebody travels, for instance, to overseas and maybe, gets killed, and it would be very difficult to trace him and give an answer about that.

So, Mr. Temporary Deputy Speaker, Sir, the clearance is very important, I want to say that the Government has an interest in the welfare of its employees. Therefore, it is up to the Government to make sure that unnecessary travelling and spending money, even if it is yours, they will want to know why you want to do that, because this can have an impact on the service that you are going to give later. Somebody has said already that our civil servants are not adequately paid. It may be true that they are not adequately paid, but this is because of the state of our economy. Therefore, Mr. Temporary Deputy Speaker, Sir, you also know that business travels for civil servants, would not be in accordance with the regulations that the civil servant signs when he is employed.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead this House when he knows very well that in the past, civil servants were not allowed to do business, but under the Ndegwa Commission, they were allowed, and it was voted in this House and the Motion went through by a majority of one vote? Is he in order to tell us that they are not supposed to do business? They are big businessmen and they were allowed to do so by this House!

The Assistant Minister, Office of the President (Mr. Manga): Mr. Temporary Deputy Speaker, Sir, they are allowed to travel but they are not allowed to do business that will hinder them from delivering services to the Government.

If I may continue without being interrupted, I believe that a civil servant is expected to carry out the services that he has been employed to perform. Even you, when you employ a person, you will expect him to give you the services that you have employed him for.

An hon. Member: Even on weekends?

The Assistant Minister, Office of the President (Mr. Manga): Not on weekends. I think the clearance procedure is very clear. It is not meant to delay one's trip provided that the civil servant travelling puts that request in time. If he gives us ample time to clear him, then it would not take long before he travels. I agree that sometimes it has been cumbersome to get this clearance done. That was because in the Office of the President we had only two officers who were responsible for processing the clearances but now I want to tell you that from the beginning of this year, there are now five senior officers doing that work. Therefore, there will not be any delays. I believe that there has not been any objection to some of those application forms without any reason. I think this Motion should not be allowed to pass because it does not serve any purpose. We are not restricting civil servants but we are only asking them to

apply for clearance for the reasons I have given.

With those few remarks, I oppose the Motion.

The Temporary Deputy Speaker (Dr. Ombaka): I call upon the Mover to reply.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, you will agree with me that the Government side has been rather pedantic and pedestrian in responding to this Motion, for reasons which are quite understandable. They are not in touch with what is happening with the ordinary civil servant. They are there on top enjoying the privileges and powers of their offices. They can travel whenever they want and obviously, the ordinary civil servant is suffering under this clearance and it is none of their business. Things can go on as usual. This is really sad. I would like to remind the Government of certain Constitutional provisions which hon. Shikuku has kindly brought to my attention. Section 22(3) of the Kenyan Constitution reads:-

"Where the Vice-President or any other Minister has been charged with responsibility for a department of Government he shall exercise general direction and control over that department and subject to that direction and control, every department of Government shall be under the supervision of a Permanent Secretary".

Mr. Temporary Deputy Speaker, Sir, why do we have Permanent Secretaries when they cannot even keep records of who is travelling out of and into their Ministries? Why do they need the Office of the President to know that a junior secretary is going to New York? The point of the Motion is not to tell the Government not to have a record of who is travelling where but to remove the restrictions and unnecessary bureaucracy. When I was at the University, the original position was that you get a letter from your head of department which would go to the Dean and the Vice-Chancellor and that was enough. When this restriction was brought in, you had to go past the Vice-Chancellor to the Ministry of Education and to the Office of the President. Why those two extra steps which waste time, cost money and are unnecessarily pedantic? This restriction was brought in not because the Government wants to keep a record of who travels where but because they believe that the politics of control rather than that of participation is the best way for this country. Why should a Permanent Secretary in the Ministry of Education give powers to a Vice-Chancellor to keep record of his employees who are travelling out of the country? Why should that be the business of a Permanent Secretary in the Ministry of Education as well as another two, five, ten people in the Office of the President? Of course, I do not expect this Government to approve this Motion because as I said, if indeed they are secure, they do not need to control Kenyans. If they are secure, then they should realise that delegation of responsibility is much better than concentration of powers in the Office of the President. Section 70 of our Constitution says:-

"Whereas every person in Kenya is entitled to a fundamental right and freedoms of the individual, that is to say the right of whatever histories, tribe, place of origin or resident or other local connection, political opinions, colour, creed or sex but subject to respect for the rights and freedoms of others and for the public interest".

