

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 27th April, 1995

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.137

FOOD DISTRIBUTION IN MOYALE

Mr. Galgalo asked the Minister of State, Office of the President:-

- (a) how many times food was distributed in each of the locations in Moyale and Sololo divisions this year, and what was the amount given per family; and,
- (b) why food meant for the drought affected people is being held at Marsabit.

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

- (a) Relief food was distributed to each location in Moyale and Sololo during this year as follows:

In Moyale Division, relief food was distributed to Moyale Location, Dabel Location and Godoma Location. Each location has received relief food three times since January this year.

In Sololo Division food was distributed to Sololo Location and Uran Location. Each location has received food twice. Every member in a family is allocated a minimum of 4 kilogrammes of maize during the allocation. Therefore, the bigger the family, the more food that family receives.

- (b) There is no food destined for the drought affected people that is deliberately held at Marsabit. Foodstuffs are always transported to the affected areas. Any delays in the food distribution could be due to the vastness of the district and the inadequacy of transport.

Mr. Galgalo: Mr. Deputy Speaker, Sir, I made inquiries this morning and I found out that only two lorry-loads of foodstuffs have arrived in Moyale Division and that they went to Dabel Sub-location and Godoma Sub-location respectively. No food was supplied to the whole of Moyale Location. Only one lorry-load of relief food was sent to Uran and Sololo locations, contrary to what the Assistant Minister is telling this House. Is the Assistant Minister in order to mislead this august by giving us information which is incorrect?

Mr. Awori: Mr. Speaker, Sir, I am giving very correct information.

Mr. Galgalo: Mr. Deputy Speaker, Sir, there are only two army vehicles in Marsabit District which are being used to transport relief food to various parts of that district. Could the Assistant Minister give Marsabit District additional transport because, for example, in the case of Moyale Sub-district, relief food is lying at the NCPB stores in Marsabit? The people are hungry and they need this food.

Mr. Awori: Yes, indeed, Mr. Deputy Speaker, Sir. I intend to find transport to increase the allocations and supplies of food. But nevertheless, the areas I have quoted have received the food as follows:-

Godoma Location - 11 metric tonnes of maize, 1.4 metric tonnes of beans and 0.35 metric tonnes of vegetable oil. Dabel -14.4 metric tonnes of maize, 2.2 metric tonnes of beans and lentils and 1 metric tonne of vegetable oils. Moyale - 19 metric tonnes of beans. Mutiel Location has received 19 metric tonnes of beans.

In Sololo Division, Sololo Location received 75 metric tonnes of maize, 3 metric tonnes of lentils, and 4 metric tonnes of vegetable oils. Uran Location received 75 metric tonnes of maize, 3 metric tonnes of lentils and 3.5 metric tonnes of vegetable oils.

Mr. Arte: Mr. Deputy Speaker, Sir, is the Assistant Minister satisfied that four kilogrammes of maize is enough for a family? How long is that amount of maize supposed to last a family?

Mr. Awori: No, Mr. Deputy Speaker, Sir. When you are distributing food during famine, you are only distributing the bare minimum to keep a person alive; it is not luxury.

Mr. Arte: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not answered my supplementary question.

Mr. Deputy Speaker: I think he did!

Mr. Arte: He did not answer my question because he did not tell us whether that amount of food is enough for a family. How long is that food supposed to last?

Mr. Awori: Mr. Deputy Speaker, Sir, when I said that we give the bare minimum to keep a person alive, that means I am agreeing with the hon. Member that the food is not enough. But that is all we can do.

Question No.98

REPAYMENT OF DONORS' LOANS

Mr. Michuki asked the Minister for Finance, following the one-year period of moratorium extended to this country by donors last year, how much money is due for repayment in the next twelve months from January, 1995, in relation to:-

(a) external loans and other external credit facilities in both the private and public sector; and

(b) how much of "a" above is interest.

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

(a) The amount due for repayment on the public sector external debt covered under the moratorium, between January, 1995 and December, 1995, is estimated to be Kshs2,111,330,033 or the equivalent of US\$47,984,773 at the prevailing exchange rate.

(b) The interest portion of (a) above is estimated to be Kshs971,992,083 or the equivalent of US\$ 22,090,729.

Mr. Michuki: Mr. Deputy Speaker, Sir, I would like to seek your indulgence in arbitrating this Question because the answer given is not in relation to my Question in that my Question talks about external loans and other external credit facilities in both Private and Public Sectors. This answer may cover the public sector but the answer is not complete and if the Assistant Minister is not ready, as is indeed evidenced, he can go and study it and give the answer later. The payment is not on public debt; it is of the public sector's internal debt. So, this Question is not really being answered. Maybe he is not ready.

Mr. Koech: Mr. Deputy Speaker, Sir, I do not really understand what the hon. Member is saying because this is exactly what the Question has asked. I was wondering whether he was interested in parastatals or what. Can he elaborate?

Mr. Michuki: Mr. Deputy Speaker, Sir, my interest in this Question is to know how much in the public sector is going to be paid after the period of moratorium having expired. Secondly, what does this economy owe that has to be paid in the next 12 months? That is why I brought in the question of private sector. He has not even touched on the private sector.

Mr. Koech: Mr. Deputy Speaker, Sir, what I have mentioned includes the debt due to parastatals but not the private sector.

Mr. Michuki: Mr. Deputy Speaker, Sir, to avoid having to spend more time on an incomplete answer, could we agree that the Assistant Minister goes and studies this Question? I am asking about the debt in both the public and private sector, and there is no evidence in this answer that he has addressed himself to the private sector.

Mr. Koech: Mr. Deputy Speaker, Sir, we have talked of liberalisation in this country, and even when it comes to the private sector in this particular Question, it is very difficult for us to monitor that because we are dealing in a situation where the accounts are liberalised.

Mr. Michuki: Mr. Deputy Speaker, Sir, the Ministry of Finance is responsible for the management of the total finances of this country. Whether they are being borrowed by companies, parastatals or the Government, they are responsible for accounting for that because it is on the basis of that they will raise taxes and other matters. This Question, with due respect to the Assistant Minister, has no answer which he has brought to this House today.

Mr. Koech: Mr. Deputy Speaker, Sir, we do not have the private sector accounts, but as the hon.

Member has made that request, I shall try to see---

Mr. Michuki: Mr. Deputy Speaker, Sir, the private debt of this country is owed---

Mr. Deputy Speaker: I think you should have allowed him to finish what he was saying because he was giving an undertaking.

Mr. Michuki: I am trying to get into the Question because the private---

Mr. Deputy Speaker: I think we are wasting a lot of time because if you cannot hear what undertaking---

Mr. Michuki: In the Central Bank---

Mr. Deputy Speaker: Hon. Assistant Minister, could you continue and finish what you were saying?

Mr. Koech: Mr. Deputy Speaker, Sir, I gave an undertaking that I will look into the possibility of that.

Mr. Deputy Speaker: You will come back to the House having re-examined the Question?

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

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

Mr. Deputy Speaker: That is sufficient. He has undertaken to go and re-examine the matter in light of the concerned clarifications by Mr. Michuki and he will give another answer. Alright! Mr. Assistant Minister, we will expect you to come back with the answer next week.

Next Question.

Question No. 155

GROWING OF CITRUS FRUITS

Mr. Deputy Speaker: Mr. Mwiraria is not here. So, we will leave that for the moment. Let us move on to the next Question.

Question No. 133

REVENUE FROM SUGAR AUTHORITY

Mr. Deputy Speaker: Mr. Ogeka is also not here. So, we will pass that Question for a moment and go to the next Question.

Question No. 076

BUILDING OF TEA FACTORY

Mr. Deputy Speaker: Mr. Obwocha is not in. So, we will again pass that Question for a moment and go to the next one.

Question No. 229

VEHICLES FOR SCHOOL INSPECTORS

Mr. Maore asked the Minister for Education:-

- (a) how many vehicles/motorcycles have been assigned to Nyambene District for the purpose of inspection of schools;
- (b) why there has been perennial understaffing in the District; and,
- (c) whether he can classify Nyambene District under ASAL programme since it has all the features of a hardship area to enable local residents be recruited into teacher training colleges.

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

- (a) My Ministry has given Nyambene District the following transport: Land Rover GK 547X.

Vehicle(s) assigned to any District Education Officer (DEO) are for general purposes, including inspection of schools.

(b) It is true that Nyambene District is currently understaffed by 400 teachers. This understaffing occurred when teachers who graduated from primary teachers training colleges were posted to Meru District with instructions that they be shared according to the needs between Nyambene, Meru and Tharaka-Nithi Districts. Unfortunately, through an oversight, all these teachers were retained in Meru District, precipitating an overstaffing in Meru District and an understaffing in Nyambene District. After realising this situation, the Teachers Service Commission is taking the necessary action to redress the picture.

Already, 108 teachers have been identified for transfer from Meru District to Nyambene District and they are required to be there by May, 1995. The Ministry of Education is also in the process of identifying more teachers for posting to Nyambene District.

(c) The Ministry of Education is aware of the shortage of primary school teachers in Nyambene District. The Ministry also appreciates the difficulties of deploying teachers to Nyambene from the neighbouring Meru District.

Without designating Nyambene an ASAL District, everything is being done to ensure that Nyambene and other districts with shortage of teachers will have sufficient teachers in the future. Such districts will have more teacher trainees admitted to teachers colleges. As a matter of fact, this capacity building started last year.

Mr. Maore: Mr. Deputy Speaker, Sir, the way the Assistant Minister has answered the Question, I want to emphasize the irony of the Assistant Minister standing here and saying they have given a whole District one Land Rover, and then I would like to ask under what circumstances KANU or Kenya National Union of Teachers (KNUT) Secretary in Meru District. What powers does he have to belittle a decision of Teachers Service Commission about the deployment of 108 teachers who are to be posted to Nyambene, having

[Mr. Maore]
a surplus in Meru District. What is the Ministry undertaking to do because from the answer, the Assistant Minister is behaving like a hostage of Meru District? What is the policy?

Mr. Lengees: Mr. Deputy Speaker, Sir, the Teachers Service Commission (TSC) had posted all the teachers to Meru District with instructions that the teachers be shared among the three districts. Since the problems arose later, the Ministry has already identified the 180 teachers who are going to be sent there, and the TSC is also looking forward to seeing that before absorbing trainees in teacher training colleges, it has sent replacements to the respective schools.

Mr. I. Ndwiga: Mr. Deputy Speaker, Sir, could the Assistant Minister consider adding an extra one or two Land Rovers to the District Education Officer (DEO), Nyambene, to facilitate the DEO carry out his inspection duties properly? One Land Rover cannot manage to serve the whole district. We know that there are some areas with so many Land Rovers lying idle, some of which have not been repaired.

Mr. Lengees: Mr. Deputy Speaker, Sir, at the moment, the Ministry is not in a position to give more than that one Land Rover. As I said before, whenever these Land Rovers are given to the DEOs, they are for the general purposes of the Department of Education at the district level.

Mr. Maore: Thank you, Mr. Deputy Speaker, Sir. I still emphasise on the same question that I had asked. In the answer, the Assistant Minister said that the Ministry of Education also appreciates the difficulties of deploying teachers in Nyambene from the neighbouring districts. Can the Assistant Minister categorically state what actual difficulties he is facing so that the world could know? Is Nyambene District going to be living under the mercy and the will of Meru District?

Mr. Lengees: Mr. Deputy Speaker, Sir, one of the difficulties we are facing is that since Nyambene District was carved from Meru District all the teachers were sent to Meru District for distribution among the three districts. Another difficulty is that Meru as a district also has a shortage of teachers, and that is why they decided to retain all the teachers. I repeat here again that the Ministry has already identified the teachers to be posted to Nyambene and we shall make sure that they are there by beginning of May, 1995. Definitely, the TSC is handling the matter seriously to ensure that the district is not understaffed.

Question No. 080

DISCIPLINE IN HIGH SCHOOL

Dr. Lwali-Oyondi asked the Minister for Education:-

(a) if he is aware that there is an increase of disciplinary cases among students of Njoro High School; and,

(b) if the answer to "a" above is in the affirmative, what steps is the Ministry taking to ensure that discipline is properly maintained in this school.

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

(a) I am not aware that there is an increase of disciplinary cases among students of Njoro High School since no such cases have been brought to my attention for the last four years.

(b) In the circumstances, there is no need to take any measures to strengthen discipline in the school.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I do not know why the Assistant Ministers display ignorance about things that are happening in their own Ministries. I have here with me voluminous correspondence from his Ministry, whereby copies were sent to the Provincial Education Officer, Permanent Secretary, Ministry of Education, Chairman, Board of Governors, Branch Secretaries of: FORD(K), FORD(A), Democratic Party of Kenya, KANU, Nakuru, and *The Daily Nation, et cetera*. Therefore, it is public knowledge. My question is whether the Assistant Minister is aware that in this correspondence, the teachers are complaining that the headmaster and some children are drunkards and that children have been sneaking out at night in total darkness. The correspondence also indicates that these days, the children are found smoking and drinking not only at scheduled hours, but any time.

Mr. Deputy Speaker (Mr. Godana): How long is that letter, Dr. Lwali-Oyondi?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I am just quoting parts of it to show that it is not only the students who go to drink, but also their headmaster. Now that the Assistant Minister is aware, is he going to take any steps to rectify this situation? I have placed this letter here for his perusal.

(Dr. Lwali-Oyondi laid the letter on the Table)

Mr. Lengees: Mr. Deputy Speaker, Sir, so far, we have no information of any disciplinary cases from Njoro High School. According to the available records, Njoro High School is one of the best secondary schools we have in Nakuru District. In fact, we have the Provincial Education Officer who handles such matters of this nature. Maybe this one was a petty matter which the PEO could have handled before it reached the Ministry headquarters.

Mr. Nthenge: Mr. Deputy Speaker, Sir, wherever there is smoke, there must be some fire. The hon. Member has information that the students are indisciplined. Could the Ministry consider transferring some of the teachers and bringing a good disciplinarian headmaster, who can bring that school back to where it used to be, so that it can retain the good name it has been having in the Rift Valley?

Mr. Lengees: Mr. Deputy Speaker, Sir, at the moment, I cannot confirm anything about transfers of teachers, but meanwhile I am still studying the information given by the hon. Member so that we can carry out our investigations.

Question No. 214

ACCREDITATION OF JOURNALISTS

Dr. Kituyi asked the Minister for Information and Broadcasting on what grounds did the Minister issue a threat to revoke the accreditation of three leading American journalists.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Deputy Speaker, Sir, I beg to answer.

The Ministry of Information and Broadcasting, as the public relations arm of the Government, is duty-bound to protect the image of the country and its popularly and democratically elected leadership, hence, the recent threat to revoke the accreditation of three American journalists who had breached professional ethics and terms of accreditation by spreading falsehoods and misleading information through their respective publications.

Dr. Kituyi: Mr. Deputy Speaker, Sir, these replies are banalities tipped in falsehood as one would expect from this hon. Minister. In a country other than under dictatorship, the Ministry of Information and Broadcasting is not a public relations arm of the Government. It has no business in white-washing untruths. Making critical remarks about leaders in a country is not a critical remark about a country, but about leadership. This hon. Minister has never shown any ability to understand the professional ethics of

journalism. Let him even forget that---

Mr. Deputy Speaker (Mr. Godana): According to the Question, Dr. Kituyi, I think you are going beyond the bounds of a legitimate---

Dr. Kituyi: Okay, Mr. Deputy Speaker, Sir. I am now coming to my question. There is nowhere in the provision of accreditation conditions for journalists in this country that they will not write critical remarks about leaders. Even if we leave all this aside, why did this hon. Minister and his Government find it necessary to issue a threat that they were incapable of implementing instead of giving an alternative view of what is happening in the country?

Mr. Makau: First, I would like to correct the impression that hon. Kituyi has just created. He does not understand how the Government works because he has not been in the Government. We provide public relations officers in every Ministry and also provide Press Attaches in every embassy. That is why we talk about being the public relations arm of the Government. The articles that were written by those journalists were from the Opposition because one of the articles by Hammer was, and is still the words of Muite, and the other ones were Raila's. What is very important here is that each hon. Member should understand that there are conditions for these accredited journalists and they have to follow those conditions, and we can revoke their accreditation any time if they violate those terms.

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

Mr. Deputy Speaker: Order! Mr. Minister, you shall always refer to hon. Members as "hon. So-and-so".

Mr. Farah: Mr. Deputy Speaker, Sir, the hon. Minister says that these journalists breached professional ethics. When you act in breach of professional ethics, it is the responsibility of the professional body to discipline you. Why did the Minister not leave that duty of disciplining the individuals concerned to the journalists body of the country? Why did he, as a Minister, have to discipline them?

Mr. Makau: Mr. Deputy Speaker, Sir, the group that is responsible for foreign journalists in this country is the Foreign Correspondents Association of East Africa, and it operates upon certain conditions and ethics. I would like to read them to you so that you can know what they breached. One---

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Why should the Minister give us a very long story for an answer? He was asked a very simple question directly. Why can he not answer it?

Mr. Makau: Unless you do not understand, the Questioner asked about the professional ethics and the professional body. The professional body that is responsible for accredited journalists in this country is the Foreign Correspondents Association of East Africa. The terms and conditions of accreditation are as follows: One, we guarantee Press freedom, two, the correspondents would, in turn, be required to be professional and write factual, balanced and accurate reports on Kenya. This is the professional body that deals with us.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I saw the Minister talking very tough and asking these journalists to apologise or lose their accreditation. If I recall correctly, Mr. Jimmy Carter said that American journalists do not apologise, and the journalists did not apologise. What steps did the Minister take?

(Laughter)

Mr. Makau: Mr. Deputy Speaker, Sir, that is a very good question. When Mr. Carter talked about the way American journalists operate, he was referring to the way the American journalists operate in ---

Hon. Members: Aah! Aah! Aah!

Mr. Makau: No! Wait! I know what you are about to say; that there was no apology. But one thing I would like everybody in this House and in the whole country to know is that, those journalists wrote things that were not factual and the newspapers' Editors-in-Chief have accepted corrections for those falsehoods. This is here in the file, I can read it to you, that the apology is correction for what was written that was not factual, which the Editors-in Chief of the *Times*---

Hon. Members: Read it out!

Mr. Makau: That is the Government's duty. Can I read everything for you to hear? Can I read the corrections?

Hon. Members: Yes! Yes!

Mr. Deputy Speaker: I am afraid we do not have time for that, Mr. Minister.

Mr. Makau: This, Mr. Deputy Speaker, was accepted by the Editors-in Chief of the *Time* magazine and of the *Washington Post*, and that is the apology that we are talking about.

Mr. Deputy Speaker: Next Question, Mr. Nthenge!

Question No.196

ADHERENCE TO CITY BY-LAWS

Mr. Nthenge asked the Minister for Local Government if he could instruct the Nairobi City Council to strictly adhere to its by-laws by ensuring that oil tankers and other heavy vehicles are not parked in residential areas, especially in Eastleigh and other areas within the City.

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

The Council has embarked on an exercise of impounding tankers and other heavy vehicles that are being parked on the pavement within the estates, especially within Eastleigh areas, and this is within the framework of the by-laws. The exercise started on 18th March, 1995 and it is still going on and will continue until all oil tankers and other heavy vehicles are cleared out of the estates. Meanwhile, the Nairobi City Council has provided a 20-acre plot of land, off Mombasa Road, for parking of oil tankers and other heavy vehicles.

Mr. Nthenge: Mr. Deputy Speaker, Sir, does the Assistant Minister realise that tankers can easily cause a hazard in residential areas because they carry petroleum which is highly inflammable?

Mr. Walji: Mr. Deputy Speaker, Sir, I quite agree with hon. Nthenge that the tankers are a hazard in the estates. That is the reason why the council is taking the necessary steps to get rid of the tankers and direct them to the spot allocated for this purpose.

Mr. Nyanja: Thank you, Mr. Deputy Speaker, Sir. Now that the new directive by the Government concerning the transportation of oil is that the oil has got to go through the pipeline all the way to Eldoret, will the Assistant Minister agree with me that this Question is irrelevant and should, therefore, not be discussed in this House?

Mr. Walji: Mr. Deputy Speaker, Sir, I do not quite understand Mr. Nyanja's question. Could he, please, repeat it?

Mr. Nyanja: Mr. Deputy Speaker, Sir, if I may repeat the question for the hon. Assistant Minister: Now that there is this new directive concerning the transportation of petroleum through the pipeline all the way to Eldoret, I find that, at this point in time, this Question is irrelevant, immaterial and unequivocal. So, we should, perhaps, consider the other heavy vehicles. Nonetheless, I agree with the Questioner that this is a serious hazard in the residential areas in the City because, recently, we witnessed a very serious case on Waiyaki Way where about 30 families, including the former Mayor of Nairobi, would have lost their lives. Therefore, this is a very serious matter and it should be treated with the seriousness it deserves.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I am rather surprised that the Assistant Minister for Local Government is saying that an order has just been issued recently for these tankers to be parked somewhere else, while I remember quite clearly, sometime back here, this issue came in the House and we were assured that from then on, the tankers would not be parking on the streets of Nairobi. Now, this is not just a problem in Eastleigh. It is a big problem on Waiyaki Way where tankers are overturning everyday, and when that happens and they burn up like one did the other day, the shells of the tankers lie there for months and they end up causing accidents. Near where I live in Mountain View, we have had several accidents because of tankers parked on the highway. So, it is not just a question of telling us that an order has been issued and the tankers will be moved. It is a question of taking expeditious measures to ensure that tankers obey the by-laws and existing laws of this Government. I hope that the Minister in charge of oil and the one in charge of transport and communication will make sure that Government laws are obeyed by this City Council and the Ministry of Local Government, to prevent accidents on Waiyaki Way and protect the residents of Eastleigh and other areas from harassment from these tankers.

Mr. Deputy Speaker, Sir, what hon. Nyanja was saying is very important. Now that we have the oil pipeline terminals in Kisumu and Eldoret, there is really no reason why tankers should be running on the streets of Nairobi. I do not understand this conflict within the Ministries over this issue.

Mr. Walji: Mr. Deputy Speaker, Sir, I quite agree with the hon. Member's sentiments that these tankers are a security risk on the highways. I do not want my hon. friend to be knocked down by these tankers on that highway. However, directives have been there for a very long time. It is not a new one, but they have

been removing these tankers from the roads from time to time. It is the same issue whereby we know that cars are not supposed to be parked on the yellow lines yet there are still many cars parking on the yellow lines. So, the police are doing their job where it is necessary as far as the parking of these tankers is concerned.

Mr. Farah: Mr. Deputy Speaker, Sir, there is serious misleading of hon. Members on this issue in the House here. To begin with, these tankers transport white fuel oil which is not pumped through the pipeline; which means that fuel oil tankers will still go to Mombasa and pick fuel oil from Mombasa. Our pipeline does not cater for this kind of fuel oil. The other thing is that this plot has not been prepared by the City Council and the Government such that the trucks can be parked there. You cannot give a directive to the transporters to go and use a plot that has not been prepared. Why can the Assistant not tell us about this because we have been discussing this issue for the last seven years? I

was the secretary to Kenya Transporters Association from 1986-1989, and we discussed that with the Ministry. Can he tell us when his Ministry, in liaison with the Ministry of Transport and Communications, will prepare that plot such that the tankers can be parked there?

Mr. Walji: Mr. Deputy Speaker, Sir, I was not aware of that particular problem of the plot, but now I assure the hon. Member that I will look into this problem personally and see that, that plot is prepared for the purpose of parking these tankers.

Question No. 195

DISMISSAL OF MR. WAMUTI

Rev. Ommani asked the Minister for Home Affairs and National Heritage:-

- (a) whether he is aware that Mr. Francis Njogu Wamuti, P/F 190106, who was working in the District Children's Office, Bungoma, was on 3rd December, 1992, illegally dismissed from his employment, although he had his sick leave approved by the officer concerned; and,
- (b) whether he would consider re-instating him to his job.

The Assistant Minister of Home Affairs and National Heritage (Dr. Momanyi): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Wamuti was dismissed from the Service in 1991, 3rd December, and not in 1992, on account of desertion of duty. This was done in accordance with the Service Regulations governing the Civil Service. Mr. Wamuti had been given leave and he never reported back on duty after the expiry of his leave after which disciplinary proceedings took place culminating in his dismissal.

(b) I cannot reinstate him to his job as appropriate disciplinary procedures were followed in dismissing him from the service. Mr. Wamuti, however, has appealed to the Public Service Commission against his dismissal and he should await the decision of the Public Service Commission.

Rev. Ommani: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that Mr. Wamuti was sick and he asked for unpaid leave which he was given and after he recovered, he brought back the sick sheet to the office to the officers concerned?

Dr. Momanyi: Mr. Deputy Speaker, Sir, when officers are sick, they are given sick leave and not unpaid leave. So, it was contradictory.

Secondly, Mr. Wamuti was given 21 days leave on 21st February, 1991, and was expected to report on duty on 22nd March the same year. He did not report on duty. However, sometime in September of the same year, he brought in sick sheets which were doubtful. The case was taken to the Ministerial Advisory Committee and proper disciplinary action taken. Our officers in the field, on looking for him, found that he was running his auctioneering business.

Rev. Ommani: Mr. Deputy Speaker, Sir, if Mr. Wamuti was dismissed from duty, why was he allowed to work from August 1st 1991 until 22nd October, 1992? Why was his dismissal letter written on 13th December, 1992?

Mr. Momanyi: His case was under consideration at that time.

Question No. 203

ESTABLISHMENT OF MAGISTRATE'S COURT

Mr. R.K. Mungai asked the Attorney-General whether he can urgently consider establishing

a magistrate's court for the Makuyu Administration Division since the residents have to travel long distances to Thika, Muranga or Kandara courts for the dispensation of their legal rights.

The Attorney-General(Mr. Wako): Mr. Deputy Speaker, Sir, I beg to reply. A magistrate's court will be established at Makuyu if the Murang'a District Development Committee (DDC) recommends it and it is included in the programme review and forward budgets of the Judicial Department for funding.

Mr. R.K. Mungai: Thank you, Mr. Deputy Speaker, Sir. I am very surprised by the hon. Attorney-General's useless and stereotype reply. Is the Attorney-General aware of the role of these DDCs he is talking about in this Question? They have become toothless bulldogs. They are not executive. They are only there to study and recommend, only to be told by the implementing Ministries that their recommendations will be implemented when funds are available. Is the Attorney-General aware that the Murang'a DDC he is talking about is just a fuss?

Mr. Wako: The Muranga DDC, or any DDC for that matter is not a fuss. They are there to tell us what the local people actually want and what they attach priority to. We would like to know what the local people for that area are talking about their priority programmes. Do they have this court as one of their priority programmes that they want implemented?

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Is the Attorney-General in order to say that the district development committee (DDC) is the only organ - mark you, it consists mostly of civil servants - that can alert the Government as to what the local people want, when there are representatives in this House who were chosen by the people to represent their views to the Government?

Mr. Wako: Mr. Deputy Speaker, Sir, I never said it was the only organ!

Mr. Ndicho: Mr. Deputy Speaker, Sir, a lot of people are being arrested at Makuyu and taken to a Thika court which is already jammed with suspects. Can the Attorney-General consider seriously this issue because suspects are languishing? This is happening because the Thika court is unable to handle cases from Makuyu, Gatundu, Juja and Gatanga. So, this is a matter to be prioritised by the DDC because it is a very serious matter.

Mr. Wako: Mr. Deputy Speaker, Sir, I do agree with the hon. Member that this is a serious matter. It is a matter that touches not just on Makuyu area, but also on courts throughout the Republic. It is a fact that we do not have a sufficient number of magistrates. It is also a fact that we do not have as many courts we would like to have so that these cases are dealt with expeditiously and people have an easy access to the courts.

The point I am trying to emphasise is this; we are aware of that problem and we are tackling it. Unfortunately, we do not have funds which can be used establish courts overnight throughout the Republic. Consequently, we must have a programme on which we can proceed; a programme which takes into account priority areas in any given area; a programme which takes into account, in relative terms, where the problem is most seriously felt. It is when we examine these issues that we prefer the method I have just outlined to this august House.

Mr. Deputy Speaker: Mr. Mwiraria's Question for a second time.

Mr. Murungi: Mr. Deputy Speaker, Sir, before I ask this Question, I apologise to the House for not having asked it when it was first called out

Question No. 155

GROWING OF CITRUS FRUITS

Mr. Murungi, on behalf of **Mr. Mwiraria**, asked the Minister for Agriculture, Livestock Development and Marketing what action the Ministry is taking to rehabilitate the growing of citrus fruits in the country, following the complete destruction of the crop in some parts of the country by the greening disease.

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

My Ministry is aware of the infection of citrus fruits, particularly in high altitude areas, with the greening disease. In order to combat this disease, my Ministry has taken certain measures. We are discouraging farmers who are above 1,000 metres above sea level from farming citrus fruits because of an insect called psyllid which survives very well in those altitudes. We are also encouraging farmers---

Mr. Maore: On a point of order, Mr. Deputy Speaker, Sir. The Question is asking about rehabilitation of something that actually went wrong, but the Assistant Minister is talking about combating! So, he is giving a different story!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): Mr. Deputy Speaker, Sir, I will continue. Since most citrus trees in this country were affected by the particular disease, we have obtained, for the purposes of rehabilitation, fresh disease-free citrus material, which was imported, and we have stationed it at Matuga Research Centre, Manyani Government Prison, Pekera Research Centre and Kibos Prison Farm so that we may provide fresh material to farmers. Additionally, we are discouraging farmers from selling materials directly from their farms. Of course, there is a legislation which deals with unauthorised nurseries. In cases of established orchards, in order to control the greening disease, farmers are being advised to cut off diseased branches. They are also being supplied with tetracycline which has been found to be safe, but which must be handled properly in the country. Where orchards are fully infected, farmers are advised to destroy and then replant in order to avoid infection.

Mr. Murungi: Mr. Deputy Speaker, Sir, citrus production, especially in the lower parts of Meru and Tharaka-Nithi Districts, has almost come to a halt because of this disease. We are appreciating the efforts that the Ministry is putting into ensuring that the farmers below 1,000 metres above sea level are supplied with fresh and uncontaminated plants. What steps is the Ministry taking in the areas above 1,000 metres above sea level - much of Meru District is 3,000 feet above sea level - to stamp out the greening diseases, apart from destroying the crop?

Mr. Maundu: Mr. Deputy Speaker, Sir, our officers in the field have launched a campaign. Areas above 1,000 metres are not suitable for citrus fruits, but in the event that you have planted citrus fruit trees in those areas, we advise that you cut off branches that have been affected. If a whole plant is affected, you remove it altogether. However, in principle, we are discouraging, for purposes of having successful farming in those areas, the planting of citrus fruit trees there.

Mr. Maore: Mr. Speaker, Sir, the Assistant Minister did mention existence of some species of citrus fruits which would resist the greening disease. Which are these? The country would wish to hear them.

Mr. Maundu: Mr. Deputy Speaker, Sir, I believe the hon. Member is asking me to repeat the names of the centres that I mentioned. These are Matuga Research Centre which is in Kwale District, I believe---

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. Hon. Maore's question is specific: what species of citrus fruits are resistant to disease?

Mr. Maundu: Mr. Deputy Speaker, Sir, I am sorry that I do not have this particular information for areas 1,000 metres above sea level. But if there is necessity, I will provide it.

Mr. Deputy Speaker: Mr. Ogeka's Question.

Mr. Ogeka: Mr. Deputy Speaker, Sir, first I beg to apologise to the House for late arrival.

Question No. 133

REVENUE FROM SUGAR AUTHORITY

Mr. Ogeka asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) how much money has been raised by the Kenya Sugar Authority for Sugar Development Fund from Miwani, Chemelil and Muhoroni since the programme started; and
- (b) how much money from Sugar Development Fund, in turn, has been re-invested in each of the three sugar companies, in cane development, sugar roads and factory rehabilitation.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): Mr. Deputy Speaker, Sir, I beg to reply. (a) As at 31.3.95 the Sugar Development Fund received a total of Kshs83,635,291.15 as levy collected by the three sugar companies. This was as follows: Chemelil Sugar Company - Kshs61,848,799.85; Miwani Sugar Company - Kshs12,506,054.05 and Muhoroni Sugar Company - Kshs9,280,437.25.

(b) Mr. Deputy Speaker, Sir, to date the Sugar Development Fund (SDF) has granted some Kshs270 million to the three sugar companies, details of which, of course, I could give, if required.

As can be discerned from the above figures, priority has been placed on the use of the Fund's resources for cane development due to the cane shortage problem within the sugar industry. It is also evident that Miwani Sugar Company has started remitting the levy collected as from July, 1994, and has, therefore,

least benefited from the Fund loans to cane development and rehabilitation.

Mr. Ogeka: Thank you, Mr. Deputy Speaker, Sir. In appreciating the efforts by the SDF allocation, could the Assistant Minister tell the House who is responsible for cane development allocation in Muhoroni, Chemelil and Miwani respectively?

Mr. Maundu: Mr. Deputy Speaker, Sir, the Kenya Sugar Authority (KSA), of course, co-ordinates the development of cane in these areas and each particular sugar company has its own managerial team that supervises the development of cane in those areas.

Mr. Ogeka: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister did not exactly get my question. Cane development is between the farmer and the miller. The miller has almost 10 per cent of the outgrower which supplies cane to the miller. Between the miller and the farmer, who is responsible for cane development fund released to the respective factories jointly with the farming community?

Mr. Maundu: Mr. Deputy Speaker, Sir, I am getting the question clearly. I do not seem to have that particular information, but I do consider it important to the farmers in the area. So, I will look for this particular information.

Prof. Anyang'-Nyongo: Mr. Deputy Speaker, Sir, arising from the answer to part (b) of the question, whereby he says that the SDF has disbursed "270" million - I do not know whether it is shillings or pounds - to the factories for rehabilitation, I know that Muhoroni Sugar Factory needs 200 million dollars for rehabilitation so as to come back to full operation and to be meaningful to the Government. Is the Minister aware that this Kshs270 million is a paltry sum compared to what is required to fully rehabilitate the sugar factories so that the country can become self-sufficient in sugar production?

Mr. Maundu: Mr. Speaker, Sir, this sum is part of a levy that has been collected. I am aware that the sum is not sufficient enough, but we have done distribution, particularly Muhoroni where the hon. Member is concerned, I think, we have given them a total of Kshs118 million to date which we think will go a long way to help them. But we are concerned here.

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

Mr. Deputy Speaker: No, disallowed. Mr. Obwocha's Question for the second time.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I beg to apologise for being late when the Question was first called.

Question No. 076

BUILDING OF TEA FACTORY

Mr. Obwocha asked the Minister for Agriculture, Livestock Development and Marketing:-

(a) if he is aware that with the increased volume of green leaf in Nyamira District, there is need for construction of an additional tea factory in the area in order to avert a possible waste of collected tea leaf; and,

(b) if the answer to (a) above is in the affirmative, when KTDA will establish a tea factory in Nyamira District.

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

(a) Yes, I am aware.

(b) There are five green leaf processing factories in Nyamira District, namely, Nyankoba, Kebirigo, Nyansiongo, Tombe and Sanganyi. All these factories have an annual processing capacity of 10 million kilogrammes which is below the total green tea leaf produced in the District.

KTDA has embarked on an expansion programme to improve processing capacity by 50 per cent, to bring the processing capacity in these factories to 15 million kilogrammes of green tea leaf. I am pleased to state that to date, the contractors who are on site have expanded this programme by 75 per cent.

As regards the construction of a factory in Nyamira District, I would like to state that it is only after the expansion programme has been completed that the Ministry will be in a position to assess the future requirements of a factory.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I beg to dispute the figures the Minister has given. As concerns the production of green tea leaf in Nyamira District, the current production is 12 million kilogrammes, being led by Nyankoba Tea Factory which produces 3.2 million kilogrammes. I do not know why the Assistant Minister is here because he promised the farmers

of Nyamira, through KTDA, that a tea factory would be constructed at Nyamatoke which is at the border of Kitutu Masaba and my constituency of West Mugirango. Now, can the Minister tell the House in which factories is the current rehabilitation programme being undertaken to increase the processing facilities?

Mr. Maundu: Mr. Deputy Speaker, Sir, the figures that I have are correct. In 1994/95, we expect that these five factories will produce about 64 million kilogrammes, but when we go on with the expansion programme, we will build a capacity for 75 million kilogrammes. The expansion programme is going on in all the five factories in Nyamira District.

Mr. Anyona: Mr. Deputy Speaker, Sir, first of all, Nyamira District does not require just one new tea factory but, at least, three. But the Minister claims that there is an expansion programme going on in the five factories in Nyamira District. Can he tell us what kind of expansion it is, and how far it has gone? As far as we know, there is no such expansion going on anywhere in any of the factories. In any case, there are two aspects of expansion; one, the crashing capacity, and the other drying capacity of the factory. Now, which one is he talking about?

Mr. Maundu: Mr. Deputy Speaker, Sir, the expansion programme is inclusive of all the works to accommodate a 15 million kilogrammes capacity. In fact, civil works have been done and all the works taken into account is 75 per cent. But I would like to state that there is no evidence that Nyamira District requires an extra tea factory to date, if we go by statistics that we have at the moment.

Mr. Deputy Speaker: We go to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

ATTACK ON FORD(K) DELEGATES

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Could the Minister inform the House as to how many members of a gang that attacked delegates of FORD(K) National Executive Council meeting at Amani Catholic Church off Thika Road on 13th April, 1995, have been arrested and charged in a court of law?

(b) What are their names?

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

(a) Nobody has been arrested so far in connection with the incident, but investigations are still in progress.

(b) Arising out of part (a) of the question, part (b) of the question does not, therefore, arise.

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, I am not surprised by the answer given by the Assistant Minister because it is a well known fact that the Government of the Republic of Kenya would like the destruction of FORD(K) as a party to take place as soon as possible. This conspiracy has now become a full circle. We know that there has been a well protected and well-funded scheme by the KANU Government to destroy this party, but I would like to assure them that they will not succeed in doing so. In November, 1994, members of the National Executive Council Meeting of the FORD(K) at Agip House were attacked only 200 metres from the Police Headquarters and nothing was done. Recently, KANU youth-wingers harassed members of the FORD(K) Committee meeting in Siaya only two metres from the police station and nothing happened. As if that is not enough, when the National Executive Council of the party was meeting at Amani Christian Centre, a Member of Parliament walked into the meeting with a few youth-wingers who started throwing stone at the meeting hall and nothing happened. Who cannot see that this is a conspiracy by this Government to destroy FORD(K)?

Mr. Awori: Mr. Deputy Speaker, Sir, the Questioner has just said that a Member of Parliament walked into a meeting of the FORD(K) with some youth-wingers who started creating problems there. The alleged Member of Parliament is obviously the alleged commander of the thugs that I have been talking about. I, therefore, suggest that the Questioner requests the Commander of these thugs to desist from interfering with that party.

Mr. Achieng'-Onoko: Mr. Speaker, Sir, in view of the fact that there have been incidents of violence in the country including skirmishes during KANU rallies in Kakamega, would it not be fair that on part of the Government to review the situation so that we are assured of security when such meetings take place?

Mr. Awori: Mr. Deputy Speaker, Sir, I have just returned from Kakamega and there were no skirmishes or any violence of any kind. As we know, the daily newspapers in this country are very much in the pay of the Opposition and that is why they can say anything about KANU. As far as the scuffles are concerned, they have always been in the FORD(K) meetings and I suggest that the commander takes this responsibility.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, is the Assistant Minister not misleading this House when he says that investigations into this case are incomplete, when we know very well that several of the eyewitnesses in that particular incident at Amani Christian Centre have turned up at the Muthaiga Police Station to assist the police with their investigation, but they have been sent away by the police? What kind of investigations is the Minister talking about? Can he deny or confirm that these investigations are not going to be completed at all because there is a KANU agent behind all this thuggery?

Mr. Awori: Mr. Deputy Speaker, Sir, I deny that allegation.

Mr. Deputy Speaker: Next Question, Mr. Anyona.

WATER SHORTAGE IN NAIROBI

Mr. Anyona: Mr. Speaker, Sir, despite the fact that this Question was on the Order Paper yesterday when it was deferred, I have not yet received a written answer from the Minister. However, I beg to ask the Minister for Local Government the following Question by Private Notice:-

(a) Is the Minister aware that there is a critical shortage of water in Nairobi causing great inconvenience to the City residents and threatening serious epidemics of cholera and other health hazards?

(b) What is the cause of the current water shortage?

(c) What urgent measures is the Minister taking to arrest this grave situation and ensure normal supply of water to all residents of Nairobi.

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

(a) I am aware that there is a shortage of water in some parts of Nairobi which are, Karen, Langata neighbourhood which includes Ngei I, Ngei II, Onyonka I, Onyonka II, Rubia, Maasai, Otiende, Dam Estate, Civil Servants Estate, Nyayo Highrise Estate. Parts of Westlands where I live, parts of Upper Hill, and so on.

(b) There is a shortage of water because the Kabete Water Works Supply which was built sometime in the 1950s to supply water to these areas has not been able to cope with the present demand of water in these areas due to rapid development which exceeds the input. Therefore, the areas served from the Kabete Water Works experience water shortages.

However, the following measures have been taken to have water supplied to the water-deficient areas:-

(i) The council is rationing the available water from the Kabete Water Works and distributing it equitably to the estates in the affected areas.

(ii) The Nairobi City Council has two water tankers that are currently being used to mainly supply water to public institutions in the affected areas.

(iii) In the water-deficient areas, there are some zones which receive a better flow of water than others. The City Council is inter-connecting pipes so that there could be equitable distribution of water into these estates.

Mr. Deputy Speaker, Sir, the permanent solution to the water problem in these areas will be accomplished within the next three weeks. Under the Nairobi Third Water Supply Project, bulk transfer of water is to be effected from Gigiri Water Works to Cabot Water Works. This bulk transfer will ultimately triple the water supply to Kabete Water Works system, thereby increasing water supply to the water-deficient areas mentioned above. It is expected that this transfer of bulk water will take effect from Gigiri Water Works to Kabete Water Works in the next three weeks.

Mr. Anyona: Mr. Speaker, Sir, the water shortage in Nairobi is a very serious one. Even Members of Parliament have to run around looking for water. What is the Ministry doing to ensure that the City Council provides enough water to Nairobi residents, particularly to these areas which are currently affected by this acute shortage of water, by mobilizing even the National Youth Service to provide water?

Mr. Walji: Mr. Deputy Speaker, Sir, I share the sentiments of the hon. Member because I know there are parts of Westlands, even the place where I live, where there is acute water shortage. However, every time there is such water shortage, we ask the City Council to increase the flow to those particular areas. Now that I have said that the water flow situation will be improved within the next three weeks, I would like to assure the hon. Member that

all the affected areas will receive water equitably.

Mr. Omino: Mr. Deputy Speaker, Sir, it is a known fact now that all the possible sources of water for Nairobi have been utilised. So, the source the hon. Assistant Minister has talked about is going to last Nairobi one or two years. Which other source of water is Nairobi going to use to meet the ever-growing demand up to the year 2000 and beyond? All the possible sources have been tapped.

Mr. Walji: Mr. Deputy Speaker, Sir, as I have said, the Ministry is always looking for new sources of water for the City of Nairobi. However, I would request the hon. Member to put that as a separate Question and I will try to give him a reply.

Mr. Deputy Speaker: Next Order!

MINISTERIAL STATEMENT

NEW CHARGES FOR POSTAL SERVICES

The Minister for Transport and Communications (Mr. Otieno): On a point of order, Mr. Deputy Speaker, Sir.

Yesterday the Member for Juja, hon. Ndicho, requested a Ministerial Statement on the new charges for postal services announced by the Kenya Posts and Telecommunications Corporation last Tuesday, 25th April, 1995.

Mr. Deputy Speaker, Sir, the KPTC is implementing a reform programme under which its operations are being restructured to enable it operate commercially and be able to compete locally and internationally with private sector operators. It also has to pay corporation tax to the Government like any other commercial organization. I will soon be requesting Parliament to consider and amend the KPTC Act, Cap. 411, to separate the postal services of the Corporation from its telecommunication services, thereby creating two separate independent and self-sustaining organizations. Up to now, the postal services are heavily subsidized by revenue from the telecommunication services. This subsidy, in 1989/90, amounted to Kshs428 million. This has risen to a figure of Kshs644 million in 1991/92 and in last year 1993/94 it stood at Kshs922 million. The rates announced are calculated to be the full cost rates at which postal services would break even after other rationalization and cost saving measures are undertaken concurrently.

The Government is conscious and very sensitive to the fact that SAPs can impact adversely on several vulnerable groups in the society. His Excellency the President has directed that the plight of the vulnerable groups be considered very carefully as we implement all structural adjustment programmes. We want the KPTC to give consumers value for their money, and have instructed the Board and Management of KPTC to be reviewing the cost of these services against performance, in terms of the prompt and efficient delivery of the services. Where the rates do not make commercial sense they will have to be reviewed as the forces of supply and demand will dictate.

Mr. Deputy Speaker, Sir, hon. Members may wish to note that KPTC is not a monopoly in the mail delivery services. There are 26 other private courier service companies already competing with it in most of the lucrative mail service sector between the major urban areas in Kenya. This leaves KPTC to service the very high cost rural networks. The private operators charge much higher rates than those recently published by KPTC. I have had to examine these very rates. The cheapest next alternative is double to the rates which have been announced by KPTC.

Mr. Deputy Speaker, Sir, the Government will not allow exploitation of consumers by any parastatal. But on the other hand, the Exchequer has very limited funds with which to pay any subsidies in the economy.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Order!

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

Mr. Deputy Speaker: Not on that matter.

Mr. Shikuku: But I just want to seek clarification on the Ministerial Statement given by the Minister. Is that out of order these days?

Mr. Deputy Speaker: It is not out of order. Considering that we have spent 25 minutes beyond Question Time, and since in my view, the statement was very clear, I do not think we can spend more time on it.

BILL

First Reading

THE SUPPLEMENTARY APPROPRIATION BILL

(Order for First Reading read Read - the First Time - Ordered to be read the Second Time today)

Second Reading

THE SUPPLEMENTARY APPROPRIATION BILL

The Assistant Minister for Finance (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to move:-

THAT, the Supplementary Appropriation Bill be now read a Second Time.

The Supplementary Appropriation Bill, 1995, contains the 1994/95 Supplementary Estimates of Recurrent and Development Expenditures. The Bill also contains the Statements of Excesses No.1 of 1990/91 and No.1 of 1991/92. The documents containing the details of the expenditures were laid before this House on Tuesday, 11th April, 1995, and I believe that hon. Members have had ample time to go through the details of these expenditures which, through this Bill, I urge this august House to approve.

Mr. Deputy Speaker, Sir, as I mentioned in brief while moving the Motions for these Supplementary Estimates and the Statements of Excesses for the two years, major increases in the Recurrent Expenditures were to cater for the increased salaries and allowances for the teachers as well as doctors, and as well as for the payment of medical allowances to both categories of personnel and other civil servants.

Again, Mr. Deputy Speaker, Sir, in virtually all Ministries and Departments, substantial allocations had to be provided for settlement of pending bills pertaining to electricity, water and telephones.

Mr. Deputy Speaker, Sir, hon. Members have witnessed the bumper harvest of maize, both in the high and low-potential maize growing areas. Due to these harvests, the majority of the Development Votes had to be greatly reduced in order to make funds available under Vote D 01, Office of the President, for the purchase of maize from farmers.

At this juncture let me now dwell on the more significant specific areas of increases under some of the major Recurrent Votes other than what I have already mentioned. The increases under Vote R1 on page 161 - Office of the President, are mainly due to increased funding needed for security operations. No sound economic growth can be achieved by any country when there is no social and political stability in that country. Therefore, additional funds had to be provided to beef up security. The other notable increases cover areas of transport, purchase of stationery for para-legal services, replacement of vital equipment, purchase of additional transport and grants to Kenya Airports Authority to meet personnel costs and other operating expenses.

Mr. Deputy Speaker, Sir, it is important to mention here that the Authority does not have adequate funds to meet its operational and development costs, hence the need to Vote additional funds for the Authority in the national Budget. The major increase reflected under Vote R3 - Directorate of Personnel Management - is to cater for additional payments under the Voluntary Act (Early Retirement Scheme) already being implemented in the Civil Service. Here, again, Sir, additional expenditure sought under Vote R4 - Ministry of Foreign Affairs and International Co-operation, is to cater for external travelling to attend important international fora and conferences and increased State Visits abroad.

Mr. Deputy Speaker, Sir, apart from the three major utilities named, that is, electricity, water and telephones, I had earlier mentioned, the increase under Vote R5 - Ministry of Home Affairs and National Heritage - is mainly to cater for purchase of uniforms and clothing for inmates and procurement of security equipment.

Under Vote R6 - Office of the Vice-President and Ministry of Planning and National Development - is to cater for settlement of pending Bills owed to the PTA secretariat and to meet external travelling for the Office of the Vice-President while attending important Economic and Regional conferences.

Mr. Deputy Speaker, Sir, under Vote R10, apart from Personnel and Medical Allowances, the increase under this Ministry of Agriculture and Livestock Development and Marketing, is to cater for purchase of drugs, sera and vaccine for ticks and tsetse fly control services.

Under Vote R11 - Ministry of Health, as I mentioned earlier, the major increase under these Votes represents increase in doctors' salaries and allowances, as well as for the purchase of food and rations, uniform and clothing for patients and operational grants to Kenyatta National Hospital.

Under Vote R13 - Ministry of Public Works and Housing, additional provision under this Ministry is

mainly to cater for maintenance of roads. Under Vote R14, the notable increase is mainly to give subsidy for ferry operations at the Mombasa Port.

Under Vote R18 - Ministry of Culture and Social Services, the major increase is to cater for expenses of Committees and the balance is going to salaries as well as allowances.

The next is Vote R20 - Ministry of Land Reclamation, Regional and Water Development. Without repeating, the major increase under this Vote is mainly taken up by salaries and allowances as well as settlement of pending bills for electricity, telephones and operational grants to the National Irrigation Board. Under Vote R21 - Ministry of Environment and Natural Resources, the increase is mainly to take up the salaries and allowances, as well as payment of rents and rates.

[Mr. Deputy Speaker left the Chair]

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

On Vote R29 - The National Assembly, the increase here mainly covers increased salaries and allowances for hon. Members of Parliament, which you will agree was a welcome aspect, as well as for renovations to the County Hall to create more office space and grants to the Electoral Commission to meet election expenses.

Mr. Temporary Deputy Speaker, Sir, as I stated in my opening remarks, major increases under Vote R31 - Ministry of Education - are accounted for by the increase in teachers' salaries and allowances as well as expenses in low cost boarding primary schools, grant of bursaries, scholarships and subsidies to Kenyan students both locally and abroad, as well as loans under the University Loans Schemes and for settlement of pending bills incurred by the defunct University Students Accommodation Board (USAB).

Mr. Temporary Deputy Speaker, Sir, Vote R35 - Ministry of Research, Technical Training and Technology, the additional requirement is mainly accounted for by the increase in salaries and allowances, as well as grants to the Kenya Agricultural Research Institute (KARI) to meet increased personnel costs.

Mr. Temporary Deputy Speaker, Sir, I mentioned earlier that development expenditure had to be drastically reduced in order to provide sufficient funds for the purchase of maize from farmers, and to ensure the Government of Kenya contribution to donor-funded-projects and for settlement of pending bills within the overall fiscal programme.

With this in mind, therefore, the additional expenditure sought under Vote DO1 - Office of the President, Vote DO3 - Directorate of Personnel Management, Vote DO5 - Ministry of Home Affairs and National Heritage, Vote DO8 - Department of Defence, Vote D12 - Ministry of Local Government, Vote D23 - Ministry of Commerce and Industry, and, Vote D25 - Office of the Attorney-General, is mainly to cater for the purposes I have just stated above. Any other additional provision is mainly due to increased donor contributions to various development projects being implemented throughout the Republic.

Mr. Temporary Deputy Speaker, Sir, the Statements of Excesses No.1 of 1990/91 and No.1 of 1991/92 had earlier received parliamentary sanction when the Public Accounts Committee Reports for both of these years was adopted by Parliament on 4th May, 1994, and I need not, therefore, add anything in this regard. Having appraised hon. Members of what is mainly contained in this Supplementary Appropriations Bill, 1995, I now call upon hon. Members to deliberate on this Bill and pass it, in order to enable the Ministry of Finance release the additional funds to be applied to the purposes which I have just enumerated.

With these remarks, I beg to move.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I beg to second this very important Bill. The Mover of this Bill has explained details of various Votes, and I would like to make a few comments regarding the expenditures that are contained in this Bill.

Looking very carefully, there is one thing that comes out in the Recurrent Expenditure when you look at it carefully in that, you will find that there is quite a lot that is involved, but not a lot in the Development Expenditure. Since the implementation of the Structural Adjustment Programmes (SAPs), which have been very expensive, a lot of money is needed to finance some of these programmes. We are rather unfortunate in that when the Structural Adjustment Programmes discussions were being undertaken, the assumption was that there will be additional provision of finance from the donors or the World Bank. Negotiations took place between the Kenya Government and those people, with the understanding that there will be safety nets in the form of cushioning the effects of SAPs. Looking at various Votes, it is very clear that the social dimensions of development, the one that is meant to look into how to cushion the effects of SAPs, has resulted into increases

in expenditure in various Votes.

Mr. Temporary Deputy Speaker, Sir, when look you at the Votes of the Office of the President, you will see that the increases have come about as a result of the implementation of the social dimensions that are made to cushion the negative effects of Social Adjustment Programmes. I have in mind the very crucial one of the National Drought Recovery Programme which is a very important aspect when it comes to cushioning of the vulnerable societies in this country. Money is needed for the provision of foodstuffs such as maize, and especially in areas that have poor rainfall where the yields have been low. It is extremely important that there should be increased purchases by the National Cereals and Produce Board (NCPB) so that the maize stored is enough to cater for areas that have deficit of maize.

Looking at the same Votes, there is the issue of security. This country is surrounded by countries where the security operations have broken down. The refugees fleeing these countries flock into our country and as a result they burden the security finances of our country.

I would like to appeal to our colleagues to promote peace wherever they are. In doing so, we will be able to reduce the expenses that are necessary to bring about security in this country. Of late, we have had occurrences in Western Kenya, whereby outsiders have encouraged insecurity through various movements like the FERA *et cetera*. I would, therefore, like to appeal to all leaders in this country to preach peace. One thing that everybody in this country ought to bear in mind is that it is the constitutional duty of the Government to deal firmly with anything that threatens the national security. Yesterday, a lot was said in this House on harassment, but all of us should know that it is a constitutional duty of any Government to make sure that the national security is not threatened by any group.

Mr. Deputy Speaker, Sir, when I look at the Vote of the Ministry of Information and Broadcasting, I see that hon. Members of Parliament always ask that transport be provided for those going to cover their meetings. It will only be possible to provide such services depending on the availability of funds. This Bill is very important and we should all support it so that each hon. Member gets those services throughout his constituency.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to those who are involved in the implementation of various projects and the collection of revenue to make sure that they are transparent in whatever they do. There is no point in discussing these Votes here and approving them, only to find that in the District Development Committees (DDCs), those responsible for providing the services have diverted the funds to other uses. The auditors should also make sure that the money voted is used transparently. If there is no transparency, then the services that we are talking about in this Bill will not be provided if the money is not used in the right way.

Mr. Temporary Deputy Speaker, Sir, my other appeal is to those who are involved in the collection of any Government revenue to make sure that what is collected gets back to the Government. A lot of that collected revenue does not reach the Government coffers.

Finally, Mr. Temporary Deputy Speaker, Sir, I know that the money contained in this Bill will go to pay the debts already incurred, but I would like to appeal to the DDCs to be transparent when giving out tenders. I would also like to remind the DDCs that the main reason the District Focus for Rural Development Programme was initiated was to make sure that the local people benefit from any monies voted. I would like to appeal to the DDCs that the local businessmen in areas where the tenders are being awarded should get the tenders. There is no point getting a tenderer all the way from Nyeri only to be given a tender to supply an item in Makeni District or Kilifi. They should first and foremost consider those who can supply services locally, and if they cannot get a tenderer locally, then they can go for those from far places.

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

(Question proposed)

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. On Thursday, the 13th day of April, 1995, I rose in this House and drew the attention of the House to the fact that we were rushing over the deliberations on the Supplementary Estimates without giving hon. Members an opportunity to read the finer prints of what we were working on.

From what we have been able to read of the finer prints since then, some of us have been vindicated in our stand that it was wrong at the time that this august Assembly rushed its business by giving endorsement to a matter broadly not understood by the hon. Members voting. It is a bad precedent that we are setting in the National Assembly that a serious matter of appropriation of taxpayers' money comes at the shortest of notices and we proceed to discuss it as if we are a greedy authority. This piece of paper was not even in our

pigeon-holes this morning.

(Dr. Kituyi waved the paper)

An hon. Member: I have not even seen mine!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, this Appropriation Bill has arrived this afternoon. It is wrong, unjustifiable and questionable for hon. Members, with such amount of abandon, to proceed to discuss this Bill, giving approval to expenditures which were incurred five years ago, and other expenditures which are being requested for now are, in many cases, more than what was budgeted for on those items, without being given a chance to co-relate between what is in the Appropriation Bill and what was in the original Budget.

Mr. Temporary Deputy Speaker, Sir, I want to propose that this matter be stood over, that the debate on the Supplementary Appropriation Bill be adjourned, the reason being that, among other things, this was not presented as priority business by the Government in the Sessional Committee where I am a Member.

The Temporary Deputy Speaker (Mr. Wetangula): Is there any Member who would like to contribute to the Bill?

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have moved that the debate be adjourned. There should be seconding of that---

The Temporary Deputy Speaker (Mr. Wetangula): There is nothing to second before this House.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! The Chair needs no assistance. There is nothing that has been placed before the House for anybody to second. Is there anybody to contribute? Yes, Mr. Muite.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Muite has been given the opportunity to contribute to the Bill.

Mr. Muite: I thank you, Mr. Temporary Deputy Speaker, Sir. While hon. Dr. Kituyi drafts the necessary Motion for the adjournment of debate on this Bill, I wish to take the opportunity to contribute.

The Temporary Deputy Speaker (Mr. Wetangula): I beg your pardon?

Mr. Muite: He is drafting the necessary Motion to place before this House for the adjournment of debate on this Bill.

I would like to begin by saying that when it comes---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I thought I heard you loud and clear. You gave hon. Muite the opportunity to contribute to the Bill.

The Temporary Deputy Speaker (Mr. Wetangula): Yes, that is what I did.

Mr. Shikuku: However, he is telling us that hon. Dr. Kituyi is busy drafting a Motion on this. Where do we stand? Dr. Kituyi has already spoken and I do not know whether---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Muite, did you say that? I was consulting with the Clerk and I did not hear that. I gave hon. Muite the opportunity to contribute to the Bill as it is before the House, not to announce a pending Motion or anything like that.

Mr. Muite: That is what I am doing, Mr. Temporary Deputy Speaker, Sir. I was beginning to open my contribution by emphasizing that when it comes to public funds and expenditure of taxpayers' money, there are few matters that are more fundamental and which place greater responsibility on the shoulders of the elected Members of Parliament than scrutinizing Government expenditure. So, it is not right for this sort of Bill to be put in our pigeon-holes this morning because that does not give us a good opportunity to discharge the responsibility placed on our shoulders and expected of us by the Kenyan public. If there is one thing that has ruined the management of public affairs in this country, it is the cavalier manner in which the KANU Government proceeds to spend public funds without any authority or listening to any opposing views, and without any thought as to whether the expenditure is justified or not. One should be very circumspect with money that comes from Kenyans, rich and poor, and which they expect the Government of the day to spend very carefully by budgeting and prioritizing on what should be done, so that each cent goes where it ought to.

Mr. Temporary Deputy Speaker, Sir, when one looks at page 171 of this Bill, one sees that the Government tells us that the Supplementary Appropriation Bill, 1995, makes provision for giving statutory

sanctions for public expenditure during the year ending 30th June, 1991. If I may pause there, a question arises, which I do hope that the hon. Assistant Minister for Finance will be able to enlighten this House on. This is the question as to why the National Assembly is being asked in April, 1995, to give sanction. In fact, in other words, what this august House is being asked to do is to "rubber-stamp" money that this Government spent without authority in the year 1991. In fact, presumably, this is during the years 1990 to 1991, because the period covered extends up to 30th June, 1991. Who had given the Government authority to spend that money? Why was the National Assembly not asked to approve that expenditure in June, 1991? Why wait until 1995? Is there anything we can do about this? Suppose my hon. colleagues on the other side of the House were, for once, to discharge the responsibility that also rests on their shoulders and, therefore, agree to vote with the Opposition on a Bill like this one; what would be the result of it? Money has already been spent by this Government and yet, this Government now wants to rely on its majority to get this House to rubber-stamp expenditure that they incurred up to June, 1991.

It is not only that. The Government is also asking us to sanction money that was spent by it up to 30th June, 1992. So, we are, with respect to this Government, merely a rubber-stamp to come and give legal authority to what they have already done without authority, and yet, we are talking about Government funds.

Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to say that when it comes to money matters, every shilling is very important to this country. If you are going to manage the economy of this country properly, every shilling matters. Its expenditure needs to be scrutinized. We, as the elected Members of Parliament, need to be satisfied that the Government requires every shilling that they are asking for. We need to know what purpose they want that shilling for. I would like to take this opportunity to suggest that when the time comes for revision of the Standing Orders or, indeed, for a new constitutional order that we have been crying for, it would be found appropriate to in-build a committee of this House that will be able to scrutinize the budget and money Bills, so that, that Committee which should be charged with the responsibility of going with a comb over the Government proposals of expenditure can have time to go through each proposal, section by section, before a Bill like this one is presented to Parliament. This is because this Parliament in this manner is obviously not going to be able to act as a watchdog for the public over the Government in respect of public expenditure. How can---

MOTION

ADJOURNMENT OF DEBATE ON BILL

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir, I hate to interrupt the very constructive and important contribution being made by the hon. Member of Parliament for Kikuyu. I expressed my concern in an earlier point of order about the importance that has to be attached to discussion of appropriation of taxpayers' money. It is one of the most important functions of a parliament; no taxation without representation. The spirit that we should have fair play is such that, at least, there should be enough time. If hon. Members are not just contributing now but continuing, fair enough; but, otherwise, the best situation would have been that hon. Members receive a Bill before the House at least 48 hours before it is being debated in the House. I wish to move the Motion that under the provisions of Standing Order No. 21, the debate on the Appropriations Bill of 1995 be adjourned until Tuesday, 2nd May, 1995. I know that the hon. Member of Parliament for Kikuyu can second me on this one.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I would like to very strongly indeed, second---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Muite! In fact, that is highly irregular. You cannot debate the Bill and then stand to second the Motion to shove it away. You cannot do that.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I wish to second this Motion. It is important that in moving such an important Bill, hon. Members have adequate time to look not only at the Bill, but that the normal processes of the First, Second and Third Readings are undertaken in the normal way. Once Bills are rushed through Parliament in this fashion, we are likely to make mistakes. You can remember that the hon. Vice-President, in the Sixth Parliament, brought a Bill in which the Sixth Parliament approved payments to the Goldenberg International of some money which was dubbed "Customs Refund". It was under such circumstances that such a thing went through this Parliament. I would second this Motion by saying that we be given adequate time to study the Bill and let it go through the normal process of the First and Second Reading without being rushed.

I beg to second the Motion.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Much as I would like to support this Motion now moved, I do not know whether it is infringing on Standing Order No.99.

The Temporary Deputy Speaker (Mr. Wetangula): I was just going to say that because I have been agonizing my mind on it.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I stand here to express the view that the intended Motion should not be accepted because it is not strictly true that the information relating to this Bill has just been delivered today. The information was contained in the Supplementary Estimates---

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister is misrepresenting my views by claiming that I alleged at any one time that the information relating to this Bill was not presented before this House earlier than today. I said this Bill was not availed to hon. Members before today, and not any information that appertains to the Bill. Also, there is no provision in Standing Order No.99 that is contradictory to the wish of moving this Motion under Standing No. 21. It is about combining and condensing different stages of the Bill.

The Assistant Minister for Finance (Mr. Keah): Be that as it may---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Keah! First of all, I would like to agree with the hon. Shikuku that the moving of this Motion and its secondment is an infringement to the provisions of the Standing Order No.99. Be that as it may, I invoke the provisions of Standing Order No. 21(3) and use the discretion of the Chair to decline to propose a question to that Motion but make a ruling from the Chair to the effect that, this Bill will be debated up to and including the sitting of Tuesday, afternoon.

Hon. Muite, carry on.

*(The Chair declined to propose the Question
and ordered resumption of Debate on Bill)*

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I was emphasizing the point that in my opinion, the only effective way in which elected hon. Members of this House can discharge the obligation of being a watchdog over public funds, is through setting up a Standing Committee of this House, specifically charged with the duty of scrutinising money Bills and proposals for the Supplementary Budget. That committee can sit at its own leisure and very carefully scrutinise each proposal long before it is presented to this House. Although these figures are here, though we did get the information earlier in terms of Supplementary Estimates, we will recollect that equally, this House did not get adequate time to scrutinise and to debate those Estimates, and now this is the Bill that is supposed to legalise the Estimates---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Muite! I have given you more time. Why do you not debate the Bill instead of complaining about the time?

Mr. Muite: I am saying that standing up here to debate a Bill like this one that I received this morning is not discharging the obligation placed on my shoulders as an elected Member to be a watchdog over expenditure of public funds. I am merely taking this opportunity when debating this Bill to say how this House can be effective as a watchdog, and I am urging that a committee be set up and the necessary amendments to the law be effected to facilitate the setting up of a committee of this House, which is going to be charged with the duty of scrutinising money Bills---

Mr. Shikuku: On a point of information, Mr. Temporary Deputy Speaker, Sir. I must thank the hon. Member for giving me this opportunity to inform him. It is said that we have the Estimates Committee provided for by our Standing Orders, but since I came to this House, this Committee has never met. I have even enquired about this from our offices here and I am told it does not meet because of lack of staff. Only two committees are functioning; these are the Public Accounts and the Public Investments Committees. The problem is that HANSARD staff are not enough to man all other committees. Since I can see new Clerk Assistants here, let me hope this committee will also start sitting. If we had an Estimates Committee, it would have helped us a great deal. Since it is not functioning, we are in this mess!

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku, are you informing or arguing?

Mr. Shikuku: I am informing him.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member for Butere and I would like to suggest that the authority and power of the Estimates Committee be expanded so that it does not only have to deal with money, including money Bills. Government expenditure should not come to this House

before passing through that sort of committee. The other way to make it effective is, in fact, to change the rules so that the majority in that--- You see, it has to deal with expenditure just like the Public Accounts Committee. So, equally, that committee should be dominated and chaired by the Opposition. This is because we are being a watchdog.

Mr. Temporary Deputy Speaker, Sir, now, on page 166 of this Bill, one finds a very large sums of money that we are being asked to approve for development expenditure under D01 - Office of the President. From page 165, we are told that the amount required in the year ending 30th June, 1995 for the Office of the President for capital expenditure includes general administration, planning and construction of new buildings. I would like to pause here and say this, that during lean years the management of the finances or resources of a country in terms of approach, methodology and formula is no different from how any one of us manages his own household. If you do not have enough money, you cut your dress according to the cloth you have. In lean years, if the demands are too many, you prioritise. You decide what might be desirable, but for which you do not have money. A country's finances should be run on similar basis. If we do not have money to go constructing buildings, should we be embarking construction of buildings? When the economy of this nation is in very dire straits, should we be actually spending money to construct buildings for the Office of the President? We should ask ourselves these questions. Is it more reasonable and of a higher priority to spend that money in the Ministry of Health in order to stock drugs in our hospitals, and in order to extend health services to the millions of Kenyans who now go to Kenyatta National Hospital, where they have to buy from private chemists even prescription forms and bandages? Should we be spending money to construct buildings, or should we be enlarging the Vote of the Ministry of Health?

The other question is this; if we are budgeting for construction, is it right that the Government should be coming to this House to ask for money by way of Supplementary Estimates? Why was the Government not able to budget properly for any building they wanted? Construction of buildings is not the sort of suitable item that should be funded through the back-door of Supplementary Estimates. We expect to be told that these were buildings which were in the course of construction and that they have run out of funds because the cost of cement or something else has gone up. But now, that is not what we are being told!

Dr. Lwali-Oyondi: On point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): I hope it is a point of information! I am now receiving arguments under the guise of information!

Dr. Lwali-Oyondi: My point of information is this; despite the fact that in this particular item we are being asked to give money for construction of buildings, at the same time, Government buildings are being dished to individuals!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am grateful for that piece of information because it is relevant. Here we are being asked to approve a supplementary amount of money to go towards the construction of Government buildings and, yet the same Government is freely allocating its buildings to individuals at no price, so that they can be knocked out! In fact, I do notice here that the Government is talking about construction of new buildings. How can the Government come and ask us to approve a supplementary budget for construction of new buildings? Is this a suitable item to be funded through supplementary budget? Is it not the sort of item that should wait for the next financial year, so that the Minister can bring here a proper budget for construction of new buildings? After all, we expect that there will be a Budget in June, 1995. Is it being suggested by this Government that they cannot wait for two months in order to bring a budget for construction of buildings? We need more details as to what buildings are required. What is so urgent about these new buildings?

The item also goes on to mention extension to existing buildings, provincial and district offices, Agricultural Development Corporation, National Youth Service, Immigration Department, Matuga, Baringo and Embu Development Institutes, Government Press and the Police Department. Are we being asked to pass more money for the police in order to enable them to deploy 20 cars to blockade these Parliament Buildings as they did yesterday? Are we being asked to give more money to enable the police to deploy scores of policemen whom they deployed this morning here, and who combed the entire National Assembly, including this august House, where we are now looking for the hon. Gatabaki? Is this the money we are being asked to approve by way of a supplementary budget for this purpose?

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. The hon. Member for "the Kikuyu" is certainly misleading the House by claiming that this morning the police came to comb Parliament Buildings to look for the hon. Gatabaki. I want to say that is not true. It is a created story for purposes that I do not understand.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, may I first of all, with respect to the hon. Member for Trans Mara, inform him that I am a Member of Parliament for Kikuyu Constituency, but not a Member for Kikuyus.

An hon. Member: Unlike him who is a Member of Parliament for Maasais!

(Laughter)

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, there is a serious issue here. I know what I am talking about and the hon. Assistant Minister who is in charge of internal security in the Office of the President, if he asked the police, will be told because they were seen here. They were inside this building. They went to every place in the entire National Assembly building looking for the hon. Gatabaki. Go and do your investigations and you will find that is so.

But the question I am asking is: are we being asked to pass more money here in order for more policemen to be employed to be doing this sort of work? Are we being asked to pass more money in order for more policemen to be employed between now and June for them to be deployed to follow Opposition Members of Parliament? I think we are entitled to ask for details, and those details, hopefully, will be forthcoming from the Assistant Minister for Finance who is seated here.

Mr. