

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 2nd November, 1995

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Kenya Power Company Limited for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Tana River Development Authority Limited for the year ended 30th June, 1994 and the certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Milling Corporation of Kenya for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations)

Annual Reports and Accounts of Rift Valley Textile Limited (RIVATEX) for the year ended 30th December, 1993 and the Certificate thereon by the Auditor-General (Corporation)

*(By the Assistant Minister for Energy (Mr. Nang'ole)
on behalf of the Minister for Energy)*

ORAL ANSWERS TO QUESTIONS

Question No.735

RECOVERY OF DEVELOPMENT LOANS

Mr. Speaker: Prof. Anyang Nyong'o not here yet? Next Question, Dr. Wako.

Question No.621

ATTACKS ON TOURISTS

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

(a) whether he is aware that there were two separate attacks on tourists in Isiolo/Samburu Game Reserve between January and April, 1995; and

(b) in the view of these attacks which have a negative flow of tourists to these parks, and greatly affect the image of the country's security abroad, what specific measure the Ministry has taken to curb these attacks.

The Assistant Minister of State, Office of President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Security has been beefed up in the affected area to curb the menace.

Dr. Wako: What security measures have been taken because the words "security has been beefed up" do not actually very well for tourism because this is a situation whereby the whole of Isiolo and Samburu districts depend on the Game Reserve? These attacks affect the image of tourism in this country. What does the Assistant Minister mean when he says that security has been beefed up?

Mr. Sunkuli: This particular incident, which occurred at 2.30 p.m. at Buffalo Springs National Reserve

involved four unknown men who had rifles and tried to attack a tourist camp at Gubipanya. Some suspects have been arrested in connection with this matter. The kind of measures that the Hon. Member is taking about is that we have taken to the park extra men to look after the security within the park.

Mr. Wamae: Mr. Speaker, Sir, tourism in this country has dropped considerably by nearly 40 per cent. One of the major reasons for this is the kind of utterances that are made. We were promised that there would be Security Police. What happened to the formation of this unit that was meant to give better protection to tourists?

Mr. Sunkuli: The first remarks, honestly, were not related to this particular Question because I do not see where utterances come in here. What the hon. Member is asking is a valid question, we have promised to form a special Tourist Police Unit and it is in process.

Mr. Speaker: Next Question, Mr. Mak'Onyango.

Question No.824

REVIVAL OF THE E.A. COMMUNITY

Mr. Mak'Onyango asked the Minister for Foreign Affairs and International Co-operation:-

(a) what bottlenecks are delaying the revival of the East African Community as mapped out in the Arusha Accord of 1st December, 1994, between the Heads of State of Kenya, Uganda and Tanzania; and

(b) to what extent Kenya, as a country, was to blame for the delay.

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): Mr. Speaker, Sir, I beg to reply.

(a) The principal bottleneck delaying a full implementation of the E.A. Co-operation is lack of absolute good faith and sincerity in adhering to the spirit of the Accord. There is need to uphold the principles of good neighbourliness and non-interference in the internal affairs of other states, without which the Co-operation as envisaged would be possible to achieve

(b) Kenya is not to blame. Kenya Government is totally committed to EAC and is on record as having stated that despite temporary difficulties, Kenya's commitment to the letter and spirit of co-operation is indeed, irreversible. The EAC is a process and not an event. Moving forward when certain matters are unresolved will weaken the foundation of the anticipated co-operation.

Mr. Mak'Onyango: Mr. Speaker, Sir, arising from that answer that there is need, to, among others, uphold the principle of good neighbourliness, it is known that the Presidents of Kenya, Uganda and Tanzania sat down and agreed as to the need for the revival of the EAC.

Could the Minister tell this House if at that time it was clear to this Government that the principle of good neighbourliness was indeed being upheld? What has since gone wrong? It was because of that, that there was indeed that meeting otherwise Kenya would not have participated in that meeting unless it was satisfied that the principle of good neighbourliness among others was being upheld.

Mr. Musyoka: Mr. Speaker, Sir, I think it is important to place on record that His Excellency President Arap Moi was indeed, and still remains the architect of the renewed spirit of EAC. At the time when this Accord was signed in Arusha and because of the supportive efforts of my counterparts from Tanzania and Uganda, we were able to put in place a lot of activities including the follow up actions that took place in Kampala.

It is also important for the hon. Member to recognise that, soon thereafter, even when we had signed a joint communique at midnight at KICC between the three of us, we were then rudely shocked when Uganda refused to repatriate one Brig. John Odongo.

Mr. Anyona: Mr. Speaker, Sir, the question of East African Co-operation is a very important one, and those of us who were here when the East African Community collapsed are rather apprehensive that Kenya will be treated in the same process once more.

Can the Minister tell us since he has an accord in place, is he going to own it or not? If he is not going to own it can he make his stand? Is it not the case that we have been unable to appoint the Executive Secretary because we cannot make up our mind whether it should be Mr. Onyango, Mr. Otieno, Mr. Leitich or whoever it might be?

Mr. Musyoka: Mr. Speaker, Sir, I want to thank the hon. Anyona for that supplementary question. I would like to inform hon. Members that a lot is already on-going in furtherance of what has already been agreed. Despite the temporary political difficulties between Kenya and Uganda, the process of co-operation as I have said is still on. I am sure we all appreciate that Uganda remains Kenya's biggest trading partner. I heard the other day

that Rwanda, perhaps, surpasses Uganda. I think we need to look again at the statistics.

As of now, Uganda is still the biggest trading partner; there is a lot of business going on between East Africans.

It is also very important to recognise that when we agreed, for instance, on the free movement of people, we all of sudden realised that our neighbours do not have in place for instance registration of persons. We do have IDs in Kenya, Tanzania and Uganda. So, East Africans are, therefore, required to have passports but not in order to enjoy the freedom of free passage; to be able to transact business and so on. Kenyans, indeed, using IDs are able to do a lot of businesses. I am satisfied that a lot is already on-going as originally anticipated.

Prof. Anyang'Nyong'o: Mr. Speaker, Sir, given the fact that the Minister has accepted that concrete steps are being taken by the Government to realise East African Co-operation, can he tell us what hurdles there are in making Kenya not name the Executive Secretary of that body as had been agreed at their ceremony at the Kenyatta International Conference Centre (KICC)?

Mr. Musyoka: Mr. Speaker, Sir, the hon. Member will not probably have known that the post of the Executive Secretary was, indeed, very seriously negotiated in Kampala and not in Nairobi. It was actually not given to us on silver platter, we had to argue hard for it. I want to confirm that Government in its own time will appoint an Executive Secretary.

Question No.303

REPATRIATION OF KENYAN MONEY

Mr. Ruhiu asked the Minister for Finance what constraints he envisages in compelling Kenyans to repatriate billions of shillings stashed away in foreign banks.

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

The Government is not aware of any Kenyan who have stashed billions of shillings in foreign banks.

Mr. Ruhiu: Mr. Speaker, Sir, the Assistant Minister has answered this Question in a very peculiar manner. May I know whether he is the one who is not telling the truth or His Excellency the President?

Mr. Koech: Mr. Speaker, Sir, while it might be true that there has been a lot of talk about money being stashed in foreign banks, if the hon. Member can only assist us to identify the individuals who have done that, we are very much willing to do everything possible to make sure that the money is brought back to our country.

Mr. Muite: Mr. Speaker, Sir, does the Assistant Minister accept that the only way to encourage Kenyans to return money into this country is, in fact, for this Government to undertake political and constitutional reforms that we have been agitating for? This is the only way in which real confidence in this country can be reinstated so that, that money can be brought back.

Mr. Koech: Mr. Speaker, Sir, I want to assure the House that as a result of the economic reforms which have been undertaken and especially the reforms in the Central Bank, it appears that there is a very steady increase, in fact, much more increase in foreign exchange reserves. Even what we discussed yesterday and what may be discussed this afternoon would be one way of making sure that Kenyans who have stashed money in foreign banks are going to return it even without any pressure being put on them to do so. So, the reforms in Central Bank are already bearing fruits.

Mr. Ruhiu: Mr. Speaker, Sir, I wish to ask the Assistant Minister whether he is aware that Kshs.80.4 billion is stashed away in foreign banks. It is stashed away in banks by the people who are highly placed in the Government and especially His Excellency the President and his Ministers.

Mr. Koech: Mr. Speaker, Sir, I want to request the hon. Member to say the truth and not to damage the reputation of this nation. I know that mentioning certain things is very palatable to newspapers, but some of these things do not help us at all. We have got to be realistic; we are dealing with an economy that has international bearings. We have many international businessmen in Kenya much more than any other---

Mr. Falana: Mr. Speaker, Sir, hon. Ruhiu has made a very categorical statement. This is an issue that has to be proved, substantiated or withdrawn. As usual, this is a very damaging statement and even if he withdraws it, the damage has already been done. Now, when hon. Ruhiu says that Kshs.80.4 billion is stashed in foreign banks and then mentions the individuals headed by His Excellency the President of this nation and his Ministers. Can he substantiate that claim?

Mr. Speaker: Indeed, hon. Ruhiu has made a categorical statement and this has become of late fashionable in this House because hon. Members tend to make statements and then try to damage other people's names in the hope that they will not be asked to substantiate. I am afraid, Mr. Henry Ruhiu, you must now

substantiate immediately.

Mr. Nyanja: Why?

Mr. Speaker: Order! Mr. Nyanja for interjecting while I am on my feet, you must withdraw from the Chamber.

Order! It has also become another new habit in this House that when a disorderly hon. Member is asked to withdraw, he causes other disorders when, indeed, at that time the hon. Member is a stranger. So, can you withdraw quietly?

(Mr. Nyanja withdrew from the Chamber)

Very well, Mr. Ruhiu! Order! Mr. Ruhiu, I am afraid you have said that you know Kenyans who have stashed Kshs.84 billion outside the country and you have named others as the people who have kept the money, including the President and his Ministers.

You must first of all substantiate that, indeed, there is Kshs.84 billion stashed outside the country and number two, that the President and his Ministers do have that money outside the country. You have to substantiate it now!

Mr. Ruhiu: Mr. Speaker, Sir, I do not see how I can substantiate the obvious. It is common knowledge---

(Loud consultation)

Mr. Speaker: Order! Order, Mr. Ruhiu! Order, hon. Members! I think we can bring this House to utter disrespect if we allow hon. Members to behave the way they want. In any case hon. Ruhiu, I have already ordered that you substantiate. You cannot, and will not overrule an order from the Chair. So, you do two of the most honourable things. If you can substantiate, go ahead and do so. If you cannot, withdraw and apologise and then we proceed.

Mr. Ruhiu: Mr. Speaker, Sir, I promise to substantiate the day after---

Hon. Members: No! No!

Mr. Speaker: Order! Order! I am sorry, Mr. Ruhiu. As I said earlier on, it has also become a habit in this House for hon. Members to make unsubstantiated statements just to mar the names of either hon. Members or other Kenyans and get away with it. I will not allow that. You will do it now or withdraw it now!

Mr. Ruhiu: Mr. Speaker, Sir, I can substantiate by saying that, there is a West African Head of State, who said that any African Head of State who does not stash away money is insane.

*(The hon. Members from Government
side booed Mr. Ruhiu)*

Mr. Speaker: Order!

Mr. Ruhiu: The World Bank Report also says that so much has been stashed away---

Mr. Speaker: Order! Order! I think we have also had occasions here and the Standing Order No. 76 is clear. It says that every Member of this House is responsible for any statement or allegation of facts that he makes. That is the Standing Order. You have made a categorical statement Mr. Ruhiu and in my view, you have not been able to substantiate. I now order you to withdraw! So, withdraw your remarks!

Mr. Ruhiu: Mr. Speaker, Sir, I withdraw and promise to revisit the matter at a later date.

(Laughter)

Mr. Speaker: Order, Mr. Ruhiu! Order! First of all the order is, you withdraw and apologise and secondly, Mr. Ruhiu, I do not take it conditionally, because a conditional withdrawal is not withdrawal. So, let us all be gentlemen and honourable. So, withdraw and apologise.

Mr. Ruhiu: Mr. Speaker, Sir, I think I would be acting against my conscience to withdraw.

(Laughter)

Mr. Speaker: Very well! If you refuse to withdraw, I will also be failing in my duty if I do not take

action against you. Failing to obey the orders of the Chair, amounts, in my view, to disorderly conduct and you will therefore withdraw from this Chamber in accordance with Standing Order No.88 for the balance of the day.

(Mr. Ruhii withdrew from the Chamber)

Question No. 577, Mrs. Charity Ngilu!

Question No. 577

MOUNTING OF ROAD BLOCK

Mrs. Ngilu asked the Minister for Local Government:-

- (a) whether he is aware that Kitui County Council has mounted a permanent illegal road block at Kwavonza Market, which is a great risk and inconvenience to the highway users;
- (b) whether he is further aware that the said Council has continued to levy an illegal road toll at the same road block on all vehicles ferrying goods; and
- (c) if the answers to "a" and "b" are in the affirmative, what he is doing about it.

Mr. Speaker: Anybody from the Ministry of Local Government?

The Assistant Minister for Local Government (Mr. Walji): Mr. Speaker, Sir, I beg to reply:-

(a) Kitui County Council put a barrier at Kwavonza Market, formally Ihuri barrier, in the late 50s and it has been in existence since then. The purpose of the barrier then as it is today is to control the movement of food stuff and livestock outside the district in order to ensure sufficient supplies of the commodities to avert hunger occurrences prevalent in the district apart from earning the Council some revenue.

Kwavonza Market barrier was established by a Council resolution and is legal.

The Council levy, fees and charges---

Mrs. Ngilu: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it Mrs. Ngilu? Order, Mr. Walji!

Mrs. Ngilu: Mr. Speaker, Sir, this is a Question I asked in the month of June and I do not have a written reply. I cannot hear him clearly. Can the Assistant Minister speak a little louder? I do not have a written answer and if he has one, can he give it to me now?

The Assistant Minister for Local Government (Mr. Walji): I have the answer here with me.

Mrs. Ngilu: Can he give it to me now?

The Speaker: I think it is a very honourable thing to give to the Gracious Lady a copy of the reply.

The Assistant Minister for Local Government (Mr. Walji): Mr. Speaker, Sir, I beg to reply:-

Can you hear me hon. Lady?

(a) Kitui County Council put up a barrier at Kwavonza, formally Ihuri barrier in the late 50s and it has been in existence since then. The purpose of the barrier then as it is today is to control the movement of food stuff and livestock outside the district in order to ensure sufficient supplies of the commodities to avert hunger and occurrences prevalent in the district apart from earning the Council some revenue. Kwavonza barrier was established by a Council resolution and it is legal.

The Council does levy fees and charges on all goods and food stuffs legally going outside the district. The export fees is approved by the Ministry and subsequently gazetted in the official *Kenya Gazette* before collection.

The funds collected form part of the Council's general rate fund which is spent on the running of the Council's affairs according to their approved annual budget.

(b) I am not aware of the existence of any illegal road block at Kwavonza Market nor any illegal road toll.

(c) Kitui County Council is legally conducting her affairs.

Mrs. Ngilu: Mr. Speaker, Sir, I am pleased to know that the Assistant Minister's response is nearly what I expected it to be because the initial purpose of this road block at Kwavonza Market was to actually curb the movements of food stuff from Kitui, but not to charge any levy. It was also supposed to curb movements of game trophies especially elephant tasks. This has been curbed by the Ministry of Tourism and Wildlife now. With liberalisation now, we can move food from one place to another.

Mr. Speaker, Sir, can the Assistant Minister now ensure that this road block is removed because there is no need for it?

Mr. Walji: Mr. Speaker, Sir, I am not sure whether we will be able to remove the road block unless the resolution is made by the Kitui Municipal Council or the Kitui County Council because it earns them revenue.

Mrs. Ndetei: Mr. Speaker, Sir, it is true that there were other road blocks in other county councils, but they were removed. This Parliament has sanctioned many other different ways for county councils to collect revenue and their cess. Why is Kitui County Council being treated differently thereby causing a lot of suffering and harassment to the people who use that road? Why can the Assistant Minister not order now that, that road block be removed? We have undergone a lot of problems, for the last few years when KANU was putting illegal road blocks to collect money and I think the same thing is still happening in Kitui. All we are asking is: Can he order that road block to be removed and that Kitui County Council be treated like all the other County Councils in this country? It is not special.

Mr. Walji: Mr. Speaker, Sir, this is the only way of collecting revenue for Kitui County Council. But, we will put this argument to the Council and if they can discuss it in the Council meetings and look for another way of collecting cess, then definitely, this barrier will be removed.

Mr. Kiliku: Bw. Spika, vikwazo vya aina hii ni vya Mkoloni na vikwazo vya kuwanyanyasa Waafrika. Itakuwaje baada ya miaka 30 vikwazo vile vile vilivyotumika wakati wa Mkoloni kumnyanyasa Mwafrika vinaendelea katika Kitui? Je, Kitui haijapata Uhuru? Ninataka Waziri Msaidizi atumbie kama Kitui mpaka sasa haijapata Uhuru?

An hon. Member: Tumepata Uhuru!

Mr. Walji: The whole country was liberated from the Colonial rule, and I would like the hon. Member to know that all these barriers are legally gazetted. They were gazetted for the purpose of collecting revenue.

Mrs. Ngilu: Mr. Speaker, Sir, I am not sure that there is any other illegal road block like this in the whole country and I do not see the reason why Kambas should be treated like this.

I would also now want to know whether there is any other road block like this one which is used for the purpose of collecting money, how much money is collected and whether this money is accounted for?

Mr. Walji: Mr. Speaker, Sir, this particular road block is legal and the Council collects between Kshs.8,000-10,000 from all these barriers per week. Monies are submitted on a weekly basis, on Fridays. In one year, approximately Kshs.500,000 is collected. This forms part of the Council's general revenue funds.

Question No. 379

PROVISION OF MATERNITY SERVICES

Mr. Nthenge asked the Minister for Health what action the Ministry is taking to provide maternity services at Kaviani Health Centre in order to alleviate

[**Mr. Nthenge**]

the problems *wananchi* around Iveti Hills are currently facing.

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

The Ministry has no immediate plans to provide maternity services at Kaviani Health Centre due to lack of funds. If the people start facilities for these services on Harambee basis, the Government will consider supporting such efforts.

The community around Iveti Hills falls within the jurisdiction of the Machakos General Hospital and Kathiani Sub-District Hospital where maternity services are provided to *wananchi* including those around Iveti Hills.

Mr. Nthenge: Mr. Speaker, Sir, people are attacked by all types of diseases except this particular disease, which only attacks women. Why are men who make decisions punishing ladies by not providing them with maternity services? When I used to be the Member of Parliament for the area, we constructed a room for that purpose.

Mrs. Ndetei: On a point of order, Mr. Speaker, Sir. Can the Assistant Minister make it clear that being pregnant is not a disease? It is a proactive process.

(Applause)

It is not a disease. However, I agree with hon. Nthenge that it affects purely women. If hon. Criticos was a woman, he would talk in a different language.

Mr. Speaker: Mrs. Ndetei, I do agree with you that it is not a disease. It is a very necessary process.

(Applause)

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Being pregnant is not a disease, but the serious process of delivering is a disease. Women even die in the process!

(Laughter)

Mr. Speaker: Well, can you now ask another question?

Mr. Nthenge: Mr. Speaker, Sir, my question is: Since a room was built to be used as a maternity, why has the Government not seen it necessary to put up a few beds and post a midwife there to handle emergency cases? The area is very densely populated and many women need these maternity services.

Mr. Criticos: Mr. Speaker, Sir, I sympathise with the hon. Member. There are no funds to construct extra houses for the midwives and all the requirements needed for the extension of these maternity services at this particular Health Centre. We do realise that the hospital is not far away. We have got health---

Mrs. Ndetei: On a point of order, Mr. Speaker, Sir. Hon. Nthenge is saying that there is already a room available, but it is empty. What is required are a few beds and some facilities to enable women to deliver in the room, not necessarily to extend the hospital, if I heard him properly.

Mr. Criticos: Mr. Speaker, Sir, first of all, we are not talking about a hospital, but a health centre. There might be a room, but it does not conform with our standards. So, therefore, we are unable to use that particular room for delivery because it is not up to the required standard.

Mrs. Ngilu: Mr. Speaker, Sir, the Assistant Minister is not responding to the question adequately because even in my constituency, there is a health centre called Mweambani, which is fully furnished and fully equipped. This health centre should have been opened and become operational, but they have neglected it, I suppose in the same way Kaviani Health Centre has been treated.

Can the Assistant Minister now say when he can get facilities opened in these dispensaries which are already fully equipped?

Mr. Criticos: Mr. Speaker, Sir, I would like to say that this is a totally different question. The hon. Member knows about Mweambani, but we are talking about another health centre altogether. However, I wish to thank the Gracious Lady for informing me and I will take up the matter with my officers.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister seriously consider sending a midwife, and if necessary encourage a local trained midwife residing nearby to attend to the normal deliveries, but whenever a problem arises, then they can be taken to either Kathiani or to any other hospitals around?

Mr. Speaker, Sir, at least, one midwife should be provided to serve the area because the specification and the needs were submitted to the Provincial Medical Officer of Health.

Mr. Criticos: Mr. Speaker, Sir, we do not have a delivery room, so the question of providing a midwife does not arise in this particular health centre. We all know that in all our constituencies, there are traditional birth attendants.

(Mrs. Ndetei and Mr. Wamae stood up)

Mr. Speaker: Mr. Wamae, I am asking you to give the chance to Mrs. Ndetei!

Mrs. Ndetei: Thank you, Mr. Speaker, Sir. You realise that this is a question which affects me directly because I have gone through the process.

Mr. Speaker: Yes, I do.

Mrs. Ndetei: Mr. Speaker, Sir, really, if hon. Criticos was in a position like mine to put on a maternity dress and go through the process, he would know exactly what we are talking about. We do not need what hon. Criticos is saying--- These gentlemen are disturbing me.

(Laughter)

Mr. Speaker: Order! Order, hon. Members! This is a very serious question.

Proceed, Mrs. Ndetei!

Mrs. Ndetei: Thank you, Mr. Speaker, Sir. What I am saying is that when a mother is giving birth there is no need for a delivery room. What she needs is service. She needs somebody who is qualified enough to wait for the baby and be able to help the mother go through the process comfortably; she needs somebody who, if she gets a difficulty, is able to take her to a place with more qualified personnel. This is exactly what we are asking for, for this area. This is a very difficult area. It is called Kaviani and I have been there and seen that

some expectant ladies are transported on wheelbarrows. We are asking for four beds, four mattresses, eight bed sheets and a midwife. We are very specific. If we get these requirements we will have a functional maternity room for the women in this health centre.

Can the Assistant Minister go ahead and authorise the supply of these items? It is fair to do this. We voted money for the Ministry of Health just the other day and I know there is money in the Ministry's account. Can he give us only these few items and we will be in business?

Mr. Criticos: Mr. Speaker, Sir, I would like to inform the House that this health facility is located between Machakos and Kathiani Towns. It is less than 10 kilometres from either Town and the communication network is good. There are matatus and other means of public transport. So, there are no wheelbarrows on that road.

Mrs. Ngilu: On a point of order, Mr. Speaker, Sir. Hon. Criticos is not taking this issue seriously. Many times we have read in newspapers how women in this country deliver babies in buses---

Mr. Speaker: What is your point of order?

Mrs Ngilu: My point of order is, is it right for the Assistant Minister not to answer the question properly, especially when women are delivering in buses, bus stops, by the roadside and in all manner of places? This is a serious issue!

Mr. Criticos: Mr. Speaker, Sir, as I said earlier on, we lack funds for maternity services in that particular health centre. Hon. Ndeti even said that they want a midwife, but we do not have the money to pay for the midwife.

Question No. 860

TENANTS OF RICE SCHEME

Mr. Mbui asked the Minister for Land Reclamation, Regional and Water Development:-

- (a) how many tenants are at Mwea Rice Scheme, and how many acres are involved; and
- (b) since the tenants have lived there for over 30 years, whether he could handover the farms to them permanently.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Speaker, Sir, I beg to reply.

- (a) Mwea Irrigation Scheme has a total of 3242 tenant rice farmers, occupying an area of 5830 hectares.
- (b) I have no legal powers to hand over the Scheme land to the tenant farmers as the Scheme is a gazetted National Irrigation Board's property.

Mr. Mbui: Mr. Speaker, Sir, I thank the Assistant Minister for that wonderful answer. We are aware that these same farms have been degazetted and given to powerful individuals in this country. Similarly, forest land has been degazetted and given to the same type of people. Agricultural Development Corporation (ADC) farms have also been degazetted---

Mr. Speaker: Mr. Mbui, I will not let you do what you wish. Do you know what you stood up for? You stood up to ask a question about Mwea Rice Irrigation Scheme. So, will you put a question?

Mr. Mbui: Mr. Speaker, Sir, give me time because I want the Assistant Minister to understand. He says that this Scheme has been gazetted as a national scheme, but we have previously gazetted forests which have been degazetted---

Mr. Speaker: Mr. Mbui, would you like to ask your question or do you want me to give the chance to other hon. Members?

Mr. Mbui: Mr. Speaker, Sir, I want to ask a question.

Mr. Speaker: Then do so!

Mr. Mbui: The Assistant Minister knows very well that other previously gazetted pieces of land have been degazetted. Again, since he has powers to gazette an area he similarly has powers to degazette an area. Can he degazette Mwea Irrigation Scheme land and then issue the tenants with title deeds because, in fact, they have overstayed in those farms?

Mr. Ligale: Mr. Speaker, Sir, I have said it is not possible.

Mr. Karan: Mr. Speaker, Sir, it is common knowledge that the National Irrigation Board (NIB) has completely failed to manage the irrigation schemes where rice is grown, especially in North East Kano in my constituency. Can he consider giving up these schemes to the farmers who are managing them now so that production of rice in the currently NIB run areas can improve?

Mr. Ligale: Mr. Speaker, Sir, it is common knowledge that the NIB is running the irrigation schemes properly and producing rice for this country.

Mr. Nyagah: Mr. Speaker, Sir, people moved into this particular area just after Independence. A population of 3200 people is very high. With our population growth rate of 3.5 per cent very soon the population at the Mwea Rice Scheme is going to be still even higher. One of the Members of Parliament lives in a village in that area. What steps does the Government intend to take to ensure that these people live comfortably? Right now, they have no place to live in; instead they live in congested villages.

Mr. Ligale: Mr. Speaker, Sir, in answer to a separate Question, the other day I did indicate here that we intend to expand this Scheme tremendously by provision of new facilities. We are going to build a new dam and once that is done we shall expand the facilities tremendously and thereby allow the local residents access to land to farm rice.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Speaker, Sir. Is it in order really for the Assistant Minister to mislead this House that the NIB is running irrigation schemes properly and that rice is being produced properly when we know fully well that the rice mill in Kisumu, for example, cannot receive enough rice because of the problems in Kano Rice Scheme, and when we also know fully well that rice has been imported into this country precisely because the domestic production is not sufficient?

Mr. Ligale: Mr. Speaker, Sir, the rice mill in Kisumu was built on the understanding that it would be rain-fed and that farmers in Nyanza Province and parts of Western Province would produce enough rice to be crushed by that mill. The hon. Member would do very well to encourage his residents to grow that rice so that the mill can have sufficient rice for that purpose.

Mr. Mbui: Mr. Speaker, Sir, the hon. Assistant Minister says it is not possible to hand over land to these people. Can he tell this House why it is not possible? Initially that land did not belong to the Government: It was trust land under the County Council of Kirinyaga.

Mr. Ligale: Mr. Speaker, Sir, that land was purchased by the NIB from the County Council of Kirinyaga, and now it belongs to the NIB.

Mr. Mbui: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House by saying that, that land was purchased? Mwea was trust land which did not belong to any clan. So, from whom was it purchased?

Mr. Ligale: Mr. Speaker, Sir, I have indicated that the land was purchased from the County Council of Kirinyaga.

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

Mr. Speaker: Order, Mr. Mulusya!

Mr. Ojode's Question.

Question No. 897

FENCING OF NATIONAL PARK

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

(a) whether he is aware that the fencing of Ruma National Park has stalled, and that wild animals strayed in private lands and destroyed crops belonging to Messrs Onang'o Ndwala, Bernard Ochieng and Agik Nyamoro of Kachuth Sub-Location and Kanyamwa Location on 14th and 18th July, 1995; and

(b) when the National Park will be fenced.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the fencing of Ruma National Park has stalled. However, I am not aware that wild animals strayed in private lands and destroyed crops belonging to Messrs Onang'o Ndwala, Bernard Ochieng and Agik Nyamoro of Kachuth Sub-Location and Kanyamwa Location on 14th and 18th July, 1995.

(b) I wish to confirm that 40 kilometres of Ruma National Park fence construction was completed in March this year, 1995. The remaining part of Ruma National Park fence construction is still a high priority and will be carried out when funds are available.

Mr. Ojodeh: Mr. Speaker, Sir, Ruma National Park borders Suba District and Homa Bay District. That is to say that it borders Mbita and Ndhiwa Constituencies. The side of Suba District has already been fenced off but the side of Ndhiwa has stalled. Since the Assistant Minister is now aware that Onang'o Ndwala, Benard

Ochieng' and Agik Nyomoro had problems with the wildlife, can he consider compensating the victims and re-allocating funds to fence off the part which is still unfenced?

Mr. Kisiero: Mr. Speaker, Sir, we are already looking for more money to cover the remaining 15 kilometres of the fence. We spent Kshs31 million to fence the first phase of this project and we need Kshs12 million to fence the remaining 15 kilometres. We are doing everything possible to find a donor who can assist us. I am sure that when funds become available, we shall carry out the work.

Dr. Wako: Thank you, Mr. Speaker, Sir. Because the population of wildlife is increasing and we are having this problem discussed here everyday, can the Assistant Minister consider allowing a systematic poaching of the wildlife to reduce this wildlife menace?

Mr. Kisiero: Mr. Speaker, Sir, I cannot ask any honourable Kenyan to break the law. We still protect wildlife as part of our heritage.

Mr. Mbeo: Mr. Speaker, Sir, the so-called Ruma National Park, obviously, does not serve much purpose in that area. It is of no economic value to the people of Suba and Homa Bay Districts, neither does it have any economic value to the people in hon. Ojodeh's constituency. Could the Assistant Minister consider moving these wild animals to Trans-mara so that he can de-gazette the said National Park for other uses of economic value?

Mr. Kisiero: Mr. Speaker, Sir, we cannot transfer or translocate these animals to other areas unless they become too many for the area that they occupy. We believe that they are of economic value to the people of the area and, as we improve and open the Western Circuit for tourists, it will be very useful, indeed, to have those animals there.

Prof. Muga: Mr. Speaker, Sir, it was only yesterday that we were talking of the difficulties of the relationship between the wildlife and the human population. It was also yesterday when the Minister for Wildlife and Tourism assured us here that they are working out a policy through which wildlife reserves and parks shall be managed symbiotically between the Ministry concerned and the people concerned. These wildlife do destroy life and property. What is the policy of the Government today regarding compensation for lost life and property? Can the Assistant Minister tell us whether, if a lion kills a person or destroys domestic animals and crops, the family shall be compensated? What is the specific policy on this?

Mr. Kisiero: Mr. Speaker, Sir, the Government policy is to do everything possible to find a way of ensuring that wildlife and human beings co-exist. We are already ---

Prof. Muga: On a point of order, Mr. Speaker, Sir. Again, with a lot of respect to my hon. friend, we want a specific answer to a specific question. Much as the Government may want the human beings and the animals to co-exist, it is a fact that elephants trample people to death and lions also maul people to death.

I have asked the Assistant Minister to tell this House what the Government policy is. Shall the dead be compensated? Will those who lose their property be compensated? It is either "yes" or "no".

Mr. Kisiero: Mr. Speaker, Sir, if my hon. friend only wants an answer to the question of compensation, he knows very well that under our law, at the moment, we compensate for lost lives. For crops, we do not, but I am sure that my hon. friend is aware of the fact that this House agreed that a Bill will be brought to this House so that we bring back the question of compensation for crops as well as human lives.

Mr. Speaker: Mr. Kiliku's Question!

Question No.881

PAYMENT OF COURT AWARD

Mr. Kiliku asked the Attorney-General:-

- (a) why he has delayed payment of Kshs58,030 to Mr. Gabriel Judiah, awarded by the Law Court, Mombasa, on 30th April, 1993, Civil Suit No.2630 of 1992; and,
- (b) when Mr. Gabriel Judiah will be paid.

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

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. My Question is directed to the Attorney-General, and we have only one Attorney-General in this country.

Mr. Speaker: Mr. Kiliku, does it matter who, among the Government Ministers, answers your Question?

Mr. Kiliku: There are Ministers in Ministries, but there is no Minister in the Attorney-General's Chambers.

Mr. Speaker: You are out of order! Proceed, Mr. Sunkuli.

The Assistant Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, delay in paying Kshs58,030 awarded to Mr. Gabriel Judiah Walala in April, 1993 in Civil Suit Mombasa No.RMCC 1979 of 1989 resulted from lack of adequate financial provision to meet the payment.

(b) Mr. Judiah is to be paid the amount due to him by the 15th of November, 1995 through his lawyers, C.A Otunga and Company Advocates. The hon. Member will note that the original answer we gave him read that it will be through the lawyers; Nzamba Gitonga Advocates. It is, in fact, C.A. Otunga and Company Advocates.

Mr. Kiliku: Mr. Speaker, Sir, during this time, the Government has paid the most corrupt bill in this region of Africa. How come the same Government could not pay Kshs58,030, when they paid the most corrupt bill in this region?

Mr. Sunkuli: Mr. Speaker, Sir, I did not know that the hon. Member did not want to pursue this particular claim in favour of his constituent. However, if he listened to my answer, what the Government actually deserves is to be congratulated since, on 15th November, this year, we will pay his constituent that money that he was awarded.

Mr. Kiliku: I am grateful that you will now pay this claim, but I am saying that during this time, between 1993 to date, this government has paid the most corrupt bill, east of this region. How come the same government could not honour a claim of only Kshs58,030?

Mr. Sunkuli: Mr. Speaker, Sir, you realise that hon. Kiliku does not actually have another question because, that question he has just asked is irrelevant to this particular one.

Mr. Speaker: Questions by Private Notice. Mr. Mwangi Gichuki!

Mr. Gichuki: Mr. Speaker, Sir, first, I would like to register my---

Mr. Speaker: Order! Order, Mr. Gichuki! I had skipped Prof. Anyang' Nyong'o's Question, but may I also ask hon. Members to be present in the House in order to ask their Questions when they are called for the first time. It does save time.

Prof. Anyang' Nyong'o: Mr. Speaker, Sir, I apologise for coming late.

Question No. 735

RECOVERY OF DEVELOPMENT LOANS

Prof. Anyang' Nyong'o asked the Minister for Planning and National Development:-

(a) what arrangements the Government has made to recover Rural Development Fund loans extended to rural farmers; and,

(b) given the haphazard manner in which those loans were disbursed the Government can seriously consider writing off the loans.

The Assistant Minister for Planning and National Development (Mr. Nooru): Mr. Speaker, Sir, I beg to reply.

In the history of this Government there has never been loans advanced through District Rural Development Fund.

The answer to part "b" of the Question does not therefore arise. As far as we are concerned, we have never advanced any loan.

Prof. Anyang'- Nyong'o: Mr. Speaker, Sir, I did not receive a written answer from the Assistant Minister but I do believe that he knows that there were loans advanced through the Rural Enterprise Fund and I drew the attention of the Clerk's Office to that matter for correction. I would like the Assistant Minister to take this Question in good faith. There are many rural farmers who were advanced money through the Rural Enterprise Fund and they do come to us as hon. Members of Parliament seeking our assistance on how to deal with this money. They do get reminders all the time that the interest on the loan that they were given is ripening and this threatens their ability to continue investing in agriculture. If the Government is seriously interested in improving agricultural production and getting rural areas to be enterprising, especially to use rural electrification and such services that are being provided, I would find it very unfortunate for the Assistant Minister not to respond to this Question constructively.

Mr. Nooru: Mr. Speaker, Sir, if you can read the Question as presented, you can see that Rural

Development Fund and Rural Enterprise Fund are two different entities and if the hon. Member had in mind Rural Enterprise Fund when he was putting this Question then this, should be handled by the Office of the President through the District Development Committees and not by the Ministry of Planning and National Development as such. So he should direct the Question to the Office of the President for a further answer on that aspect.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, this again is a point that the Front Bench should take seriously. We in the Opposition do understand that there is collective responsibility on the part of the Government and when a Question is raised which is important to the Government, it is the Government's responsibility to sort out who answers that Question and not to throw it back to us on the Opposition side. I hope that I will resubmit this Question so as to do the homework for the Government and let it realise that it is a shame to come to this House and give the kind of the answer that the hon. Assistant Minister has given.

Mr. Nooru: Mr. Speaker, Sir, we are ashamed of nothing on this aspect. If there is a mistake, it is the hon. Member who is in, the wrong because he asked a Question on District Rural Development Fund while he meant Rural Enterprise Fund. We answer Questions as they come and the procedure is that, if a Question is directed to the wrong Ministry we direct it to the right Ministry in time. We could have directed this Question to the Office of the President in time but the Question asked about District Rural Development Fund which does not fall directly under the Office of the Vice-President. Rural Development Fund is different from the Rural Enterprise Fund and it falls under the Office of the President. So, we should not take the blame for your own mistakes.

QUESTIONS BY PRIVATE NOTICE

PAYMENT OF INSURANCE STAFF

Mr. Gichuki: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that employees of the Kenya National Assurance Company Limited have not been paid their salaries for the last three months?

(b) In view of the serious financial difficulties facing these employees, what urgent steps is the Minister taking to ensure that they (employees) are paid their dues?

(c) What tangible measures is the Minister taking to improve the financial position of this company?

The Assistant Minister for Finance (arap Koech): Mr. Speaker, Sir, I beg to ask for extension of time because we were not able to get the Question on time and hence we do not have the answer right now.

Mr. Speaker: Mr. Gichuki, what is your reaction?

Mr. Gichuki: Mr. Speaker, Sir, I have no objection but can he specifically say when he is going to answer it.

Mr. Speaker: I will tell him when to bring it. He will bring that answer on Tuesday, next week. Next Question!

OWNERSHIP OF LAND

Mr. Anyona: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Who is the lawfully registered owner of land parcel No. Central Kitutu/Mwabosire/74 in Kitutu Masaba, Manga Division in Nyamira District?

(b) Is the Minister aware that the Chief of Central Kitutu Location has illegally grabbed the above parcel of land for the purported construction of a Chief's Camp contrary to Section 75 of the Constitution of Kenya?

(c) Will the Minister ensure that this illegal acquisition of private land by the Chief of Central Kitutu Location is stopped forthwith?

The Minister for Lands and Settlement (Gen. Mulinge): Mr. Speaker, Sir, I beg to reply.

(a) The lawfully registered owner of land parcel No. Central Kitutu/Mwabosire/74 in Kitutu Masaba, Manga Division in Nyamira District is Mr. Kibagendi Onyiego.

(b) I am not aware that the Chief of Central Kitutu Location has illegally grabbed the above parcel of land for the purported construction of a chief's camp contrary to Section 75 of the Constitution of Kenya, hence no complaint has been filed in my office nor the District Land Registrar's Office, Nyamira.

(c) Since the answer to "b" is in the negative, the hon. Member should advise the land owner to take up the matter with the relevant legal authority to seek redress if he has been aggrieved as per the alleged acquisition.

Mr. Anyona: I would like to thank the Minister for giving a correct answer to the first part of the Question which is that the rightful owner of this land is Mr. Kibagendi Onyiego. This man died in 1985 and as such it is his two wives and sons who are heirs to this property, but the Chief of Central Kitutu Location, Mr. Ben Mobisa and the Assistant chief of Kiogutwa Sub-Location, Mr. Onchagwa Mong'umbu, have grabbed this land by force. They have used Administration Police (APs) to go there and construct an illegal chief's camp. I know that, that does not fall under his portfolio, but it is a fact. Since he is the one in charge of land matters would he make sure that this chief does not mess up his own Ministry?

Gen. Mulinge: Mr. Speaker, Sir, I do not know whether Mr. Kibagendi is alive or dead, but if it is true that this land was grabbed by force without any compensation being paid, then the widows and the sons have a right to complain either through a court of law or through the Office of the President.

Mr. Nthenge: Does the Minister not realise that a complaint has been made by a Member of Parliament and being a member of the Cabinet, he should even go further and put the matter before the Cabinet so that the situation is rectified? When the Government is said to be bad, all of us look bad? The Question has been asked, but is he ready to take action?

Gen. Mulinge: The owner of this piece of land has got all the necessary documents including the title deeds, to show that the property belongs to him. This is a private property and so the Government cannot intervene in this matter.

Mr. Anyona: The Minister is right in stating that---

(Loud consultations)

Mr. Speaker: Order! We are not following the proceedings.
Proceed, Mr. Anyona.

Mr. Anyona: Thank you, Mr. Speaker, Sir. The Minister is right in stating that this is private property and so Government has no powers to intervene, but right now as we are talking, the chief is putting up an illegal camp and has stationed APs there. They have chased away members of the family, widows and orphans. So, is it really in order for the Government to make that kind of statement when these things are going on right now?

Gen. Mulinge: Mr. Speaker, Sir, I have said and I would like to repeat that if it is true that the chief grabbed that land without paying any compensation, the owner has got a right to complain to the Government for compensation.

HOUSE FOR NAIROBI MAYOR

Mr. S. Mwangi: Mr Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice:-

(a) Is the Minister aware that the absence of decent and secure housing for H.W. the Mayor of Nairobi, is exposing him to serious security hazards?

(b) What urgent measures is the Minister planning to take to improve the security of this important public servant?

The Assistant Minister for Local Government (Mr Walji): Mr Speaker, Sir, I beg to reply.

(a) I am not aware that the absence of decent and secure housing for His Worship the Mayor of Nairobi is exposing him to serious security hazards.

(b) His Worship the Mayor is provided with bodyguards by the Council, at his home, in the Parlour, and on transit. Following the recent shooting attempt on His Worship, the Mayor, the security for him has been tightened up by the Council. The City Council of Nairobi is looking for a better Council house to house His Worship the Mayor.

Mr. S. Mwangi: Mr. Speaker, Sir, in the first place, this reply has not been authenticated by anybody, but be that as it may, I speak from experience, as a former Mayor of Nairobi City Council. It is because the Ministry of Local Government sanctioned the sale of all senior officers' houses, that, that very important public figure, our Mayor of the City lives in that place called Umoja One.

I request the Minister, through the Chair, to assure this House that, at least, if a house is found for the Mayor of this City, the Ministry will not fail to implement the resolutions of the Council, as they have done all the time, in sanctioning the payments of the house for the Mayor of Nairobi City Council. It is also---

Mr. Speaker: Sorry, Mr Mwangi. It is Question Time!

Mr. Walji: Mr Speaker, Sir, I would like to inform the hon. Member that the Mayor of Nairobi never

asked for a house to stay in from the Nairobi City Council. It was only recently that he asked, for security reasons, that he be given a house. Now, the City Council is looking into ways and means of giving him a house.

Mr. Shikuku: Mr. Speaker, Sir, in the Assistant Minister's reply he said that the Mayor of this City has got bodyguards. Would the Assistant Minister tell this House how many bodyguards they are, and whether they are armed? From the reading, we knew that the Mayor had a bodyguard who was not armed; he had not even got a club with him. Could the Assistant Minister tell the House whether the present bodyguards, according to his statement, are armed, and why the former Mayor's house was taken over by one of the Cabinet Minister, who is sitting or living in that house?

Mr. Walji: Mr Speaker, Sir, normally the Mayor has got two bodyguards; one is armed illegally, and the other one is unarmed. It is the other unarmed bodyguard who saved the Mayor.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. The Assistant Minister has not replied to my question. He said that they have provided the Mayor with the bodyguards, but I asked him if they are armed, and he has not replied to that.

Mr. Speaker: He has said one is armed and the other is unarmed.

Mr. Shikuku: At the time of the shooting, he said that one had illegal arms. But now is he promoting that illegality? Have they provided him with arms?

Mr. Walji: Mr. Speaker, Sir, the bodyguards of the Mayor are unarmed. The Council intends to request the Central Government to officially authorise it to use firearms that the Council possess to guard the Mayor.

Mr. Mutahi: If I can remember very well, when the hon. Questioner was the Mayor of the City Council, I read that the house which was supposed to be occupied by the Mayor, was sold. I concur with whatever he said that the house was sold. That the Mayor's house was sold to none other than the relative of the former Mayor. Can the Minister confirm or deny that, that is what happened, and that is why the Mayor does not have a house to live in?

Mr. Walji: Mr Speaker, Sir, I am not aware that the house was sold to the former Mayor's relative.

MINISTERIAL STATEMENTS

DIPLOMATIC RELATIONS WITH RWANDA

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): Mr Speaker, Sir, I stand on a point of order to make a Ministerial Statement on Rwanda. I have the right to be heard, and I am sure the hon Members---

(Loud consultation)

Mr. Speaker: Order! Order! Order, Minister! Order! Order! When a Member is on a point of order, he shall be heard in silence and uninterrupted.

Proceed, Mr. Musyoka.

The Minister for Foreign Affairs and International Co-operation (Mr Musyoka): Mr Speaker, Sir, Kenya has had unbroken diplomatic relations with Rwanda at ambassadorial level since June 1965. Due to the prevailing insecurity in Rwanda, Kenya was forced to evacuate its Embassy staff on May 1994. Indeed, one of our members of staff was killed during that period. Contrary to the erroneous impression that the Kenya Government is anti-Rwanda, Kenya has consistently supported initiatives aimed at finding a comprehensive and lasting solution to the Rwandese crisis.

On 6th April 1994, His Excellency the Vice-President and Minister for Planning and National Development, participated in the Dar es Salaam Summit, convened to explore ways and means of setting up a broad-based Government of national unity in Rwanda.

On August, 1994, Kenya participated in the Regional Summit on Rwanda and Burundi, that was convened in Arusha immediately after the ceremony marking the winding up of the OAU Liberation Committee. This participation was at the highest level, as evidenced by His Excellency the President's attendance, and active participation as the elder statesman of this region.

On 7th January 1995, Kenya convened and chaired the first major international conference on the situation in Rwanda and Burundi. This conference came up with far-reaching recommendations on repatriation of refugees, and displaced persons and, indeed, on the question of reconciliation. Within the framework of the

OAU, and in collaboration

with the United Nations High Commission for Refugees, (UNHCR), Kenya has played an important role in the search for durable solution to the refugee problem within the great lakes region. Kenya is a member of the central organ of the OAU mechanism for conflict prevention, management and resolution, whose mandate is to address the security issues of which Rwanda is a priority, along with Burundi.

The fact is that Kenya was not formally requested to host the tribunal as set up by the UN Security Council Resolution No.955 of 1995. However, for a long lasting solution to the Rwandees crisis, the mandate of the tribunal must be expanded to include:

(a) investigations to determine who was responsible for the downing of the aircraft in April 1994 in which the Presidents of Rwanda and Burundi were killed

(b) investigations to determine those responsible for the invasion of Rwanda prior to the assassination of the two Presidents. The military Government of Rwanda accused for instance, the French Government of complicity in this heinous act of bringing down the plane carrying the two Heads of State of Rwanda and Burundi.

It beats logic that a responsible Government can bring down a plane, knowing very well that two of its nationals were members of the crew. Kenya has consistently supported the search for comprehensive and durable solution to the Rwandees crisis. In spite of this, the Government of Rwanda which even voted against the establishment of the International Tribunal in the General Assembly in the first place has outrageously and unashamedly attacked His Excellency the President claiming that our Head of State is harbouring perpetrators of the genocide in particular and in the region as a whole.

The Government of Kenya has repeatedly stated that it is neither pro-Hutu nor pro-Tutsi. The Kenya Government's interest is in avoiding what some of my hon. colleagues would want to see - miscarriage of justice. Kenya has hosted refugees from all parts of this region for decades including Rwanda even during the most difficult periods in the economy of our country; and we will continue to do so in keeping with the international obligations. The President and the Vice-President of the Government in Kigali are known to have enjoyed a similar hospitality being accorded to other Rwandees in Kenya because Vice-President Kagame and President Bizimungu were resident as refugees in Nairobi. Kenya's goodwill and support towards Rwanda enabled the Government to place Jomo Kenyatta International Airport at the full disposal of the international community transporting relief assistance to that troubled country. Indeed, as a result of the generosity and sacrifice, the run-ways at the airport were heavily damaged and Kenya is still paying this for them.

The Kenya Government noted with dismay the visit of the Opposition Members of Parliament to Rwanda. I am surprised that hon. colleagues did not visit Kibeho Camp where independent observers have said that over 8,000 innocent people were massacred. Similarly, they excluded from their itinerary and of course properly so, the many prisons and police stations where thousands of Rwandees continue to die virtually by the day. It is said that in order not to be accused---

Hon. Members: Even here in Kenya! You are talking---

Mr. Speaker: Order! Order!

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): It is said that in order to be accused of killing these prisoners they choose to cut off their legs; a despicable act. We again urge the Rwandees Government to abide by the letter and spirit of the Nairobi Summit on Rwanda held in Nairobi on 7th January, 1995 which brought together the leaders of Kenya, Uganda, Zambia, Zaire and Tanzania in searching for ways and means of helping our Rwandees brothers and sisters. I hereby Table a copy of the landmark communique of the meeting; and perhaps with your permission, quote very briefly some of the resolutions contained in that communique. One of the their Excellencies affirmed their support to the establishment of the International Tribunal on Rwanda. For your information, the Registrar of this Tribunal happens to be our own Dr. Adede who was a candidate for the post of the International Court of Justice and of course he lost fairly narrowly. He will be in Arusha. A second resolution was the separation of the suspected perpetrators of the genocide from the innocent refugees. Separation of intimidators within the refugee camps, establishment of safe corridors from refugee camps to the Rwandan borders, acceptance of the establishment of safe corridors and transit points in Rwanda and this was at the invitation of His Excellency the President.

Mr. Speaker, Sir, in conclusion, this is a clear manifestation of Kenya's concern for our brothers and sisters in Rwanda and a challenge to my hon. colleagues who recently visited Rwanda and held secret meetings there, to Table a similar report or a document of action of goodwill.

Thank you Mr. Speaker, Sir.

(Mr. Musyoka Tabled the document)

The Assistant Minister of State, Office of the President (Mr. Awori): Thank you Mr. Speaker, Sir, I stand on a point of order---

Mr. Shikuku: On a point of order Mr. Speaker, Sir.

Mr. Speaker: Order! Order, Mr. Shikuku! A Ministerial Statement not sought by any particular Member will not be basis of debate---

Mr. Shikuku: On a point of order Mr. Speaker, Sir.

Mr. Speaker: What is it Mr. Shikuku?

Mr. Shikuku: My point of order is from the experience of this House. When a Ministerial Statement is made, Members of Parliament are allowed to seek further information. Is this not going to be the case?

Mr. Speaker: Well, the position remains Mr. Shikuku. When, for example, a Member has sought a Ministerial Statement about a certain issue, it is true that Members are allowed to seek clarification. But the basic rule remains that a Ministerial Statement shall not be the basis of any debate. I may be inclined to give Mr. Orengo a chance to seek any clarification he may wish.

Mr. Orengo: Thank you very much, Mr. Speaker, Sir. It is all well saying what he has said in this House. But the duty and the onus is on the Government of Kenya to tell the country and the world community why the Kenya Government is not upto now a signatory to the convention on the prevention and punishment of genocide? This is a charter which many Governments have already signed. It came out in 1948 and upto now, the Kenya Government has not seen it fit to sign it which means that the Kenya Government does not have a moral authority to comment on the affairs of Rwanda because it has refused to sign a vital document which relates to the situation in Rwanda. Secondly, the Minister for Foreign Affairs and International Co-operation has read a statement here which is not factual. In fact, 90 per cent of it is a diatribe; it is not a Ministerial Statement. It is just a statement of vilification and he should have come out with an authoritative statement on the situation in Rwanda because: One, there is a procedure. When a refugee comes to a host country, he must be screened by the police and once they find that he is a bona fide refugee, he is handed over to the UNHCR. As far as the criminals who came from Rwanda are concerned, over 400 of them, and we have a list, we know where they live and some of them are meeting Government Ministers. We know that they are offered training to learn the English language and we know that some of them have been told to attack Opposition Members and I have evidence that I am one of them.

Mr. Speaker: Order! Order, all of you! Mr. Orengo, I gave you time. You have already said what you wanted to say. But, you seek whatever clarification, do not turn it into a debate; there is no Motion.

Mr. Orengo: Mr. Speaker, Sir, this is why I am seeking this clarification. Some of the Rwandan criminals were outside the gates of Parliament yesterday, and we want assurance that they are not going to be recruited by this Government to murder Opposition leaders and then they are given safe passage.

(Applause)

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): Mr. Speaker, Sir, in very brief response to the comments made by my learned friend, I did not know, until now, that he belongs to a species called "the endangered species". Let me say that this Government does not believe in genocide; anything that has to do with loss of human life and I have said it clearly.

Mr. Speaker, Sir, let me also say that I am amazed that he can actually open his mouth and call people "criminals." One is presumed innocent until proven guilty by a competent court. I am very surprised that he can actually designate people "criminals". Let me also tell the House that the Kenya Government would only deal with a tribunal and - since the Member for Ugenya is fond of using the word "clique" - not the clique in Rwanda, because it is an interested party.

Thank you, Mr. Speaker.

Mr. Speaker: That is the end of that. Mr. Moody Awori.

HIERARCHY IN THE KENYA POLICE FORCE

The Assistant Minister, Office of the President: (Mr. Awori) Mr. Speaker, Sir, arising out of the answer I gave to the Question by Dr. Lwali-Oyondi, replying to a supplementary question, I may have inadvertently confused the House. I wish, therefore, to clarify a very important point, regarding directives to the police by the Provincial Administrators.

While there is a clearly defined chain of command, lines of authority and hierarchy in the Kenya Police

Force, our administration system calls for collective responsibilities. The Commissioner of Police is the head of the Police Force. All matters concerning recruitment, training, promotion, transfers, retirement and discipline are the preserve of the Commissioner, through the chain of command. Police personnel are deployed in the field for the day to day service to the public, from the Provincial headquarters down to divisional level.

At every level, there is a security committee which co-ordinates all matters concerned with security. The head of every level is the chairman of the security committee, that is, for instance, the Provincial Commissioner is the head of the Provincial Security Committee and the District Commissioner, the head of the District Security Committee, and the District Officer, also the Chairman of the Divisional Security Committee. This means that, the Chairman of the Security Committee has the overall responsibilities over all police personnel in his or her area of jurisdiction.

Thank you, Mr. Speaker.

SHOOTING OF MAYOR KING'ORI

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, on Tuesday 31st October 1995, I promised this House that I would issue a statement on the incident where someone shot at the Mayor, Councillor John Mwangi King'ori, on the 28th of October 1995. The circumstances of the incident are as follows:-

On the material date, on the 28th of October 1995, at about 10.30 a.m. at Umoja Estate, Councillor John Mwangi King'ori was outside his house when a young man aged 22 years confronted him armed with a pistol. The culprit fired one shot at the City Mayor but missed him. The suspect was chased by members of the public, during which he fired two rounds of ammunition and hit two people, namely, Bernard Thiori Gaituru and Simon Njagi. The suspect disappeared into a nearby estate and the injured people were taken to hospital, where they were treated and discharged.

Following the shooting incident, the police immediately commenced investigations, which has resulted in the arrest of the two suspects. Two other suspects are being sought by the police and immediately investigations are through, they will be taken to court to answer the charges for the crime. The police have also intensified patrols in the area where the Mayor currently lives. The Nairobi City Council have also beefed up security in the Mayor's residence. Prior to the incident, there were two bodyguards deployed during the day, and three during the night. Now, more have been added so that there are three during the day, and five during the night.

Mr. Speaker, Sir, there is no incident where the Government deploys bodyguards when they are not armed; so they are all armed. At the same time, the City Council is in the process of getting a secure accommodation for the Mayor.

Mr. Speaker, Sir, generally, crime in the City, particularly robberies where firearms are used is noted to be on the increase, and this is due to various factors, such as the increase of our population, unemployment and so on. But, also because, illegal firearms have emanated from an unstable neighbouring country, and they have found their way into our towns. However, the police are doing their best to control crime in the City and the country at large, and so far, the situation is very much under control and there is no cause for alarm. The police need the support of all wananchi particularly in volunteering information on suspected criminals. This will enable them to flush out the criminals and allow law-abiding citizens to enjoy their independence peacefully.

Mr. Speaker, Sir, while on my feet, I just want also to say that the Government does not take very kindly what the hon. Orengo, has just stated. We do not harbour Rwandese persons for any reason. We are not training any Rwandese refugees in this country and it is absolutely objectionable for an hon. Member, to say things which he cannot substantiate.

Mr. Orengo: On a point of order---

Mr. Speaker: I would also like to say this; If all of you look at your relevant Standing Orders, including the guide to this, any person who gets into the precincts of Parliament does so under the authority of the Speaker. I can assure this House that I have not authorised and will not authorise any Rwandese to ever get into the precincts of this Parliament. That should be made absolutely clear, and I can also assure the House that I am, in fact, satisfied that there is no business for that worry.

Applause.

MINISTERIAL STATEMENT SOUGHT ON
MAVERON CONTRACEPTIVE.

Mr. Rotino: Mr. Speaker, Sir, following the International Conference on Population which was held in Cairo and a subsequent conference on Social Summit which was held in Copenhagen, a committee on population and development has been constituted in Parliament, comprising Members of Parliament. An Executive Committee was appointed today, and one of the issues that the Committee deliberated on, was the report on the *Maveron* contraceptive which has been reported in the newspapers. I wish on behalf of the Committee to seek a Ministerial Statement on this contraceptive that the newspapers have reported.

Mr. Speaker: Next Order!

BILL

Second Reading

THE CENTRAL BANK OF KENYA (AMENDMENT) BILL

The Assistant Minister for Finance (Mr. arap Koech): I beg to move that the Central Bank of Kenya (Amendment) Bill, be now read a second time.

In this regard, I wish to say from the outset that the object of this Bill is to amend the Central Bank of Kenya Act in such manner that following the repeal of Exchange Control Act, the Central Bank shall retain residual regulatory powers over the licensing of the foreign exchange dealers and monitoring of international payments. I wish also to underline the fact that in view of liberalisation that has recently occurred, the regulatory authority that needs to be retained relates primarily to the licensing of foreign exchange dealers and monitoring and not the restriction of international payments.

To this end, the Bill hopes to bestow on the Central Bank the power to issue, renew, and revoke licences. It hopes to authorise banks and foreign exchange bureaus wishing to engage in the business of conducting foreign exchange transactions to do so. The Central Bank will also have the authority to continue to allow specified entities, that is the primary hotels to buy and sell foreign exchange without such a licence so as to facilitate dealing with tourists while in the country, and then, of course, this will facilitate the tourist industry. The Bill also confers upon the Central Bank the authority to supervise the activities of licensing foreign exchange dealers so as to protect the public and the banking system from irregular or unsound practices.

Mr. Speaker, Sir, the remaining provisions of the Bill are designed to enable Central Bank to monitor payment between Kenya and the rest of the world. Such monitoring achieves two purposes; firstly, it serves to ensure that international payments are not connected with illegal activities, for example, money laundering and tax evasion.

Secondly, it enables the Central Bank to obtain information for the purpose of compiling Kenya's balance of payment, an exercise that is central to the formulation of economic policy. Thus, the Bill requires that unless permission is obtained from the Central Bank, international payments should be made through authorised banks which will be responsible for collecting information with regard to such payments. As a means of reinforcing this requirement, the Bill gives the Central Bank the authority to regulate and monitor the import and export of cash to and from Kenya.

In addition, the Bill requires that with respect to international payments by residents that are unrelated to current transactions and exceed a certain value to be specified by the bank from time to time, authorised banks would be required to obtain Central Bank approval before executing these payments. Such approval will be granted without any undue delay, on the basis of the determination by the Central Bank that the payment is related to a bona fide transaction. That is to say, it is otherwise consistent with the laws of Kenya.

Mr. Speaker, Sir, I wish to assure the august House that the above regulatory authority will not in any way compromise the status of convertibility which the Kenya shilling has obtained. Moreover, unlike the Exchange Control Act, the repeal of which is under consideration by this House, the Bill shall not refer on the Minister or the Central Bank authority to reinforce foreign exchange restriction; A self restriction relating to Kenya's obligation under any treaty. As we all know, with the process of liberalisation, Exchange Control Act has been repealed, and we no longer have restriction for anybody to obtain foreign exchange. Mr. Speaker, I want to assure Members that this Bill does not negate the liberalisation process which has taken place or it is not going to take us back to the control regime of foreign exchange.

Now, Mr. Speaker, Sir, at this time, the economic reforms which have been undertaken in this country have already taken some effect. Now, at this time we do realise that the foreign exchange reserve has continued to increase in such a way that it has never been like that before. If those who are doing business feel or the investors know they will not be restricted when they want their money to go back, then they have now built a lot of

confidence which is actually good for our nation. This has ensured that the foreign exchange reserve has increased. From time to time we have been talking about so many reforms, which are very important, but I want to tell the House, especially the hon. Members on the other side, that we should appreciate what the Government have done, as far as the reforms are concerned.

Mr. Speaker, Sir, as a country, when it comes to reforms, I do not mean the Central Bank reforms. We cannot reform wholesale; we must be given our own pace of development. But if we are going to be guarded like goats, that you must behave like this, we will not achieve much. We must be careful with that because we are carrying the whole country and the people of this nation whom we must handle carefully. So, I want the hon. Members on the other side to appreciate the efforts which the Government is making on the question of reforms. Quite a good number of claims have been made in this House which are quite painful or damaging to the names of some people, some of whom are not in this House. These claims are all wrong. I know the print media is always interested in bringing out a lot of imaginary stories about so many things which happened, especially to leaders in this country. Now, if we are going to continue only talking about corruption, and this one is having this and there is no substantiation, we are damaging the reputation of this nation.

Mr. Speaker, Sir, when foreigners see us or read about us when they are in London, they do not see the Government, or the Opposition, but they see us as Kenyans. And what we say in this country, or what we say in this House is either going to build us or destroy us. It is going to destroy the foreign investment which we are craving to get. So, I do hope that my hon. friends will always be responsible in their utterances.

Now, when people make wild allegations, they become headlines in the newspapers. So, in such a case, you find that newspapers are in the process of spreading propaganda. Now, if there are problems in this nation, where will the writers of these newspapers go to? They will suffer the way other people will suffer. Those people who do not make alarming statements are never reported, but if today you say something against any Member, then the newspapers will just rush even without confirming whether the story is true or false. When are they going to look forward and see what is good for this nation?

Mr. Muite: On a point of order, Mr. Speaker, Sir, is it in order for the Minister to continue suggesting that Kenyans have no money outside this country when the World Bank has well- documented statements to the effect of the exact amount of money that we, as Kenyans, hoard outside? Is it in order for him to continue suggesting that we do not hoard money outside?

The Assistant Minister for Finance (Mr. arap Koech): First and foremost, Mr. Speaker, Sir, I have not talked about money that is kept outside the country. I do not know why the hon. Member for Kikuyu is still having some dream of what happened during the Question Time. Now, if somebody feels that there is somebody who has got money outside the country and he proves it, we can assist him. But if we are going to make allegations---

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. For how long can you take this untruth? It is no longer a secret. It is a fact and none other than the President himself said in 1992 that the money which was deposited outside the country would be brought back here. We all know that the money is deposited outside the country and even the United States Ambassador to Kenya said so and the Assistant Minister had no guts to refute that statement. Is he in order to go on telling untruth?

The Speaker: If I may ask you Mr. Shikuku, since you took part in the repeal of the Foreign Exchange Act yesterday, what law is it against?

Mr. Shikuku: Mr. Speaker, Sir, yesterday I talked about Exchange Control Act being repealed taking into account my previous statements to this House when the law was still restricted. So much money went out and the President said it would come back. Now with this liberalisation, is he in order to tell us that there is no money when we know that there is money outside?

The Speaker: The only thing I can say for now hon. Members is that I know the name "money," the smell of money and the sound of money excites many people. For now, can we talk about the Bill before us.

The Assistant Minister for Finance (Mr. arap Koech): Thank you, Mr. Speaker, Sir, for saving me because I had not gone to the question of money deposited outside the country. Nobody has denied that there is money deposited outside, but we are only saying that it is very difficult to know who has got the money outside. That is what I said. With these reforms, we are now beginning to have quite a good number of people bringing money to Kenya because they have confidence. With these continued reforms, people will have more confidence and then they will bring money. There is very little one can do to know who has the money outside and human beings being what they, are there are many ways in which they can take money out of the country, and I think this happens in every country.

Mr. Speaker, Sir, in our country, we have people who have dealings all over the world. If somebody wants to retain some earnings from outside using all sorts of tricks, there is very little we can do. But when we

have built sufficient confidence as we have already done, I believe nobody is going to be interested in taking his money outside Kenya. He will use the money to develop this nation.

Mr. Speaker Sir, I think we should always put things right. Let us not put them out of context. Since this is a very straightforward Bill, I do not need to say much.

I beg to move.

The Minister for Health (Mr. Angatia): Mr. Speaker Sir, thank you very much for giving me this chance so that I also contribute to this Bill. First of all, I want to congratulate the Government of Kenya and especially the Minister, Permanent Secretary and Governor of Central Bank for the manner in which they have managed the economy of this country, and the manner in which you have handled this elusive issue called liberalisation and economic reforms. All the prophets of doom have been proved wrong because we have managed the economy in such a sound manner that all of us can now see the benefits which accrue from this kind of liberalisation and it is true that liberalisation came a bit too fast for some communities in this country. Whereas order has been restored in what was a confused state of affairs for a very long time, it is not necessarily correct to say that all the time liberalisation will be good. There are cases where liberalisation will prove to be difficult for Kenyans and sometimes it will bring negative results. For example, there are still many Kenyans in this country who do not live in a cash economy. I know of communities in Western Province who do not yet live in a cash economy and this liberalisation has come so fast that there is a danger of these people being left behind and they will never catch up again. Some form of control needs to be introduced so that they too can be assisted to come gradually without too much turbulence into the cash economy.

Mr. Speaker Sir, right now there are people who enjoy producing their own vegetables, maize, beans and potatoes and they do not know that they are supposed to be working on ways and means of making money everyday, week and month in order that they may survive in the present economy. The result of this is that because controls have been removed even from the social sector, has hit people very hard. It is important that we stopped for a while and looked at--

Mr. Michuki: On a point of order, Mr. Speaker, Sir. I am trying to see whether it is in order that the Minister for Health should mislead this House by stating that people in Western Province are not involved in cash transactions. Is that correct that people in Western Province are alien in cash transactions?

Mr. Speaker: As I said, Mr. Michuki, just a few minutes ago, money excites everybody but to be frank I have not been there lately so I do not know. Would you like to answer that?

The Minister for Health (Mr. Angatia): Mr. Speaker Sir, I do not even think that I followed his point of order because I am talking about the suffering of people who are not yet properly in the cash economy. I am talking about people who are missing out a lot of benefits that would accrue from a liberalised economy. Right now as we speak, the social sector in some of our areas has suffered greatly. Many children are dropping out of school; many people cannot afford hospital bills and many people do not know how to make money in order to be able to survive the daily fight. I am talking about people who have not yet learnt how to make money everyday in order to live on it. We still have people like those. Hon. Michuki, of course, is lucky, that his area developed a long time ago. They are enjoying a lot of fruits which accrued from Independence, but there are some people who do not have that advantage and it is a fact that this liberalisation came too fast.

Mr. Speaker Sir, these people have been left behind. It is important that the Government goes slow on this issue and finds people who can assist farmers do modern farming. People who can also assist them to do small businesses. Parastatals were meant to assist them get loans and skills so that they [**The Minister for Health**] can learn how to make money. Now that we are removing these procedures, how are these people going to be enabled to learn these basic skills for living in a cash economy?

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. I have been trying to follow the Minister for Health in his "Economics Made Simple". He is stating here categorically that people in Western Province have not yet learnt how to transact business. I am from there and nowadays we do not even have cattle, we pay our dowry in money. Is he in order to mislead the House?

The Speaker: Now that the two of you come from the same place, what is the name of money in your language?

Proceed.

The Minister for Health (Mr. Angatia): Mr. Speaker Sir, I am not talking about the likes of hon. Dr. Lwali Oyondi. I am talking about the people I represent and I do not represent him at all. I would like to thank those who have been charged with the responsibility of managing this economy and for the effort they have made to bring us so far. It is true that we need to be cautious about this. We want to go on with liberalisation but at the same time we should not leave sections of the Kenyan community behind and put them in a disadvantaged

position. This liberalisation should not be left out to a few people from other communities. This kind of imbalance can create a big problem for this country.

It is important that while the Treasury liberalises and while the Central Bank overseas liberalisation, we should pay attention to these people. How can they be brought into the mainstream of the economy?

I want to take this opportunity to thank our economic partners who have assisted us in dealing with the turbulence created by economic liberalisation. I am talking about money that was promised. Some of it has come and some of it has not come to take care of the social dimension of the structural adjustments. I think we need to follow this one much more closely because while we are doing these adjustments, it is important that the harsh and the bad effects of structural adjustments are not allowed to hurt the weak communities, weak economies and families which have not yet moved into the cash economy, like the ones I have talked about.

I am talking here about those partners who have assisted us in education and health. We have got some very friendly countries which have supported our immunisation programmes, education programmes and the construction of laboratories in schools. These are the areas where wananchi who have not yet moved properly into the cash economy would have been very seriously disadvantaged. What has been given is not adequate, but at least it has had the effect of slowing down the harsh effects of a liberalised economy.

It is gratifying that we get this assistance in spite of some irresponsible utterances from some of the people in this country who themselves have made good money and they are enjoying their private lives, but they do not know about the very poor people who still needs assistance, not only from Central Bank and the Government, but also from donor communities who are willing to work with us in partnership, to enhance the well-being of our people.

It is very strange that once people make it financially, as you have always said, Mr. Speaker, Sir, they are satisfied. Money is so satisfying that once you have made it financially, you will not realise that there are others who have not made it and who need the assistance of the State in order that they may survive, educate their children and get medicine for their children if they fall ill.

I know that there is a lot of interest in people talking about the Minister for Finance going to Paris, World Bank and IMF. There is nothing strange about this. All countries are doing exactly the same. World Bank and IMF are bodies which all countries are members. Members of any body have a right to meet, discuss and solve problems jointly. I do not see what should be so exciting particularly on the local scene, with people flying and spending money to go to Paris. I do not know why they should antagonise the position of Kenya, and yet they themselves are Kenyans. What has been very gratifying is that even when they go, nobody listens to them. We still come back with what we had gone to seek, and I want to thank the IMF countries, and the countries that assist us for ignoring these people who thought that perhaps they could harness external assistance in order to destabilise the peace of people of this country.

I know that the economy is now in very safe hands and we need everybody's support. What surprises me sometimes is that when we are dealing with a matter like the economy and how we can bring up the very poor of this country, instead of forgetting our political differences and simply going to look for solutions to problems which are affecting the poor people, you find that there are some other people who enjoy seeing the poor people suffer so that they can be used against the Government. I congratulate the poor people of this country because they have not listened to that kind of talk and they still have listened to the Government, and they still have sought their own ways of making money and surviving. They have still upheld peace and I think it is about time my colleagues who have been trying to incite these people, gave up that game and joined the Government in making sure that we look after the interests of our people so that the economy of this country becomes depoliticised and we pool in the same direction.

We had a seminar recently with a few members of the Opposition, World Bank and other friends. We would like to encourage this kind of dialogue. We would like to encourage these kind of views. We are not dialoguing to go and ask for something from somewhere else. We are dialoguing in order that we ourselves may find the best way to manage our economy for the benefit of our people. So, when you find some people among ourselves talking on the contrary, it is because they would rather see the people suffer so that they can advance their political views. This is irregular. I hope that when we come to debate a Motion like this one, everybody will be happy that we have liberalised to this extent and everybody should be happy to suggest how we can remove the bad effects of structural adjustments of liberalisation, and how we can make wananchi benefit from the fruits of liberalisation.

The current political arrangement suits Kenya. Our present political arrangement suits Kenya in the sense that we agreed that we should have multi-party system and that the party that wins will form the Government, and the parties that do not win will be the watchdog to correct, suggest and guide, but not to destroy, abuse and oppose for the sake of opposing. If we go that way, even the very sins people are accusing the

Government of, of not managing certain affairs properly and the shouting of the Opposition and joining foreigners in order to demean what the Government is doing will end up nowhere. When an ambassador stands up and says that people who have money outside should bring it back, what has she got?

In her own country, people have money outside and she cannot dare tell people in America to bring money home. But in Kenya here, because leaders have encouraged her, she has the guts to stand up and say that Kenyans should go and bring their money from outside.

Mr. Speaker: By the way, Mr. Angatia, the Standing Orders deter you from debating the conduct of an ambassador of a friendly country. Can you proceed.

The Minister for Health (Mr. Angatia): Mr. Speaker, Sir, I do not know whether you know the ambassador I am talking about. So, I am not discussing any ambassador.

Mr. Speaker: I am talking about any ambassador. You cannot have an ambassador of a hostile country.

So, proceed!

The Minister for Health (Mr. Angatia): Mr. Speaker, Sir, thank you very much. Therefore, it is important that we depoliticise certain issues. When we are talking about sickness, nobody enjoys to see others being sick. Let us look for solutions jointly. When you are talking about economic hardships which our people are experiencing, nobody enjoys to see people suffer economically. Nobody enjoys to see children of poor people drop out of school. Let us look for solutions jointly. But for some people to make themselves holier than others and, therefore, make political capital out of shouting the ills that are going on in the society, with the hope that they can get support from wananchi or that they can bring down this Government, they should forget it. This Government is very solid and very well versed and doing very well, indeed.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Could you ask the hon. Member which clause talks about children bringing down the Government? Some of us who know how to debate Bills normally refer to clauses. Which clause refers to what he is talking about?

Mr. Speaker: Which clause were you referring to, Mr. Angatia?

(Laughter)

The Minister for Health (Mr. Angatia): Mr. Speaker, Sir, I am referring to liberalisation and removing controls from our Foreign Exchange Act.

An hon. Member: No, that is not what you were debating on?

An hon. Member: Are you sure it is the same?

The Minister for Health (Mr. Angatia): Yes, it is the same. There is no---

Mr. Speaker: Order! Order! Order, Mr. Shikuku! Hon. Members, I think we must give the hon. Member a chance to participate in this debate relevant to the Bill. As much as we enjoy all this, I will not allow this to take place across the Table. Proceed hon. Angatia.

The Minister for Health (Mr. Angatia): Thank you very much, Mr. Speaker, Sir. Liberalisation has required that certain Acts be repealed. Certain Acts like the Central Bank be amended in order that we may explain to our people how they will operate now in a liberalised economy. Liberalised economy affects a cross section of things. I am talking about health. Health is not irrelevant. It is part of the liberalisation. The structural adjustments which affect--I am talking about the economy of this country and the effects it has on our people.

An hon. Member: Those are very many remarks.

The Minister for Health (Mr. Angatia): Mr. Speaker, Sir, mine are very many remarks. They are not going to be few at all. So, the object of the Bill today is to explain to the country and to show the various controls which we intend to retain so that everything does not become chaotic.

Mr. Speaker, Sir, with those very many remarks, I beg to support.

(Question proposed)

Prof. Anyang' Nyong'o: Mr. Speaker, Sir, I beg to stand and support the Bill. But before doing so, I sympathise with the hon. Minister Angatia for making the general remarks he was making, especially if you look at the Memorandum of Objects and Reasons. I think he was within his right to make those general comments because this is what the memorandum is all about. I stand in your defence hon. Minister, but in doing so, as much as you called upon the Opposition to defend themselves with facts, the Government is also called upon by

the Opposition to govern properly, accountably and transparently. When the Government does not govern accountably, properly and transparently, it is the duty of the Opposition to point out the mistakes. And so, it is very bad for that side of the House to say that when the Opposition is identifying the mistakes of the Government, which is their constitutional obligation, they are making wild allegations. I think that is utter balderdash.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. It is just not in order to interrupt the Professor. Well, well, I was just trying to point out that he should address the Chair, not you.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I will address the Chair. When you are looking at the Memorandum of Objects and Reasons, you will find out that really what we are doing is establishing the Central Bank as a regulatory mechanism. The first paragraph reads among other things that:

"The object of this Bill is to amend the Central Bank of Kenya Act, Cap.491 of the Laws of Kenya in order to enable the Central Bank retain residual regulatory powers."

The second paragraph says:

"The Bill empowers the Central Bank of Kenya to license dealers in foreign exchange."

The third paragraph goes on to say:-

"The Bill enables the Bank to monitor international payments and obtain information."

Now, all these are facts that point to the Central Bank as being a regulatory mechanism in our economy.

But the last paragraph is disturbing. It says:

"The enactment of the Bill will not in any way compromise the convertibility the Kenya Shilling has achieved. Save as provided in the Bill, neither the Minister nor the Bank will have general power to re-impose foreign exchange restrictions formerly contained in the Repealed Exchange Control Act, except restrictions relating to Kenya's obligations under any treaty."

I say this paragraph is dangerous because it relies entirely on the responsibility of this Government to ensure that the Central Bank autonomously acts as a regulatory mechanism. If the Central Bank does not obtain that amount of autonomy to act independent of the Executive, then there is a likelihood of this last paragraph being exploited by the Executive for reasons that Kenyans are very aware about. That is, for surreptitiously re-imposing foreign exchange controls when it so fits the Government and hence make it very difficult for business persons and those who should have confidence in investing in this economy to know the extent to which the Act we are now repealing will

be sustainable and predictable. I am saying so because there are a lot of things that are touched on in this Act. Things like trying to avoid money laundering, trying to avoid tax evasion, trying to ensure that our foreign exchange reserves are healthy and so on. These are all regulatory mechanisms that we expect the Central Bank to ensure. But they can only do so, if indeed, in this Act and in practice the Central Bank will retain its capacity to be an autonomous regulatory mechanism in our monetary and fiscal system.

Mr. Speaker, Sir, let me touch on some of these issues which will affect our money market or our fiscal regime. One of them as the Minister mentioned when he was moving the Bill is the issue of money laundering. Let us ask ourselves the question; who really can launder money in an economy like ours? Big drug dealers. But they can only launder money they can go past the security system; the police in our country, the CID and Interpol. Now, do we have instruments for detecting and dealing with drug dealers?

[Mr. Speaker left the Chair]

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

Experience has shown, Mr. Temporary Deputy Speaker, Sir, that cases do go to the High Court of Kenya of people who are under conviction of drug dealing and they are let to go scot-free. In other words, in spite of the Central Bank being a regulatory mechanism for regulating our monetary and fiscal regimes, it is going to be undermined by other regulatory mechanisms that should support it in its work, and that is the security system. Those who make the security system undermine the Central Bank, and I am afraid, are those who hold political power, and those who indeed know the characters who launder money and who when they go to the High Court are let scot-free. Let us be very frank about this. If, indeed, the security system will undermine the regulatory work of the Central Bank of Kenya, I am afraid we shall be passing Bills in this House as laws in this country, but which will be undermined by the power structure and entrenched interests in our policy and economy.

The second factor I want to talk about is the issue of tax evasion. Again, I would like to ask the question; who can really evade taxes in this nation? I am not talking about a little exchange of Kshs20 or so on, but big money which makes a difference to the economy. Again, it is those with power who when they evade

taxes can get away with it. Through what mechanism do these people evade tax? There are various ways of evading tax, not just by understating the profit you have made and hence taxable profits; but surely by misusing the very instruments that are meant to ensure that tax is not evaded. Now, we know that we have a Revenue Authority which was meant to bring together all revenue earning mechanisms in this nation. Tax evasion will only be dealt with if, indeed, that Revenue Authority works in tandem with the Central Bank, and the security system in this country to ensure that taxes are not evaded.

Mr. Temporary Deputy Speaker, Sir, there are also various ways by which the power system can be used to transfer hard currency from our economy to external economies. Although we are giving the Central Bank the power to be a regulatory mechanism, unless it also has the power to ensure that those other mechanisms which this Government has used to transfer hard currency out of this country are disciplined, we shall again be passing a Bill into law which will not have power in reality. For, example loan agreement.

When you sign a loan agreement either with Commercial Bank or with foreign governments, what autonomous power does the Central Bank have to prevent, to superintend and to ensure that there is no element of kickback or illegal transfer of foreign currency from this country to the other? I would not like to jump the debate but we, in the PIC, have numerous examples of this kind of thing and it has come to this House before and is bound to come again.

Secondly, we have purchases and procurement. Various Government Ministries have powers to procure. We have a case where an Asian went roaming the world like a rogue elephant with what was equivalent to an open cheque. It was in our newspapers and was also debated in this House. He went telling people, "Look, I am here on behalf of the Kenyan Government ready to buy anything on their behalf and I have this open cheque like and LPO. Put what you want to sell and I will supply the money". I do not want to mention the name of that gentleman in this hon. House, but I am sure people know who he is. Unless some of these loopholes are plugged, setting up the Central Bank as a regulatory mechanism in a liberalised economy, is really going to undermine the Central Bank itself. Thirdly, I want to talk about Foreign Exchange reserves. It seems to me as if the Government thinks that so long as you can from time to time show that you have a mountain of Foreign Exchange reserves stashed somewhere, your economy is doing well. This is what is called the "old woman's tale." This is a story of an old woman who thought that by putting her money into a pot until it was rich, she was very rich. She did not realise that the other woman who got money, but used it to buy a cow and the cow produced milk and she was selling milk by the day, was actually richer than her. What I am trying to say is that surely, our ability to earn Foreign Exchange and to use it will only be as good as our productive capacities to absorb and use that Foreign Exchange. The activities of our Central Bank as a regulatory mechanism will be supported only, and only if we have a productive economy. We have countries which can boast of a lot of Foreign Exchange, for example, Gabon, Botswana, Zaire, Libya and all these countries which have oil reserves and can sell oil for earning hard currency. But if you go there and ask how they have used this hard currency to develop their economy, you will find that Singapore or Mauritius both of which do not have oil, have done much better in terms of developing an internal productive capacity in their economy and hence will be prouder to have higher Foreign Exchange reserve than those others. So, the ability just to stack foreign exchange reserves somewhere is no indicator of how well an economy is doing. We should think much more seriously on how to develop our domestic savings and invest them domestically, then our Central Bank would have an economy to regulate. I think some of the reasons the Government is giving as indicators of how well they think their economy is going to do are kind of ill-placed.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on another issue which relates to the money that is coming in; in terms of hard currency for our economy. One of the ways by which money comes in is through aid. Let us be quite serious; aid is not free money. Aid is, when all is said and done, concessional loan. The Government has blamed the Opposition for frightening foreign governments not to give aid to Kenya. This is not true and we want to say it for the last time. What we have said is that aid should be given so that it is used for the purposes for which it is intended. If it is not used for purposes for which it is intended, we do not want it. That is our stand in the Opposition. But people out there in the world are worried about the Kenyan Government and Kenyan economy. They do not know who is in charge; they do not know whether this Government is predictable; they do not know who they can talk to and they do not know whether agreements that have been signed can be honoured. The Government did sign a document with the World Bank and IMF in 1993 which was to be in operation for three years upto 1996; the Policy Framework Paper over which they committed themselves to certain things. We in the Opposition did not ask them to commit themselves to those things but once they committed themselves as gentlemen and ladies, they should honour those commitments. When they proceed not to honour those commitments, they are getting into trouble with the World Bank and IMF. It is really not the problem of the Opposition, it is the problem of the Government.

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

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

Mr. Temporary Deputy Speaker, Sir, as I speak today, the money that Great Britain was going to give us in terms of aid has been re-allocated to Malawi. I am sure the Assistant Minister knows that. Is that really the mistake of the Opposition that the money that was promised in terms of aid has been re-allocated to Malawi. Malawi is already to absorb it and use it for the purposes for which it is intended. Surely, it is the Government that is making it easier for foreign exchange and hard currency not to come to this country in terms of aid because they are not living up to their promises. We in the Opposition can only point out this to them so that they can learn to tell the truth, to be transparent and accountable in the interest of this nation. We do not want to come to this House and merely pass Bills into Acts without pointing out what the imports and their importance is to the economy and the future of this nation. The Government has said too that liberalisation will encourage people to bring money back into the country. There are several reasons why people can decide to keep money out of the country. Any business person who exports commodities from here to Europe, be it meat, flowers, coffee or tea, and has no confidence in the Government, it is just rational that he will take an insurance scheme by investing some of his money abroad so that when he wants to buy some raw materials from there, he will find the currency available for him in the banks. The only way the Government can make you bring your money here, is to increase your confidence in putting your money here. There is no short-cut, whatsoever. Businessmen operate on the basis of confidence. They want laws which are predictable; they want regulations which are not short-circuited by people in power. They do not want to be intimidated when they are making their money. If somebody has a shop in Parklands or westlands and every two weeks an Assistant Minister comes to him as says "You must cough Ksh30,000 for a harambee", within two years he will re-allocate it to Malawi where he is not intimidated. Unless this Government seriously believes in setting up mechanisms like the Central Bank to be regulatory and let them do that autonomously and not do other things which undermine the institutions of Government, by such things as intimidating business persons, we are not going to have confidence in our economy.

The second reason why people put their money outside is for speculation purposes. Some people in the Government are the best speculators on currency. In 1993 when the Kenya Shilling was dancing "*kwasa kwasa*", we know that they speculated a lot by moving money in and out of the country and that is what led to billions and billions of shilling now being deposited in foreign banks.

Mr. Temporary Deputy Speaker, Sir, unless the regime of speculation and its practices are stopped first and foremost by the Government again we shall be doing formal thing by passing this Bill as stated in the Memorandum of Objects and Reasons and not otherwise.

Finally, Mr. Temporary Deputy Speaker, Sir, I want to talk about our fear. Kenyans fear that unless the liberalised economy is managed competently, there will be panic in the money market. Kenyans fear that unless other regulatory mechanisms which restrict the movement of capital are also not put in place or removed there will be panic in the market. Kenyans and investors fear that unless there is a Government in which we all have got confidence or which respects the Constitution and which respects individual and human rights, these laws will not be important.

In so far as hon. Angatia was alluding to general issues, we would also like to allude to the context in which such laws become meaningful. They can only become meaningful in the context of good governance, respect of human rights and putting into place the Government in which the people themselves have confidence. The people of Kenya should have that confidence and not just those we always talk about from outside. Unless, we ourselves have confidence in this Government nobody else is going to have confidence in it.

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

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I would like to start my contribution by acknowledging the role that the current Governor of the Central Bank has played in the management of the affairs of the bank and, indeed, in the management of the economy of this nation. The late Wilson Churchill once talked about the role that the Royal Air Force played in the Second World War. He said that there has never been before in the world human combat that was so much owed by so many to so few. That is a quotation that aptly applies to the role that the current Governor of Central Bank has played because next to the Controller and Auditor-General, these are two Kenyans for whom we can correctly say that never before was so much owed to so few by so many. Many Kenyans owe too much to these two kenyans. The question that arises as far as the Governor is concerned

is: How much longer is he going to be given a free hand to continue managing the bank in competent manner as he has done? How much longer is he going to be permitted to do that by the political power barons in this country?

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

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

Mr. Temporary Deputy Speaker, Sir, if the Central Bank is going to be more effective in the management of monetary policies of this country, what we need to do as this august House is give real autonomy to the Central Bank. Real autonomy to the Central Bank is not going to come unless this Parliament devices ways and means of achieving it. It is not enough to pass a Bill unless it has its objective; investing or vesting real autonomy in the institution of Central Bank. Of course, in the economy of any nation, in monetary affairs or policies of any nation, the Central Bank is absolutely critical, fundamental and essential. When some of us argue on the need to give autonomy to the Central Bank, we are really not focusing on the present Government. We are looking beyond the present Government. So, what I am saying is that in order for the Central Bank to enjoy real autonomy, we must have a Central Bank of Kenya Act. This Bill has not gone far enough; it must go further than it has in order to secure that independence for the Central Bank.

The Bill must decentralise the system of appointment of the Board of Directors of Central Bank of Kenya. That is critical because as long as there is one individual on whom the power lies to appoint not just the Governor of Central Bank, but the Board of Central bank, the board will never have the autonomy that we are seeking for the Central Bank. As I said, we are not talking about the present Government. We are talking about the Governments that will come in future. If any of us on this side takes over as the President of this country tomorrow with the same powers, same Constitutional arrangement and same political arrangement, what guarantee is there that he is not going to be ten times worse in being dictatorial than even the current President? So, we are not talking about the present regime.

I am proposing that the Central Bank of Kenya Act be amended first and foremost to give the Governor of Central Bank constitutional security of tenure. Let him have the authority, let him not be amenable to political pressures.

The Temporary Deputy Speaker (Mr. Wetangula): Will that be in the Act or Constitution?

Mr. Muite: I am suggesting that in order for there to be the autonomy that we need, the Governor of Central Bank must have constitutional security of tenure. If we need to amend the Constitution, let us amend it. At the moment, I am urging the necessity for the autonomy of the Central of Bank. The Governor must not be amenable to pressures from the President of the day or the Government of the day. He must be able to act independently. That is the way in which we are going to secure the independence of the Central Bank. That is the way that the Governor would then be able and have authority to tell the Government of the day, "I am not going to do x, y and z because it is politically expedient." That might give the Government of the day temporary popularity or it might save the Government of the day from making certain hard decisions that would be politically unpalatable. So, if we have to amend the Constitution, let us amend it.

Secondly, in order for the Central Bank to be autonomous, the appointment of the Board of Directors of Central Bank, must be decentralised. Let them be appointed by the President of the day by all means, but let this House or a Committee of this House vet those people. Let this House approve the appointments of those directors, so that their tenure, suitability and merit can be ascertained because they should be appointed not on the basis of political allegiance, but on the basis of their ability and integrity in order to be able to go and support the Governor. If this is done, the Governor will then be able to run the Central Bank as an independent institution.

I hope that these two proposals which are made in good faith by the hon. Member of Kikuyu, as a Kenyan, non-partisan---

Hon. Member: Address the Chair?

Mr. Muite: I am addressing, Mr. Temporary Deputy Speaker, Sir, but in addressing you I need to look at the Assistant Minister to see whether he is listening.

The Assistant Minister for Finance (Mr. Koech): On a point of order Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Kikuyu in order to address me instead of addressing the Chair.

An hon. Member: Yes, indeed!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am addressing the Chair but I am not aware that

there is any standing rule that says that I must look at the Temporary Deputy Speaker, just because I am addressing him.

(Laughter)

However, I am entitled to--

The Temporary Deputy Speaker (Mr. Wetangula): Did you make any allegation against him.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I made no allegation. In addressing the Temporary Deputy Speaker, I want to look at the face and eyes of the Assistant Minister to see whether he is appreciating the very important points that I am making.

Mr. Temporary Deputy Speaker, Sir, I have acknowledged the stirring role the current Governor of the Central Bank is playing. I want to say that there is room for improvement. When I look at this Bill, the proposed amendment, for example, for Clause 2 states as follows:-

"The Central Bank of Kenya Act is amended in Clause 2 by inserting the following new definition in proper alphabetical sequence".

In other words, we are amending the existing Clause 2 on page 733.

If one turns over to the page ---

QUORUM

Mr. Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there quorum in the House?

The Temporary Deputy Speaker (Mr. Wetangula): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker Mr. Wetangula): We have a quorum now. You may proceed, Mr. Muite.

Mr. Muite: Before I was interrupted, Mr. Temporary Deputy Speaker, Sir, I was referring to Clause 2 at the bottom of page 734. The word "payment" is defined as follows:-

"Payment" means the transfer of currency for the purpose of discharging a liability, making a gift or a donation or for creating a balance at a bank or a financial institution which can be drawn upon."

Then it goes on to give a definition for payment for current transaction in parts "a" "b" "c" and "d."

Mr. Temporary Deputy Speaker, Sir, on correct reading and interpretation of the proposed amendment here, it is quite clear to me that it seeks to legalise, in permanent form, a very dangerous directive that is currently in force by the Central Bank of Kenya to the commercial banks. As soon as liberalisation of the Exchange Control was put in place after a couple of weeks of everybody trading freely with the dollar with the Kenya Shilling in the market, the Central Bank of Kenya then issued a directive to all the commercial banks in the country that they are not permitted, at Central Bank, to carry out inter-bank trade; buying and selling of the dollar against the Kenya Shilling.

Mr. Temporary Deputy Speaker, Sir, that is a very fundamental matter because if we are going to get the true value of the Kenya Shilling we must, as is done in all the other countries, permit the commercial banks which are major players in the market to buy and sell on their own account. This is a practice that is respected all over the world, where there is liberalisation of Exchange Control. But that is not so here because a bank cannot buy as a dealer. The Central Bank of Kenya takes that to be speculation and yet you might have a situation where bank "A" might be sitting on a lot of foreign currency without enough customers to make use of it and there might be "B" which is sitting on a lot of Kenya Shilling. Bank "A" may very well sell its foreign currency to bank "B" and that is what is prohibited. The inter-bank market in foreign currency is currently prohibited by a directive from the Central Bank of Kenya. A bank is only permitted to buy foreign currency from another bank if the currency can be related to a particular transaction. The banks, as active participants, should be free to buy and speculate because speculation is one of the considerations in any market. It is entirely within a bank's right if it thinks that the dollar is going to lose value to buy dollars and then sell them in order to make a profit. It is not for the Central Bank of Kenya to specify when and in what situation one is allowed to buy foreign exchange. In other words, if you are going to liberalise, we must do so. We must leave the banks to and buy and sell foreign

exchange as any other player in the market. We must not try to exclude them from buying and selling, including speculation, within the market forces because it is only through that route that we shall be able to truly say, what the value of the Kenya Shilling is. There is no other way. You have got to move the Kenya Shilling into the market place and allow the Kenya Shilling to find its own level.

At the moment, Mr. Temporary Deputy Speaker, Sir, speak to any banker, and he will tell you that because of this prohibition by the Central Bank of Kenya to commercial banks, the Kenya Shilling is being held at an artificial level. What we are seeing today, as KShs.55 to the dollar is not the true value of the Kenya Shilling. There is that indirect manipulation by the Central Bank of Kenya. If banks were to be permitted to deal freely as active dealers in the market tomorrow, there are many Kenyans who believe that the value of the Kenya Shilling would change. Despite the fact that tourism has gone down, we as a nation are still having problems with the donor community, the Paris Club Meeting has been postponed - never mind whether it is us who have postponed it or otherwise, there is nothing to hold the Kenya Shilling at the level of KShs.55 at which it is being held at the moment.

The Temporary Deputy Speaker (Mr. Wetangula): Which section do you want them to amend, Mr. Muite?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I want them to amend, the provision of Clause 2 that I referred to---

The Temporary Deputy Speaker (Mr. Wetangula): You should be more helpful to them.

Mr. Muite: I want them to amend the definition of "payment for current transactions" in section "a," "b" "c" and "d" so that the banks can be permitted to buy and sell foreign currencies on their own account without having to relate it to any particular transaction. If that was done today, the value of the Kenya shilling would go up to between KShs.65 and KShs.70 to the Dollar which is the true value. It does not help the economy to hold the Kenya Shilling at any artificial level. We must liberalise. The Central Bank must accept that if we are going to remove Exchange Control, its role must be purely regulatory. At the moment, the Central Bank wants to pretend that its role is only regulatory and yet, it is retaining control on very fundamental issues. That is not regulation, that is control. They have got to remove the controls; they have got to liberalise to allow the Kenya Shilling to be supported by the net surplus of our income in terms of exports, goods and services against our net imports. We must, for the long term interest of the economy of this nation, really support our Kenya shilling on the basis of the wealth of this nation that we are going to create.

Mr. Temporary Deputy Speaker, Sir, in Clause 3 on Page 735, we have amended the objects of the bank. Although, in fact, when one turns to Page 745, Section 4, which is so to be amended, the two are basically identical. At least, Part I is identical, the only manner in which we are amending the existing Clause 4 is by adding "c", to read, on the Licensing and Regulation of Foreign Exchange Business. Otherwise, "b" is identical in the present proposed clause to the existing Clause 4 in the present Act. But, the point is that the object of the bank here, and I am referring to "b" Page 735 is to assist in the development and maintenance of a sound monetary, credit and banking system in Kenya conducive to the orderly and balanced economic development of the country. So, we have it here, that one of the major objects for which the Central Bank is now being created and being given these powers, is to assist in the development of sound economic development of this country.

Mr. Temporary Deputy Speaker, Sir, I wish to make the following point: Again, I am making this point, not as a partisan Member of Parliament, but as a Kenyan. We are not going to develop the economy of this nation, no matter what we do, unless we recognise the nexus of the linkage between political and constitutional reform and economic reforms. Here, the hon. Member, who was seconding this Motion said that the Kenya Government should be given credit for the economic reforms that the Government has undertaken. I think it would be less than dishonest for any of us not to recognise that indeed, the present Government has made tremendous progress in the area of economic reforms. They have undertaken major reforms that some of us are even sceptical as to whether they would carry them out. For example, it surprised some of us when they liberalised the grain industry, including the National Cereals and Produce Board and the movement of maize, wheat *etcetera*. There is no question about it as very major reforms have been undertaken. It is not enough to liberalise the grain industry, they must now move further and liberalise seed production because it is not going to help the maize industry in this country by liberalising the maize industry while the Government continues to control seed production. We are producing very poor quality seeds. There are a lot of short-comings in the seed production in this country. So, if we are going to get the benefit of liberalisation, that is an area that this Government would wish to look into.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. arap Saina): On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to the hon. Member on the Floor, can

he qualify the statement to the effect that we produce low quality seeds?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Saina I cannot hear you.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. arap Saina): Mr. Temporary Deputy Speaker, Sir, can the hon. Member qualify the statement that we produce low quality seeds?

An hon. Member: Yes, let him substantiate!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, everybody knows about the poor quality seeds and, particularly the farmers from the area represented by the hon. Saina. They are up in arms against the poor seeds being given to them by the Kenya Seed Company. That is why our production has gone down. We need quality seeds and that cannot come about as long as the Government controls the Kenya Seed Company. If we want to step up the production of maize in this country, we must produce good quality seeds, but the Kenya Seed Company is not able to do that.

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

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

Mr. Temporary Deputy Speaker, Sir, what I was saying is that in the area of economic reforms, one concedes the tremendous progress that the Government has made. The point I am making is that all that is going to be an exercise in futility. Economic reforms on their own will not resuscitate confidence in this country. Without confidence, the economy of this country is not going to recover. So, economic reforms on their own are, to some extent, really not going to benefit the majority of the Kenyan people. It is only a small number of people who are able to take advantage of those economic reforms and to make money. But 90 per cent of the Kenyans will only get the benefit of these economic reforms when this economy is resuscitated so that we can begin to create jobs. For example, when you look at the economies that are well managed, you get a situation where 3 per cent of the population is engaged in agriculture and 3 per cent is able to grow enough food to feed the people of that country, and indeed, to export.

If you look at the United States of America, you will see that less than 3 per cent of the population is engaged in agriculture. When you go to Germany or even to small countries like Denmark, you will see that the percentage is even less and yet they are able to feed their nationals and to have surplus for export. Yet, we have a situation in this country, where over 80 per cent of us as Kenyans are directly involved in agriculture and yet, that 85 per cent, to the great shame of all of us as Kenyans, is unable to feed all Kenyans.

It is a matter of very great concern and shame that Kenya, which prides itself as an agricultural country--- We say that our economy is based on agriculture and so ours is an agricultural economy. Eighty five per cent of our people consist of farmers. It is a matter of very great concern that we, as Kenyans, are net importers, on the average if you go back over the last five years, of maize. We are not self-sufficient in the staple diet, which is maize. We have to import maize from those countries where only three per cent of its population is engaged in agriculture. We are net importers of wheat.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. arap Saina): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member aware that at the moment we are exporting maize to other countries? We are not importing any maize! Is he aware of that?

Mr. Muite: Well, Mr. Temporary Deputy Speaker, Sir, I suppose that hon. Saina has difficulty in following the argument that I am putting forward. I am not talking about what is being done by Kenya today. I am saying that, if you take an average of the last five years, you will find that Kenya is a net importer of maize because we are not self-sufficient in maize. We have had occasions in the past where we exported maize in June and by September we were actually importing maize. We are not exporting maize today because we are self-sufficient in it. We are exporting it for other reasons all together. The fact remains that Kenya is not self-sufficient in maize, which is the staple diet. It is not self-sufficient in wheat, rice and, to our great shame, even sugar. We are importing sugar. In what commodity in this agricultural economy are we self-sufficient? None! These are the areas that we need to look into.

That is why I am saying that until we recognise the nexus between political and constitutional reforms and that it is only the correct constitutional and political reforms that will usher in the transparency that is necessary in order to bring confidence not just on the part of the Kenyans but also in

multi-national corporations (MNCs) and those from outside this country. Until we do that we are not, for example, going to be able to contain corruption. Corruption can only be contained through good political and constitutional reforms. That is what is going to ensure that jobs are given purely on merit, competence and integrity and not on the basis of political patronage.

So, these two things, namely constitutional and political reforms, have to go hand in hand if we, as Kenyans, are going to agree to return to the country the money we are hoarding out of this country and start investing it in the country. We must feel confident that the money you bring back to the country is going to be safe and the investments you are going to have today are going to be safe not just in this year but also next year and the year after and that, that money is going to be available if and any time you want it in order to take it out or to educate your children. In the long run the economy of this nation has to depend on the savings and investments by the nationals. As far as the MNCs are concerned they will invest in this country in order to create jobs, but the long term interests of the economy of this nation cannot depend on those MNCs. This is because it is in their interests to keep on repatriating the profits they are going to make.

Mr. Temporary Deputy Speaker, Sir, the point I am making here is that the savings and investment by nationals are really what are going to get the economy of this country working again. That confidence in the economy is not going to come about unless we have confidence that whichever Government is in power our investments are absolutely safe and they will continue to be so safe. So, let us recognise that and immediately stop shying away from immediately implementing the necessary constitutional and political reforms. That is what the proposed amendment to Section 4 of the Central Bank of Kenya Act is all about. Part of the amendment says that the Central Bank of Kenya is to assist in the conducive economic development of this country.

We ought to recognise that this will not be realised unless this Government agrees to the demands of the Kenyan people to have a constitutional convention in order to decentralise power and come up with a political and constitutional order that is going to contain corruption. The biggest problem in this country today is lack of democratisation of political power. Political power has to be democratised. It can only be democratised if it is spread out among several institutions. When we urge these constitutional and political reforms we are not aiming them at the President of the day. We are not saying this because of the regime in power. In fact, it is this Government that should be more concerned with these constitutional and political reforms today much more than this Opposition side of the House.

As I said, we are likely to find that any of us on this side of the House taking over the presidency today with the present political powers of that office will be 10 times worse in terms of being a dictator than even the current President. This is the situation that is not going to help this country. So, let us decentralise these powers. Let us come up with a constitutional and political arrangement that ensures that none of us can have the sort of powers that are being enjoyed under the present constitutional and political order.

When we talk about these reforms we are saying that this Government will immediately gain mileage in terms of political goodwill if it repealed the licensing provisions in the Public Order Act. We want those provisions repealed so that Kenyans can freely mix and hold meetings. It should be enough for any Kenyan who wants to have a public meeting to notify the nearest police station of his or her intention to hold a public meeting within 48 hours. There should be no necessity for any licence.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. I greatly enjoy the eloquence of the hon. Member for Kikuyu, but what he is stating is irrelevant to the Bill. Could you bring him back to track?

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Muite, although what you are saying may be very good to listen to, I think you are a little bit off the mark. Can you please confine yourself to the Bill?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, with respect, I thought I did say that the basis for the contribution I am making is actually Clause 4(b) which specifically says that the objects of the Bank---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. He is contributing on Clause 3(iv)(b).

Mr. Temporary Deputy Speaker (Mr. Ndotto): Mr. Shikuku, that is not a point of order but of information!

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I was not informing him; I was just trying to---

The Temporary Deputy Speaker (Mr. Ndotto): You were correcting him!

Mr. Muite: You are right, Mr. Temporary Deputy Speaker, Sir. It is a point of information for which I thank the hon. Member for Butere. However, the point I am making here is that this is a very fundamental and crucial issue. Today, we are debating in this House the Central Bank of Kenya (Amendment) Bill, and this

Government which has brought this Bill here has told us in Clause 3 (iv) (b), that the object for which the Central Bank is being established is to assist in the development and maintenance of a sound monetary credit and banking system in Kenya, conducive to the orderly and balanced economic development of the country. I am making a contribution to demonstrate how that can be realised.

Mr. Temporary Deputy Speaker, Sir, my contribution is that as long as we, as a nation, are wearing blinkers and concentrating purely on economic reforms, this orderly development of the economy will not be realised. With due respect to the hon. Member for the now Trans-Mara, I am contributing to a matter that is not just relevant but, in fact, goes to the very core of what we are trying to achieve. I am merely giving a few instances of how this can be achieved. Seminars are not public meetings and, therefore, they do not need to be licensed. We want the sedition laws repealed. That is how you regain confidence in the economy of this country. I am saying that there is a direct and close tie between the political reforms and economic reforms in order for the object for which the Central Bank of Kenya (CBK) is established to be realised. We must give every young man and woman who has attained the age of 18 their ID cards and enable them to register as voters.

The Temporary Deputy Speaker (Mr. Ndoto): Order! Hon. Muite, I think you are not discussing the Bill now. You must stick to the Bill and, I now insist that you have to stick to the Bill. This particular clause does not give you licence to say anything you want to say about political reforms. Stick to the Bill that we are debating.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, let me not elaborate on the political reforms that are necessary. The point I am making is that unless there is confidence in a country, there cannot be orderly development of the economy, and this is what this Bill seeks to achieve. That confidence cannot come about purely on the basis of economic reforms. It can only come about if those economic reforms go hand in hand with political reforms. However, from the interjections coming from the other side, I realise that my hon. colleagues on the other side are only too aware, albeit, a bit too sensitive. They appear to be wholly aware of the political reforms that are needed in this country. So, take it that I do not need to go into them. I will do that when the occasion arises.

Mr. Temporary Deputy Speaker, Sir, the other matter that is very devastating to confidence is security. Unless the nationals and even non-nationals are able to feel that their security as individuals is guaranteed by the Government of the day, the economic reforms, on their own, are not going to create a conducive environment for investments. This is not just restricted to the Mayor of Nairobi. We have the case of S.A Maina which remained un-resolved. Today, the position is that, in the urban centres and in the country-side, no Kenyan is able to sleep soundly throughout the night for fear of being attacked by robbers in the middle of the night. This is a factor that is absolutely devastating to the economy. In Kikuyu, for example, every village is broken into. Robbers have now gone to the extent of removing the tiles or the roof because the windows and the doors will be barricaded by burglar proofing. They now climb onto the roof, remove the roof and descend on people at 2.00 a.m. in the middle of the night. Even if one was thinking of investing in this country, how is one going to invest? Security has deteriorated to the point where, in all the urban centres and even the rural country-side, it is such a major issue that, unless this Government addresses this issue of security, what we are debating and passing here will be meaningless and we will not realise the economic development that we intend to achieve. However, when we talk about these matters, the DC in Kiambu and the DO in Kikuyu Constituency who comes from Kajjado jump up to say that I am scaring away investors by saying that the security situation in Kikuyu needs immediate addressing. This issue should be seriously addressed, not just in Kikuyu or Nairobi but all over the country.

With those few remarks, I beg to support.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Mswada huu ni wa maana. Ukisoma ukurasa wa 714; shabaha na nia ya Mswada huu ni nzuri, kwa hivyo, tunaiunga mkono. Nia ya kwanza ni kwamba Benki Kuu ya Kenya inatakiwa iwe na uwezo wa kuona kwamba fedha za nchi hii zinatumiwa vyema. Itakuwa haina maana ikiwa sisi tulio katika Upinzani tutapinga shabaha kama hiyo. Itakuwa makosa makubwa na itaonyesha wazi kwamba sisi si waheshimiwa. Kazi yetu sisi tulio katika Upinzani si kuchukua Serikali, bali ni kutoa makosa Serikali hii tukufu, ambayo pengine ni takatifu. Kazi yetu ni kutoa makosa ili Serikali iweze kuendesha shughuli za nchi hii kwa niaba ya wale waliotuchagua kuja katika Bunge hili.

Bw. Naibu Spika wa Muda, ni wazi kwamba hapo mbeleni, mambo yasiyofaa yalitendeka, na hii imetokea katika Ripoti ya Public Accounts Committee iliyopita. Sisi tuliokuwa wanachama wa hii Kamati, na wengine kati yetu ambao tulikuwa tukifikiri kwamba Benki Kuu ya Kenya na Wizara ya Fedha ndiyo ngao yetu, tulishtuka kuona kwamba unyonyaji na wizi wa fedha zetu ulitokana na udhoofu katika Wizara ya Fedha yenyewe na katika Benki Kuu ya Kenya. Ijapokuwa tunaunga mkono hizi hatua za kulinda fedha zetu, tungali na tashwishi. Je, haya madaraka tunayotoa na huu mwongozo tunaotoa wa kulinda fedha zetu utatimizwa na Wizara

ya Fedha na Benki kuu ya Kenya? Huu ndiyo wasiwasi tulionao.

Nia ni nzuri lakini Wizara ya Fedha na Benki Kuu ya Kenya zititimiza mambo haya?

Bw. Naibu Spika wa Muda, ukweli unauma lakini lazima usemwe. Ni ukweli kwamba kuna udhoofu katika Wizara ya Fedha. Kuna udhoofu katika Benki Kuu ya Kenya na tuna ushahidi. Ikiwa Wizara ya Fedha na Benki Kuu ya Kenya zinaweza kufanya mapatano na mtu aliyenyonya pesa za umma je, kuna mambo mengine? Tulishtuka katika Public Accounts Committee tulipoambiwa kwamba mambo ni mazuri halafu kisha baadaye, tukapata kwamba mambo hayakuwa hivyo. Fedha za umma "zililiwa". Sasa, haya maongozi yataongozwa na nani?

Pia, Mswada huu umesema habari ya kutoa leseni. Ufisadi ni kitu cha kawaida katika Kenya ya sasa. Ninaona mhe. mwenzangu akiniambia kuwa ni sawasawa. Jana Waziri mmoja alisema kwamba ukipatiwa ploti hata bila kuuliza hiyo pia ni sawa, usipoitaka basi uirudishe. Je, utapewa ploti bila kuuliza? Huu ni mtindo uliopo sasa. Watu wamekubali ufisadi uendele. Hata kama tukikaa hapa na kuzungumzia Mswada kama huu ambao ni wa maani je, tutakapoupitisha, wale wanauhusika watautumiza? Serikali hii imekuwa ya kula fedha za wananchi na kutoa Harambee kidogo na hiyo ndiyo makosa tunataka kurekebisha katika Wizara hii.

Mswada huu unaongea juu ya dealers utapata kwamba ni watu fulani tu ambao watapewa hii dealing na watapewa na marafiki zao walio katika Wizara ya Fedha. Je, hawa watu wengine wakipeleka pesa hizi nje ya nchi hii, faida yetu itakuwa nini? Wakati umefika wa ile Kamati ya Fedha ya Bunge hili ifanye kazi kwa sababu imewajibika kufanya hivyo katika sheria za Bunge hili. Kamati ya Fedha ya Bunge hili lazima ifanye kazi. Kwa vile haifanyi kazi uwezo wote umewachiwa Wizara ya Fedha na Benki Kuu ya Kenya. Kamati ya Bunge hili lazima ifanye kazi. Tangu nchi yetu iwe na vyama vingi, Kamati ya Fedha haijawahi kufanya kazi. Serikali itaendelezwa namna gani kama hakuna Kamati ya Fedha? Hata kama litakuwa jambo la dharura ni lazima Kamati hii ifanye kazi. Hata kama jambo la overexpenditure litatokea, lazima Kamati ya Fedha iundwe na mambo yote yaendeshwe na Kamati hii. Wao ndiyo wanastahili kupitisha ni watu gani wanastahili kupatiwa leseni ya kufanya biashara. Tungetaka karani wa Bunge hili aambiwe kwamba ikiwezekana atafute pahali pengine ili Kamati hii ifanye kazi. Hatuwezi kuendelea kungonja kazi inayofanyika County Hall imalizike ili tupate maofisi. Karani wa Bunge hili aambiwe na apewe uhuru wa kukodisha nyumba yoyote ile ili Kamati ya Fedha ianze kufanya kazi na iwe na reporters wake wale wa HANSARD. Serikali hii haitafanya hivyo kwa sababu ina wafisadi na kama Kamati hii haiko inataka waendele na huo mwenendo wao wakunyonya fedha za umma.

Pili, jambo lolote linalofanywa na Wizara hii ni lazima lipitie katika Kamati hii na Bunge nyingine zinafanya hivyo. This is a funny Government ambayo haina Kamati ya Fedha. Bunge zote duniani zina Kamati hii. Hii ya Kenya tu ndiyo haina Kamati hii. Ndiyo sababu wananyonya halafu wanaenda kuomba tena. Tena wanasafari katika chumba cha First Class katika Ndege wanapoenda kuomba pesa. Mwoambaji gani anapanda First Class? Si wangeenda na meli? It is cheaper! Wewe unaenda kuomba na kusafaria katika First Class. Kuharibu pesa zingine baada ya kuiba zako wewe mwenyewe. Hakuna Serikali mbovu kama hii ulimwengu huu? Hili ni jambo moja.

Jambo lingine, katika Objects wanasema kwamba--- Wengine wetu tukizungumza katika Bunge hili huwa tumefanya homework, hatusemi bure. Utapata hapa kwamba katika ukurasa wa 744 wanasema, "The Bill empowers the Central Bank to license dealers in foreign exchange namely, authorised banks, foreign exchange bureaus. The Bank may also permit specified persons primarily hotels to buy and sell foreign currency without the licences."

"Specified persons" ni watu gani? Nani atawachagua? Wezi wenyewe watachaguana ili kunyonya nchi hii. Ni Mwafrika gani ana hoteli ya maana hapa? Ninaweza kusema wachache tu kama Mwenyeketi wa chama changu. Ana hoteli zile za maana ambazo zinaleta fedha za kigeni katika nchi hii. Lakini nani mwingine? Nani wengine Wafrika wana hoteli kama hizi? Ni watu wachache sana wana hoteli kama hizo. Hawawezi kuwa zaidi ya kumi. Kwa hivyo, Bunge linatoa uwezo kwa hoteli ambazo sio zetu, hoteli za wageni ambao watatumia hizo hoteli kunyonya na kupeleka fedha katika nchi zao. Wengine tumeishi katika Bunge hili kwa siku nyingi kwa sababu tuna moyo wa kufikiria nchi yetu na Wafrika wenzetu. Tunapotoa blank cheques kwa hizo hoteli ambazo sio zetu sisi Wafrika, ni kama kumpa mwizi wa ng'ombe, ng'ombe zako achunge. Mtu anayefanya hivi lazima akili yake iwe si nzuri. Hata mhe. Saina anafahamu jambo hili. Ukimpa mwizi wa ng'ombe, ng'ombe akuchungie hautazipata tena.

The Assistant Minister for Agriculture, Livestock Development and Marketing (arap Saina): Mr. Speaker, Sir, ---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Saina, I have not given you the Floor. Okay, you can now raise your point of order. You do not just walk to the microphone and start talking.

The Assistant Minister for Agriculture, Livestock Development and Marketing (arap Saina): Is the hon. Member---

The Temporary Deputy Speaker (Mr. Ndotto): You just walked to the microphone and you did not say

whether you had a point of order or a point of information.

The Assistant Minister for Agriculture, Livestock Development and Marketing (arap Saina): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Butere knows that I cannot allow a thief to look after my cows because I know that some people are thieves and they are interested in stealing cattle. Is he in order to say that?

Mr. Shikuku: Bw. Naibu Spika wa Muda, nilitoa tu mfano. Sikusema kwamba anaweza kulikubali jambo hili. Atakubaliana na mimi kwa vile yeye ni mtu wa ng'ombe. Hawezi kumpa mwizi wa ng'ombe, ng'ombe zake achunge. Nilisema hivyo tu na yeye anakubaliana na mimi. Anajua kwamba wezi wa ng'ombe ni hatari.

Kwa hivyo, ninajua yeye na mimi hatuwezi kumpa mtu fedha zetu atuchungie. Zile hoteli ziko kwa mikono ya nani? Hata fedha tunazopata kutoka kwa utalii zinaenda wapi? Ni nani anayejifurahisha? Nani anapata uhondo wa hizo fedha za utalii? Zinaenda kwa hoteli za ng'ambo, kwa wale wenye kuzimiliki. Hata katika usafirishaji wa watalii, watu wengine wa nje wanaendesha hizi shughuli za usafirishaji. Kwa hivyo, fedha hizo, tunaona tu watalii wamekuja, pengine wazee, wengine vijana---

The Temporary Deputy Speaker (Mr Ndoto): Do you require the information from the Assistant Minister?

Mr. Shikuku: Okay, I am co-operating.

The Assistant Minister for Finance (Mr Keah): Thank you, Mr Temporary Deputy Speaker, Sir. Just to allay the fear the hon Shikuku has, I want to confirm to him that the Bill intends to enhance what we are doing at the moment, and that is to license hotels and certain classes of the tourist industry. So, I just want to allay your fear that there is nothing new that is going to happen other than what is happening now.

Mr. Shikuku: Habari kama hiyo ndio sitaki kabisa! Wakati mwingine sitampatia nafasi. Hawa watu ambao sio wenyeji wa nchi hii, hawana mapenzi yale ya kuona wewe unapata nini. Kazi yao ni kupata pesa na kupeleka nje. Ndio wale wezi nimesema wamepatiwa ngo'mbe wachunge. Ni Waafrika wachache ambao wana hoteli za maana kama Mwenyekiti wa Chama changu na wengine wachache. Hawawezi kufika hata kumi. Hata hii sekta ya utalii, sio yetu. Alaa! Tunaona kwamba wanaokuja kutembelea ni wazee na wengine vijana na kitu wanachoweza kununua hapa ni curio kidogo; mbili au tatu, Maasai na ngao yake na ushanga kidogo, that is all. Tena, Bw. Naibu wa Spika wa Muda, huyo ajue sisi tunafahamu kwamba wengi wa watalii hawa wanahunua tiketi zao za usafiri huko ng'ambo na wanaacha pesa huko ng'ambo. Hapa wanakuja kutembeza tu na pesa ziko benki huko ng'ambo. Sisi wengine tunajua hayo. Ni sigara tu kama ameishiwa, atanunua hapa kidogo, basi. Akipata kitenge, hiyo basi. Lakini fedha amewacha ng'ambo. Na akitoka kule kama yeye ni mnyuwaji pombe katika ndege iko ile duty free, anabeba chupa karibu nane. Hujaona wakija wamebeba pombe zao? Wanakunywa na wakimaliza siku zao zimeisha na huenda wasinunue pombe hapa.

Bw. Naibu wa Spika wa Muda, sisi wengine tungependa uchumi uimarike ili watu wetu wapate kazi, lakini tunawafanyia kazi watu wa ng'ambo. Hata saa hii bado tunawafanyia kazi watu wa ng'ambo. Mahindi na sukari zinaletwa kutoka ng'ambo. Ni nani anapata faida ikiwa mahindi yetu yanabaki hapa kwa stoo yanaoza na wale waliopeleka katika NCPB, hawajalipwa? Serikali gani hii? Ati Serikali ya wananchi! Saa ngapi? Hii ni Serikali ya kuu wananchi!

Bw. Naibu Spika wa Muda, wanasema kwamba leseni na permits zitapatiwa "specified persons." Who is going to vet these persons? Tunataka ile kamati ya Fedha ya Bunge hili, ikae na kuamua na kuwachunguza ili tujue ni nani tunampa kazi hiyo ambaye si mwizi. Wanasema kwamba, "The Bill further empowers the Central Bank to supervise activities and authorise dealers." The Central Bank haitakuwa na uwezo kwa sababu badala ya kusimamia vizuri kuona kuwa pesa haziibiwi, wao pia wanafanya mpango na wezi, wanaiba pesa hizi.

Mambo yakiharibika, ni sisi Wabunge ambao tutaona cha mtema kuni kwanza. Hata wakati mwingine Serikali inapopinduliwa, unasikia Mawaziri na Wabunge wakiambiwa waripoti katika kituo cha polisi.

Mr. G.G. Kariuki: Kufanya nini?

Mr. Shikuku: Mhe. Kariuki anauliza kufanya nini? Hakumbuki 1982?

The Temporary Deputy Speaker (Mr. Ndoto): Hon. Shikuku do not address him. Address the Chair.

Mr. Shikuku: Mhe Kariuki anauliza "kufanya nini?" Je amesahau mambo ya 1982? Alikuwa bado ananyonya au alikuwa mkubwa na ndevu zake? Waliambiwa waende kwa stesheni ya polisi wenyewe; wajipeleke kwa kichinjio--- Wengine wakajificha. Kwa hivyo, ni wajibu wa Bunge hili kuona kwamba kuna uthabiti na mambo yakiharibika ni sisi ambao tutakuwa katika mstari wa mbele. Wengine hawatembe kwa miguu lakini

safari hii watakimbia na vile hawafanyi mazoezi, watahindwa. Watapigwa rungu.

Lazima ieleweke kwamba Benki Kuu ya Kenya kutokana na vile inafanya kazi yake haitaweza kusimamia mambo haya. Sisi tumechagua kuangalia mali ya umma. Tumeacha kazi zetu, tukaenda kwa

mambo mengine na tunadanganyana eti Mbunge anaweza kuleta maendeleo. Ataleta maendeleo kama anapata mshahara wa Kshs10,000? Hizo zingine ni marupurupu. Allowances are not salary! Kwa hiyo je, watu wanatoa wapi Kshs60,000 ama Kshs40,000? kuna siku ambapo tutawauliza maswali na wengine watakauka midomo.

Mr. Obwocha: Ile inaitwa "WWW."

Mr. Shikuku: Mimi nimechaguliwa kuja kuchunga fedha za wananchi hapa wala si kufanya harambee na kuzibua vyoo ambavyo vimefungwa. Wabunge wameacha kazi yao, wamekwenda kwa kazi nyingine. Development is the responsibility of the Government and it is supposed to be from the taxes. Kazi ya Wabunge ni kuchunga pesa hizi. Hii ndiyo sababu tunataka ile Kamati ya Finance ichunge...

The Temporary Deputy Speaker (Mr. Ndotto): Order! I did not want to interrupt you but I do not think in our Standing Orders, we have a Finance Committee. We have what we call Estimates Committee. I did not want to interrupt you, but I wanted to correct you on that.

Mr. Shikuku: Najua kuna Kamati ya Wizara na ile ya Finance Committee. Kuna ya Agriculture, Commerce and Industry na hizi zote zilikuwako na tangu tuwe na vyama vingi hazifanyi kazi tena. Pia, kuna General Purposes Committee katika Standing Orders zetu. Kuna Ministerial Committees katika kila Wizara. Na ninakumbuka wakati moja katika Bunge hili Mbunge alikuwa anaombwa kueleza alikwa akitaka kutumika katika Kamati gani; Agriculture, Home Affairs na kadhalika.

The Temporary Deputy Speaker (Mr. Ndotto): Hivyo ni sawa Mhe. Shikuku. What I am correcting is that there is no Finance Committee in our Standing Orders. We have Estimates Committee and then maybe Ministerial Committees.

Mr. Shikuku: Ahsante sana lakini ninafahamu kwamba kuna Ministerial Committee ya Finance. Ninataka iwe "watchdog" kwa sababu Benki Kuu has let us down. Hata kesi ziko kortini. Kuna Waziri wa Fedha aliyemtangulia huyu wa sasa ambaye alitoka hata barua ya kuvunja sheria za Bunge hili kuongeza Export Compensation kutoka asilimia 20 hadi asilimia 35. Yeye akatia sahihi iendelee. Siku moja atakwenda kortini.

Bw. Naibu Spika wa muda, "mambo ni kangaja huja yakaja", Waswahili wasema. Mhe. Saina, auliza siku gani? Iko siku katika siku zijazo, sio leo. Kulikuwa hapa na Mwingereza, hayuko tena. Na kuna, Bw. Saina, ambaye wakati utafika hatakuwa hapa tena, na mimi pia. Lakini ukweli ni hii record iko. Nimesikia marais wengine wanapelekwa kortini huko ng'ambo, sijui kama akili ya mhe. Saina imeingiwa na wale wanaoitwa mende.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): On a point of order, Mr. Temporary Deputy Speaker. Is hon. Shikuku in order to leave the Bil and really come and attack me? Is he in order to do that?

Mr. Shikuku: Bw. Naibu Spika wa muda, sijamwingilia rafiki yangu, yeye ndiye amenikata kauli. Na kawaida yetu, ukitoa kijembe, unapata kingine.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Mr. Shikuku, you know that is not right. Can you stick to the Bill.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa muda, ningali kwa Mswada tu. Mimi huwa sitoki kwa Mswada, maneno yangu yote yanahusiana na Mswada. Pia wanasema katika "Aims, Memorandum of Objects and Reasons" kwamba, uchunguzi huu pia umepewa Benki Kuu. Ndio, ikija kwa wafanyikazi wa Serikali, wataweza kuchunguza lakini uchunguzi hao, ulingane na Finance Committee. Kwa sababu, sasa hatuwaamini, hasa mimi siwaamini kupewa hiyo kazi kufanya wenyewe.

Pili, katika hiyo aya ya tatu pale mwisho panasema, "Such an approval will normally be granted without undue delay". Hii ni habari ya kuwapa watu hakikisho ya kwamba---

Bw. Naibu Spika wa muda, nakubaliana na kipengee hicho "without delay". Mtu akiomba leseni inachukua muda mrefu ili apewe. Akienda katika ofisi hiyo, ufisadi umejaa katika nchi hii, wanamwambia kwamba, "mkono mtupu haulambwi". Na huendelea mwezi wa kwanza hadi wa tatu ukapita mpaka atoe "Harambee". Siku hizi "Harambee" ndilo neno unaambiwa. Mtu akitaka kuenda kwa chifu, kwa mkuu wa tarafa, kwa mkuu wa mkoa au mkuu wa wilaya, lazima atoe "Harambee". Na hiyo "Harambee" haijulikani inakokwenda. Mtu lazima atoe pesa ndio afanyiwe kazi ilhali, Chifu au mkuu wa tarafa wanalipwa kutoka kwa fedha za umma wa ushuru.

Bw. Naibu Spika wa muda, hatutaki Harambee, lakini zimetuzidia. Hata siku hizi mtu akitaka kufanya harusi anataka Harambee na yeye bwana na bibi ndio wataona raha; watu wawili. Imetuzidia sana. Kuna hata pre-wedding ambayo lazima utoe kitu huko, na watakapata raha ni watu wawili. Hizi "Harambee" zimekuwa nyingi mno. Kila kitu kimekuwa ni Harambee, karibu tutaambiwa tutoe Harambee ndio tupumue.

The Assistant Minister, Office of the President (Mr. Sunkuli): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Maoni ya mhe. Shikuku kuhusu Harambee ameyarudia, na kuyarudia mpaka sasa tumeanza kuchoka. Ni halali kwa mhe. Shikuku, kurudia maoni yake kuhusu Harambee na kila mtu sasa yuajua kwamba, yeye hataki Harambee. Anaamini kwamba, kazi ya Mbunge ni kuja hapa na kupiga domo tu?

Mr. Shikuku: Bw. Naibu Spika wa muda, naweza kumwambia---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, Mr. Shikuku! Hon. Sunkuli, you must withdraw the words "kupiga domo." Members do not come here "kupiga domo". Withdraw those words and use better ones.

The Assistant Minister, Office of the President (Mr. Sunkuli): Bw. Naibu Spika wa Muda, kumbe nikisema "kupiga domo" si halali Bungeni. Kwa hivyo, nimeliondoa, lakini nitasema, yeye anaamini kwamba, kazi ya Mbunge hapa ni kuja "kuzungumzaa" mpaka amalize!

Mr. Shikuku: Bw. Naibu Spika wa Muda, huyo Mheshimiwa hajui kwa nini yuko hapa. Na ningemwambia makubwa, kwa sababu najua kwamba hatungekuwa hapa mimi naweza kuwa baba yake. Na yeye ajue kwamba kama sio sisi kuja kuzungumza hapa, hatungekuwa hapa. Kama ako na tashwishi basi itakuwa vizuri akinyamaza halafu aende kule alikotoka, tuone kama atarudi hapa! Nimeona wengi kama yeye amabao walipitia mlango ule na hawakurudi tena. Tumechaguliwa kuja kuzungumza hapa Bunge, siyo kuja kutoa Harambee. Na Uhuru haukuletwa kupitia Harambee; uliotokana na mazungumzo. Tumewaletka Uhuru watoto kama hawa, lakini hata hawana adabu!

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member for Butere in order to refer to another Member of Parliament that "hawa watoto tuliletea Uhuru hapa"? Is he in order to do that?

The Temporary Deputy Speaker (Mr. Ndotto): Totally, he is not in order!

Mr. Shikuku: Bw. Naibu Spika wa Muda, najua katika dunia hii kuna wazee, vijana na watoto. Nimesema katika hotuba yangu kwamba mimi ni mzee ambaye anaweza kuwa baba yake huyu Mbunge. Hata ukiwa Mheshimiwa kuna umri tofauti.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Shikuku, you know what is required of you. Can you do it and proceed? There is no boy here!

Mr. Shikuku: Bw. Naibu Spika wa Muda, wanasema hakuna mtoto hapa lakini kuna Waheshimiwa wa umri mdogo na wale wa umri mkubwa. Kwa hivyo, wafanye adabu.

The Temporary Deputy Speaker (Mr. Ndotto): Can you first withdraw and then proceed with your contribution?

Mr. Shikuku: Bw. Naibu Spika wa Muda, kwa vile hakuna mtoto hapa naliondoa neno hilo na ninaongeza kusema "wale Wabunge wa umri mdogo wasikie mawaidha ya walio na umri mkubwa" ambao wanaweza kuwa baba zao.

Mr. Boy: Jambo la nidhamu Bw. Naibu Spika wa Muda. Ni sawa kwa Mheshimiwa kusema ya kwamba tunachaguliwa hapa tukiwa na umri mdogo? Tena anasema kuwa ni lazima tuwaheshimu wale wa umri mkubwa na wakati wote tunachaguliwa katika Bunge hili kama Wabunge, licha ya umri.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Boy, that is Shikuku's opinion, it does not have to be right or wrong.

Mr. Shikuku: Ahsante, Bw. Naibu Spika wa Muda. Akipata nafasi atoe maoni yake. Lakini ukweli wauma. Sio eti ninachukia Harambee, ni ukweli, na Wabunge hawa wote wanafahamu kuwa siku hizi huwezi eti kufanyiwa jambo na Serikali kama hujatoa Harambee, iwe ni afisi ya chifu, naibu wa chifu, na kila mahali. Na sisi ni lazima tulipinge jambo hilo. Watu wapewe utumishi. Kuna watu wengine ambao ni maskini sana, hata shillingi ishirmi hawawezi kutoa.

Bw. Naibu Spika wa Muda, sasa ninakuleta kwa jambo ambalo rafiki yangu, Bw. Muite alisema hapo mbeleni, na hilo liko katika ukurasa wa 735, kifungu cha 3 (iv) (b).

We need orderliness. Tunataka utulivu. Ningependa kusema kwamba nina ushahidi hapa ambao ni hatari. Nataka Wabunge wenzangu wasikie. Hatuwezi kuwa na uchumi; hatuwezi kuwa na maendeleo ya uchumi na fedha haziwezi kupatikana ikiwa mazungumzo yetu ni ya kutisha. Bw. Naibu Spika wa Muda, leo hapa Mhe. Orenge amesema kwamba kuna watu fulani ambao wanawatisha Wabunge ambao walienda nje. Ni lazima maisha ya Mbunge yawe salama. Lazima Mbunge awe huru ili aweze kuitetea nchi hii. Vitisho kwa Wabunge hatuwezi kuvikubali. Waziri katika Ofisi ya Rais atatoa taarifa yake. Haya mengine ni mageni. Tunaambiwa kwamba wale walioenda Rwanda wajihadhari. Mheshimiwa Ndwiga ametembelewa ofisini mwake na kuulizwa na watu "Nyinyi mlifanya nini kule Rwanda". Taarifa imetolewa hapa. Hivi ni vitisho. Sisi Wabunge hatutaki kutishwa.

Tuna ushahidi wa kuonyesha kwamba kuna watu katika nchi hii ambao wanajijua wenzao. Tuna majina yao na anwani zao ambazo ni zaidi ya 400.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker Sir. The hon. Member for Butere is alluding to a fact which I think he should not. I want you to see whether he is in order because the Government has not sent anybody to any of those Members of Parliament who went to Rwanda to ask them those questions. The Hon. Shikuku should substantiate that those were Government people.

Mr. Shikuku: Ninataka kuthibitisha---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I do not want us to get into a debate

which is not before the House. If debate has to be carried out in the House, in fact, it has to be brought properly in the House. I would urge you to go straight to the Central Bank of Kenya Bill and avoid debating other issues which are not in the Bill. Order! Order! You are standing when I am standing, Hon. Obwocha.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker Sir. Under Standing Order No. 76, a Member of Parliament is responsible for the accuracy of the statement he makes in this House. So, hon. Shikuku should be responsible for the statement he has just made. If he cannot substantiate then he should withdraw and apologise to the House. So can you now proceed to substantiate or withdraw?

Mr. Shikuku: How many points of order---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Shikuku! I am sure that issue is not going to continue because it is irrelevant to what we are debating. Hon. Shikuku you can continue.

Mr. Shikuku: Bwana Naibu Spika wa Muda, katika--

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

The Temporary Deputy Speaker (Mr. Ndotto) Hon. Kituyi, I hope you are not repeating the same issue.

Dr. Kituyi: Mr. Temporary Deputy Speaker Sir. It is on a different point of order. I respect your ruling that on the matter of verifying which people went to hon. Ndwiga's office, it is not going to be substantiated here. I will not revisit that matter. Having said that, apart from the dialogue with hon. Sunkuli, hon. Shikuku said he had a list of the criminals from Rwanda who are here. Could he substantiate that claim which is a different claim?

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Shikuku, I am going to rule for the last time. I want you to stick to the Bill. I am not going to allow that debate to continue.

Mr. Shikuku: Ninafahamu kwamba, hatuwezi kuwa na uchumi wa maana kama hakuna usalama. Na hatuwezi kuendesha uchumi wa nchi hii ikiwa hakuna ushirikiano wa kisiasa. Uhuru uliletwa na siasa na uchumi ukafuata. Kwa hivyo, kama hakuna uthabiti wa uchumi na siasa, hakuna uthabiti kabisa. Na sisi hapa ni wawakilishi wa kisiasa wa taifa hili.

An hon. Member: Tell them!

Mr. Shikuku: Mimi kamwe siwezi kuwa mtumishi wa umma. Maiti yangu itakuwa lakini siyo Shikuku. Sijawahi na sitakuwa mtumishi wa umma. Kwa hivyo, mimi ni mwanasiasa. Na siasa hizo zikiunganishwa na uchumi, uchumi utaenda mbele.

Huwezi kuendesha uchumi bila siasa. Kwa hivyo, wale wanaoendesha uchumi lazima wajue tunataka uthabiti na usalama. Usalama hauwezi kupatikana ikiwa mimi sina Uhuru, na ninatetemeka na nikitoka hapa sijui kama nitafika nyumbani. Kuna watu hapa wanaohatarisha maisha yangu hivi kwamba nikitoka hapa, sina hakika kwamba nitafika nyumbani. Kwa sababu kuna watu katika nchi hii ambao wanashirikiana na watu wetu na wanafanya mipango ya kutisha Wabunge ambao ni wawakilishi wa siasa katika nchi hii. Na hao watu tumewaweka hapa.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Mr. Shikuku, I want---

Mr. Shikuku: Nimeshindwa na ndiyo sababu ninasema niacheni kabisa. Bwana Naibu wa Spika wa Muda, nimeshindwa na Wabunge wote wameshindwa. Mpaka tuseme haya maneno. Tutaendelea kusema kwamba kuna wakora ambao wametoka Rwanda na orodha yao ndiyo hii hapa.

(Applause)

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Order, Mr. Shikuku! I have already ruled that, I am not going to allow the debate on that issue which is totally irrelevant to what we are discussing here. I am now asking you, Mr. Shikuku, to stick to the Central Bank of Kenya Bill and I am not going to allow points of order relating to that issue.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker? He has a list of criminals!

Mr. Shikuku: Yes, I have a list of criminals here and I Table it.

(Mr. Shikuku laid the document on the Table)

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Order! That list you have thrown on the Table has absolutely no relevance to what we are discussing here, and therefore, it is not acceptable.

Mr. Shikuku: I will hold the Temporary Deputy Speaker responsible, if anything happens to us. The list is there. These are murderers.

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, it is now time for interruption of Business and therefore the House is adjourned until next Tuesday, 7th day of November, 1995, at 2.30 p.m.

The House rose at 6.30 p.m.