Mr. Temporary Deputy Speaker, Sir, we are not saying that we want to let everybody loose but we are saying that these rights and freedoms are enjoyed in the context of the public interest. It seems to me that the public interest in this country is only important when it refers to the protection of privileges and powers of these few cats at the head of society. They do not consider public interest when they deal with the ordinary human beings. Section 81 of the Constitution says:-

"No citizen of Kenya shall be deprived of his freedom of movement, that is to say, the right to move freely throughout Kenya, the right to reside in any part of Kenya, the right to enter Kenya, the right to leave Kenya and immunity from expulsion from Kenya".

I would like to submit that, that circular which came from the Office of the President in 1981 contravenes the Constitution, particularly Section 81 of the Constitution. It is against the fundamental law of this country. It is an aspect of the authoritarian character of this Government and it should be removed forthwith. I do not think that civil servants should behave any differently when that clearance is removed than they were doing in the past. When that clearance was there, people were responsible. We were all teaching at the University without leaving this country unnecessarily and we only needed to get the permission of the Vice-Chancellor to travel. We never needed the Office of the President to come into our lives. I was the first to suffer because of this clearance. I was at the airport with my friend, Dr. Michael Chege, going for a conference in Harare. When we reached the airport with a letter from the Vice-Chancellor of the University of Nairobi, we were stopped from travelling because the Office of the President had not cleared us. At that point in time, we did not know that we needed clearance from the Office of the President. That restriction came in after we had been stopped at the airport. Is that really necessary? Was it not sufficient that the Vice-Chancellor should be the top-most officer to know where his employees are and not the Office of the President? The gentleman sitting opposite me, the hon. Manga, I do not think he would care a hoot if a civil servant was stranded in London. I am quite sure that he would be at his farm I do not where, minding his chicken, horses and everything else and to reach him would be a problem. So, this idea of taking everything to the Office of the President when we know that these

people in the Office of the President are busy buying farms, acquiring houses and doing all kinds of things is complete balderdash. So I think as my friend hon. Murungi said, let our civil servants free.

The Assistant Minister, Office of the President (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir. It seems that the Mover has deviated from what is contained in the Motion. He is now talking about not making applications relating to international travel through the Office of the President but through the Chief Executives while the Motion that he has brought up is talking about total removal of clearance processes.

The Temporary Deputy Speaker (Dr. Ombaka): That is not a point of order. When I allowed you to stand, I thought you were going to object to something else.

Proceed, Prof. Anyang'-Nyong'o.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, this denial is a clear source of corruption in this country. I would like to remind the Government that for a civil servant to get that clearance from the Office of the President is a big problem. It is like getting a passport from the Immigration Department. A passport is a right to a Kenyan and not a privilege. Any time anybody wants to get a passport in this country, the amount of money which you have to pay to all kinds of intermediaries in-between is so much and now you add this clearance from the Office of the President and that passport thing, the civil servants are discouraged from travelling. We can do a census in the Public Sector and Parastatals and in the Government to find out how many people are fed up with this system. You would be surprised to see the number of people who are fed up with this system. I know of a top banker in this country who was supposed to go to Japan to negotiate a very important project for the National Bank of Kenya who gave up going because she could not renew her passport in the immigration Department and she could not get anybody committed to give her clearance and so in the end, she said--- I would not use the word. But she said that word and you know exactly how it shoots when in hanger. If a woman tells you, "do that to your self" she said it because it is completely frustrating. We are moving this motion not because we are interested in anything else. We want this Government to work more efficiently. We want unnecessary bureaucracy to be removed in this Government. We want this to provide for this country well and it cannot perform if it is frustrating its civil servants and people like hon. James Osogo whom I respect very much does not realise that a junior man down there is suffering. This is very serious and I think this Government, even if it rejects this motion today, should go back and think twice that motivation is an important aspect of productivity and if junior civil servants are not properly motivated, the bureaucracy in this country is not going to perform productively and it is not performing productively because of several restrictions put on civil servants; one of them is travel. Another one of course, is not letting civil servants be heard.

If the union of civil servants was existing, this top cut sitting opposite me would have known about this clearance but they are not being heard because their union is not allowed to exist and you cannot know what they are suffering under. We are speaking very strongly on this because we on the Opposition want performance of the Government to improve and it cannot improve if the people in the front bench are not sensitive to the feelings of junior people in the Government. This is extremely important.

Let me say something else. Hon. Manga has just said, that they have increased the number of people clearing civil servants in the Office of the President from two officers to five, proving my point that rather than making bureaucracy more efficient, they are just increasing it. They are just increasing the number of mouths who are going to benefit from corruption in the Office of the President. They are just making bureaucracy heavier and heavier at the top. You do not introduce efficiency just by greatness in numbers you introduce efficiency by improving performance. That is why the Eastern and Southern African Management Institute (ESAMI) exists in Arusha. The first lesson that ESAMI teaches you as a civil servant is that to improve efficiency, you must improve performance. By improving performance, you should get those true people who are processing these clearance to perform more efficiently rather than increasing numbers. Secondly, you should re-examine whether that function of clearance is really necessary in the Government. As far as I am concerned, it is totally redundant. You can take all that responsibility and, give it to every PS who heads every department according to this Constitution. The PS will name a person in his department to give a record of who travels but not the Office of the President.

With those few remarks, I beg to Move.

(Question put and negatived)

ESTABLISHMENT OF IRRIGATION SCHEME

Mr. Ogeka: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:

THAT, in view of the current shortage of sugar in the country due to variable climate conditions, this House urges the immediate establishment of Irrigation Scheme for Nyando Sugar Belt.

In moving this Motion, I wish to record my concern that this Motion touches on National food policy but it is

being moved in the absence of the Minister concerned, along side his three Assistant Ministers. Much as I know they may be engaged at the International Show, it is very important for them to get our concern on the national food policy and they should have assigned one of the officers in that Ministry for the direct report instead of third hand information. Nevertheless, I wish to record my major concern that a national food policy is the greatest concern to all forward-looking Kenyan citizens. I am grateful to record the presence of hon. Maundu who will take direct information on my concern. Obviously, the national food policy has been re-cycled year after year and we are soon going to get it without substantiating the measures of the steps we ought to take to rescue the country from continuous farming. In Muhoroni where I come from, we are privileged to nurse a wonderful soil structure, topographical features and the natural rivers. The sugar growing in that region suffers from, as has been said time and again, variable climatic conditions. In Muhoroni, rainfall per year is 1200mm. According to sugar cane requirement, this is inadequate and worse than that, the distribution is not even. The 1200mm of rain is received within eight months, hence it is inadequate. It means, for the requirements of sugar growing, we cannot get the maximum yield from the cane. Fortunately, the gradient in that region favours the gravity flow of the river which therefore, puts irrigation in this region at the lowest cost possible. Basing it on cost-benefit analysis, I wish to mention that currently, Muhoroni sugar zone, which enjoys an acreage of tenable land of 17,500 hectares, is having a yield of hardly 60 tonnes.

If adequate irrigation was done, it would increase the yield by 40-50 per cent. Let us go to the Chemilil zone which has 25,000 hectares of cane. With a production capacity of 60 tonnes per hectare, we are producing hardly 500,000 tonnes of cane per year. If irrigated, we are going to get 1.5 million tonnes per year. Turning to Miwani, instead of harvesting 150,000 tonnes of cane we would be able to get 600,000 tonnes of cane per year if irrigation is provided. And with additional production from the Nyando Sugar Belt, production is expected to rise to 3 million tonnes of cane. Converting this into cane/sugar ratio at 10/1, we are going to end up with over 300,000 tonnes of sugar from the Nyando Sugar Belt. Given the national requirement of 450,000 tonnes per year, obviously, the Nyando Sugar Belt is going to produce 75 per cent of the total national requirement. Kenya is no doubt going to enjoy a surplus of sugar. In addition to that, I wish to mention that our factory capacities are under-utilised. The reason as the able Assistant Minister for Agriculture has put it, it is due to poor cane production. Muhoroni which is capable of crushing between 500,000 tonnes per year to 800,000 tonnes, is currently crushing less than 250,000 tonnes.

Whatever we do, it cannot break even and instead of Muhoroni expanding, it is declining. This is a set-back on our long-term food policy and something ought to be done to boost the production. We have a responsibility before us. At one stage, Chemilil had been able to crush 800,000 tonnes of cane in a year, and that was at the time when Miwani was under receivership. Currently, Chemilil is crushing below 500,000 tonnes of cane per year. It is under-utilised as it has a capacity of crushing 3,000 tonnes of cane per day. Currently it is hardly crushing 1,000 tonnes which means that the factory capacity utilisation is below the break even level. When you go to Miwani, it has been thrown to the dogs and it is no longer a factory. I therefore, wish to emphasise as I said before, that Nyando River be diverted to Timboroa. Much as I am a patriot, I do share the views of the donor who negated the move because it was going to affect the level of Lake Victoria and according to the international agreement, the Arab League countries had cause to show their concern but they do not share the idea of diverting a river from its natural source to where it is going to effect the water level in the Lake Victoria the water and therefore the project could not get through. Instead, more often than not, we have suffered floods, particularly in Kano Plains and the Government has always come up with building the dykes. I share the opinion, and enjoy the story but I do not see the value of building the dykes without a purpose of utilising the water. We have too much water and our problem is how to use it when we need it and actually, that is the only God gave man above other animals; the knowledge to be able to manipulate the natural resources and put them into his use when he needs to. Too much water runs into the Lake Victoria, Egypt goes into record for utilising it to the maximum, while Kenya goes into record for not using even a drop of water at its disposal. Who is to blame? All of us, be it the Government or the Opposition. We must address ourselves to the issue of food policy as a basic need. We must question ourselves at to what is our food reserve? What is our capacity to produce? Are we utilising our optimum capacity to provide adequate food? Otherwise, recycling a policy year after year, is not good. Right back, I have enjoyed the privilege of reading the Kenya Food Policy document since 1988, but it is redundant and is not talking of solutions about making this country capable of providing various types of food without resulting to importation. We can feed the entire PTA countries if we do not export to the European countries. Turning again to the irrigation policy, the Irrigation Act which is being implemented by National Irrigation Board, has the objective to provide water for agricultural purposes. In Muhoroni, NIB had launched a pilot project in Ahero but it has remained in its infancy stage. It has never moved forward and the NIB, the Ministry of Water and the Ministry of Agriculture leave a lot to be desired with regard to irrigation. I wish to register my concern that the duty of providing water for agricultural purposes is independent from crop husbandry which should be under the Ministry of Agriculture. The NIB is wasting time in trying to interfere in agriculture, particularly like in Ahero Irrigation Scheme. I am not convinced, neither will I be amused, when NIB whose duty is to inject water, tells me that they are

supporting the rice farmers in that region while I know very well that technically, they are not capable to undertake that programme. I call upon the Ministry of Agriculture to go to the rescue of rice farmers, otherwise they are severing the ignorance of the NIB whose main duty is to loot the effort, of the rice farmers not only in my constituency, but also along the river up to Bunyala where the West Kenya National Irrigation Board is situated. Currently, they enjoy deducting the produce, and also enjoy the loan with colossal interest but coming up with no technical support on agriculture. I put the blame squarely on the Ministry of Agriculture that they should not under any circumstances sacrifice their responsibility to rescue the farmers in this region.

Finally, it would defeat the purpose to advocate production without guarantee in the market. Whether we like it or not, we have a responsibility to select areas of liberalisation. It cannot be imposed on us where we have adequate resources and food supply; we cannot create a marketing glut. We are allowing liberalisation at the expense of the very existence of our own resources. The sugar industry is in jeopardy because of the greed that will never be satisfied. Let it go on record that while you can satisfy a need, you cannot satisfy greed. It is dangerous because it betrays the generation. This will go on record as having committed a sacrilege in this nation if we are encouraging the greed.

Currently, sugar is not moving from the sugar manufacturing industries merely because we have got several ship-loads imported by a few privileged Kenyans and it is flooding the market. We are now and again told that they would be paying dues to the Sugar Development Fund and the money is generated from our local sugar. But I assure you that these people are too smart, and they are in the very centre, of the decision-making and ensure their sugar will get into the country duty free, whether you like it or not. In the meantime, we are rendering thousands of our workers jobless. How will Muhoroni, Chemilil, Miwani and Mumias for that matter, pay their workers if they are not able to sell their produce.

This does not only affect the workers, but also the farmers. Now and again, we talk of Kenya as an agricultural country, without going to the extent of how well we can guarantee the welfare and happiness of the farmers. We are undermining the farmers and we will go on record as having not supported their course. We are undermining them by bringing in a commodity which they can produce. I will tell you something about Seychelles, where they are doing sugar cane farming through irrigation and the yield is fantastic. In Swaziland, a small country half the size of Kenya, the people are producing a million tonnes of sugar per year. This is a big shame to our country; let us look back! The issue of irrigation is automatic. At the time of Independence, the Western Kenya people had the biggest smile. Why? It was because they were seeing our advancement towards overcoming the havoc of the floods and drought which made people not get even a drop of water to drink. They were victims of circumstances of nature which could be easily defeated if we were forward looking.

I challenge my colleagues who belong to my generation and who are sitting in this Seventh Parliament to answer this question. Are we going to reach the 10th Parliament, without changing the technology in terms of providing the resources that can make Kenya self-sufficient? It is not good to have a conflicting modality in the Government management without scoring a universal requirement for the people that can guarantee total welfare, happiness and sufficiency of food for our people. Really, on food, rests health, adequate education and good infrastructure. Without food, no matter how well we talk, we are going to land this country on a state of anarchy. Without total farming, we are going to make this country a dumping ground. Without supplying adequate food, we are going to bring up this country in a begging state.

Mr. Temporary Deputy Speaker, Sir, much as I would reckon my love for my country, I would hate a situation where the Head of this country goes on a begging mission when we should have an abundant food. Unless, we look at the resources that we have and place them in the proper priority, we are not going to defeat the hurdles that can stop us from advocating worthy causes for this country. The best priority is to remove delays. Let us open our arms whether we are in the Opposition or Government, in order to ensure that an area that is enjoying the benefit of natural resources should be given that priority for developing those resources. Hence, there is need to assist people in the Nyando sugar belt to have an irrigation scheme and curb the shortage of sugar supply in the country.

With those few remarks I beg to move.

Mr. Shikuku: Bw. Naibu wa Spika wa Muda, ningependa kuunga mkono Hoja hii ambayo imeletwa katika Bunge hili. Ni Hoja ya maana na ninashukuru sana kwa sababu Waziri Msaidizi wa Kilimo, Mifugo na Uusaji yuko hapa.

Jambo ambalo ningependa kusema ni hili; Serikali hii ni lazima iwafikirie wakulima. Ni Serikali hii tu, pengine ulimwenguni, ambayo haifikirii na kushughulikia wakulima. Wakati huu tuna sukari kutoka Brazil na mahali pengine. Serikali hizo za ng'ambo husaidia wakulima kwa kununua sukari yote kutoka kwao na kuwalipa ili waendeleo bila kurudi chini. Sukari inayobakia huletwa katika Kenya, na hapa Kenya tunamua mkulima wa sukari kwa kuagiza sukari hiyo ya Brazil na mahali pengine ambako wakulima wamelipwa kuileta hapa na sukari imejaa katika maghala ya Mumias na haiuzwi, lakini tunauza ya Brazil hapa.

Bw. Naibu wa Spika wa Muda, tunahitaji Mohammed Sallah Wale wa Salamu au Yesu Kristo kurudi kuhubiria Serikali hii ambayo inajigamba kwamba ni Serikali ya wananchi, ingawa inawaua wananchi wenyewe--

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think hon. Shikuku seems to be off the mark, if you will recall that the Government has put into place valuable duty that puts prices at parity and this is being enforced extraneously and thus, cannot be avoided. Is he in order to continue to say that the Government does not support the farmers?

Mr. Temporary Deputy Speaker (Dr. Ombaka): Order! hon. Maundu, you are using a point of order as a pretext to argue. You will stand up when your time comes and give your opinions as the hon. Member is expressing his views.

Mr. Shikuku: Asante Bw. Naibu wa Spika wa Muda, ukweli ni kwamba sukari na mahindi yameletwa. Na ukweli ni kwamba watoto wa wakulima nchini Kenya hawako tu katika sehemu za Upinzani lakini wako hata sehemu za KANU na pia hawaendi shuleni kwa sababu wakulima hawajalipwa pesa baada ya kuuza mahindi yao kwa National Cereals and Produce Board. Hii ni kwa sababu kuna mahindi ambayo yameagizwa kutoka nje ya nchi.

Katika ile sugar belt ambayo mhe. Ogeka ambaye ameleta Hoja hii, ametoka, wakulima hawapeleki watoto wao shuleni kwa sababu sukari imejazwa Kenya. Maziwa hayalipwi! Hii ndiyo Serikali ya wananchi inayowapenda wananchi sana na viongozi wanaposisima kuwahutubia wananchi, wao husema: "Serikali tukufu ya wananchi watukufu. Hii siyo Serikali tukufu! Kama Serikali inaweza kutumiwa kuuwa watu wake na kulisha watu wengi nje ya nchi hii, basi lazima Mohammed Sallah Wale wa Salamu na Yesu Kristo warudi wahubirie hii Serikali. Hata hivyo, tutaendelea kusema maneno.

Ukweli ni kwamba, Bw. Naibu Spika wa Muda, ninaposimama hapa mahindi yako katika maghala ya wakulima. Na mahindi ya mwaka huu yako tayari kuvunwa. Lakini watu wengi hawana mahali pa kuuza mahindi yao, na kwa hivyo watoto wao hawana karo.

Bw. Naibu Spika wa Muda, ufukara unazidi katika nchi hii na unaletwa na watu wachache katika Serikali, wakiwa ni pamoja na Waziri mwenyewe wa Kilimo, Ustawi wa Mifugo na Uuzaji, ambaye inaingiza nchini mahindi na sukari kutoka nje. Kuna mtu mwingine ambaye anaitwa Bawazir ambaye pia hajali. Tena, ubaya ni kwamba watu hawa hawalipi ushuru wa bidhaa kwa Serikali. Jambo hili limesemwa---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think Hon. Shikuku has raised matters which he is unable to substantiate. He has said that sugar and maize have been brought into this country without duty being paid for them.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hata mwenye kuileta Hoja hii amesema hapa kwamba watu hawa hata hawalipi kodi kwa Fuko la Ustawishaji wa Sukari. Hakuna haja ya sisi kushindana wenyewe hapa na hali mambo haya yanaonekana na kila mtu anayajua! Mtu ambaye hapendi kusikia ukweli pengine anaweza kufikiriwa kuwa mfuasi wa shetani, kwa sababu ni shetani tu ambaye hataki ukweli.

Tunataka ukweli usemwe kwa sababu wananchi wanasumbuka. Wananchi wako katika hali mbovu na siku hizi wanategemea umbaji kwa sababu hawajiwezi. Tumetoka katika likizo na tumeona kwamba watu ambao mbeleni walikuwa wakijimudu, siku hizi wakikuona wanaanza kukuomba, na hata wamekonda kabisa. Hio si dalili ya maendeleo. Watu wachache katika Serikali wanaingiza sukari humu nchini na kuumiza umma mzima. Sisi katika Upinzani hatuko hapa kuilaumu Serikali tu; tunaiambia palipo na makosa. Hata ukiwa katika Chama cha KANU na uwe umetundika hili beji la Kanu juu ya mfuko wa koti lako na kisha utingize alama ya Kanu ya kidole kimoja, bei ya bidhaa haitapungua. Bei ni moja kwa wafuasi wa Upinzani na wale wa Kanu. Kwa hivyo, tunapozungumza hapa, tunafanya hivyo kwa niaba ya wafuasi wa Upinzani na wale wa Kanu. Hii ni kwa sababu watu hawa wote wanataabika.

Nina hakika katika roho yangu kwamba Hoja hii inahusika na maisha ya watu wetu, wawe wafuasi wa Upinzani au wa Kanu. Tunataka wakulima wasaidiwe na hili ndilo jambo kubwa. Ninatumaini kwamba Serikali hii tukufu itaikubali Hoja hii. Jambo la pili, ijapokuwa tunauweka uchumi wetu huru, sisi hatuko hapa "kuwaua" watu wetu katika kufanya hivi. Tunaweza kuleta hapa kutoka nje vitu ambavyo havipatikani humu nchini. Ikiwa tunaweza kujitosheleza kwa mahindi, sukari na bidhaa nyinginezo, haifai tuzilete hapa bidhaa hizi kutoka nje. Lakini wakati huu kumekuwa na wimbo kwamba Kenya haiwezi kujitosheleza katika utoaji sukari. Ingawa hivyo, wanaosema hivi hawafanyi juhudi yoyote ya kuhakikisha kwamba tunajitosheleza katika utoaji sukari.

Hoja hii inataka tuanze kilimo cha unyunyizaji maji mashambani. Tuna maji mengi. Kwa mfano, huko sehemu ya Kano, mafuriko yanawasumbua watu mwaka nenda mwaka rudi. Tanangu, tupate Uhuru miaka 32 iliyopita, Serikali hii bado haijaamka na kujua jambo la kufanya? Maji haya yakiwekwa kaitka bwawa yatatumiwa kukuza kilimo chetu na jambo hili litayainua maisha ya watu wetu. Serikali imezidi kusema kwamba tunataka amani, mapenzi na umoja, lakini mapenzi hayaji bila chakula!

Mapenzi, mapenzi, na amani; mbona mnaita amani na haijapatikana miaka hii yote? Kuna kasoro fulani. Kwa nini? Tunataka amani, tunataka mapenzi, kila siku imekuwa ni wimbo; mbona haiji? Ni kwa sababu, Serikali hii

inawapa watu maneno na inafanya kinyume cha hayo maneno. Mbona haijakuja miaka hii yote? "Umoja wetu, na mapenzi na mkae hivyo hivyo". Wakae hivyo hivyo na njaa? Hii ndiyo taabu ya Serikali hii na sisi hatutachoka kuiambia Serikali hii; tutawaambia, na pia kufika mbinguni, watapata rekodi yetu iko huko, kwamba tulikuwa tunawaambia, kwa niaba ya watu wote wa Kenya, siyo upinzani. Hata Wakamba ni wafuasi wa KANU sana na ndio wana taabu zaidi, hapa Kenya. Tumesema maji yaende Ukambani ambako mheshimiwa anatoka, hiyo haijafanyika, lakini, saa ya kura wanapelekewa mahindi kidogo na wanapiga kura.

Tumechoka, Bw. Naibu Spika wa Muda, naunga mkono.

(Question proposed)

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, I wish to support the Motion, because, it is part of what development is. Development is not achieved by donations, it is not achieved by Harambee or people getting money from mysterious sources and donating it to people and then the money disappearing somehow and that is the end of it. You just go on record that once you made a Harambee and something was done. Usually, that money is heaved out of one area, and taken to another, and then, people are asking; why are we getting poorer and poorer, while we are doing bigger and bigger Harambees, raising Kshs22 million, or Kshs10 million? The reason is simple, and I would like to put it a picturesque manner; "you cannot get fat from eating your own flesh". If somebody keeps on heaving a part of yourself and roasting the meat and giving you and you hope that you will become fat from that, you are very much deceived, you will soon be a dead man. That is what Kenya is doing. In many of our Harambees, people are heaving money from our own resources, from our own taxes and deceiving us that they have raised it from themselves and other mysterious areas and, therefore, we become poorer as time goes on. Therefore, the actual development, is by productivity; the actual production of tangible goods, like sugar, wheat, milk and so on. Now, and that is why I stand to support this Motion, because, by irrigation, we would make those people in Nyanza and Nyando in particular, produce more sugar from the ground and give it to our people, so that, we do not need to import the sugar and they will have money in their pockets. When the Minister or the Member from that area, calls for a Harambee, it will be actual money which has been earned from actual goods. That is what builds the country, not manufactured money, printed money, or any other money from mysterious sources. That will never build us and that is why we are becoming poorer and poorer.

Coming to the sector of agriculture on the whole, it has been said before and I am tempted to repeat that this thing is killing us. The Minister for Agriculture, Livestock Development and Marketing, for example, is supposed to protect the farmers in this country. It defeats logic when it is proved in this House that he is the leader of those people who are importing wheat, maize and possibly milk. That is very, very serious and I call upon him to resign now, so that he can go and trade.

(applause)

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is not a point of argument. The hon. Dr. Lwali-Oyondi is raising a very serious matter that the Minister for Agriculture, Livestock Development and Marketing is involved in importing sugar without paying duty.

Dr. Oyondi: No, I have not said that.

Mr Temporary Deputy Speaker (Dr. Ombaka): Let us address ourselves to the issues.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): Is it possible for hon. Dr. Lwali-Oyondi to substantiate his allegations.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, there were papers here and the Minister admitted having imported maize, sugar and so on. I have not talked about duty as yet and let that be reserved. We are just saying that he is supposed to protect the farmers. He is our leader and yet he is the one-- He is just like a headmaster who is supposed to be looking after girls and yet he is the first one to impregnate them. He is just as bad as that. We are suffering under a Government that is supposed to protect us. Those who are running the Government are molesting us.

In Nakuru, where we are supposed to be protected by the Government, we are beaten everyday and now it is a town of terror. Indeed, people now call it Mji wa Mashaka. It is a place where instead of getting protection from the Government, we are being beaten, harassed and molested and so on. These are contradictions.

The question is: Is the Government really fit to be where it is as a protector of our fundamental rights? It has something to do with this because we are talking about Ministers who cannot protect the farmer and instead, they are importing foodstuff and making the farmers become even poorer and poorer.

Mr. Temporary Deputy Speaker, Sir, on liberalisation, I wish to say a few things. We have been liberalised. If we have liberalised the economy, it does not mean that we have completely to ruin ourselves. Even if there were some enemies who were supposed to ruin us, it should not be the Government. If a headmaster is supposed to be looking after girls, he should not be the one to ruin the girls. This is the experience we are having right now.

We are coming to a very, very serious situation as far as pyrethrum, which is part of agriculture is concerned. The Pyrethrum Board of Kenya (PBK) has been doing very well. It has now a reserve of over Kshs700 million. No other parastatal has ever had that kind of reserve. The Chief Executive, I understand, is being removed to become a diplomat somewhere. He has already been removed, although he is a very, very wonderful son of Kenya who has brought PBK to where it is and now a man has been imported "from the right source" from "Europe" though he knows nothing, to take up his place. I understand he is from the right tribe. **The Assistant Minister for Agriculture, Livestock Development and Marketing** (Mr. Maundu): The hon. member I think, is digressing from this matter because the officer involved has to reach normal retirement age as such. So he is not being chased away. Dr. Lwali-Oyondi is out of order to imply that the Managing Director of this particular parastatal is being chased away.

Mr. Obwocha: On a point of information Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Dr. Ombaka): Yes.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I wish to inform my colleague and the Assistant Minister that the former Chief Executive of Pyrethrum Board of Kenya, Mr. Wainaina had only reached the age of 53. He has been replaced by Mr. Kiptum from UK who does not have any background on the production and marketing of pyrethrum.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): On a point of order Mr. Temporary Deputy Speaker, Sir. The officer that my colleague, Mr. Obwocha is talking about, I want to inform him, that he is a very experienced officer---

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Maundu, I do not want you to use the point of order as a pretext to advance arguments. I think you will have ample time in responding to correct any misconceptions from the honourable Member. So, proceed Dr. Lwali-Oyondi.

Dr. Lwali-Oyondi: Thank you very much Mr. Temporary Deputy Speaker, Sir. So we hope that this Kiptum is not going to squander that Kshs700 million so that you render the pyrethrum growers poor once more. We shall not go on like this. Kenyans are completely fed up and sooner or later, they will grab these people physically and slaughter them when the sun will be shining and not at night.

You cannot keep on rendering everybody poor and hope to call your "Government tukufu".

And with those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Ombaka): Hon. Nthenge.

Mr. Nthenge: Asante sana Bwana Naibu Spika wa muda. Mimi naunga Hoja hii mkono kwa dhiti, sababu yake ikiwa kwanza yetu ni nchi inajulikana kwa kilimo. Na imekuwa aibu kubwa sana kwa sababu watu ambao wangukuwa wakiuza chakula nje na kupata pesa sasa ndio wanaomba chakula kutoka nje, ili tulishe wananchi badala ya wananchi kuuza chakula nje.

Bwana Naibu Spika wa muda tuna maji tele ya kunyunyiza mashamba. Maji huwasumbua watu huko Kisumu. Tuna ardhi kubwa hasa ukielekea uko Magharibi mwa Kenya utajionea. Hapa Nairobi, watu wamejaa na aangaishwa na njaa wakitafuta kazi. Utawaona wakiwa kwa mlolongo mrefu kutoka Kibera paka Industrial Area wakitembea. Mji wa Kisumu pia unakabiliwa na shida hii. Kwa hivyo, hatuna shida ya hivyo vitu vitatu ambavyo vinavyohitajika, ili unyunyizaji maji uwezekane. Kitu ambacho tunakosa ni maofisa wenye kujitolea kufanya hiyo kazi. Ni kwa nini hawafanyi kazi na wana ujuzi? Ni kwa sababu wakubwa wao wanajifikiria wao binafsi na wamesahau Kenya---

ADJOURNMENT

The Deputy Temporary Speaker (Dr. Ombaka): Hon. Members it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.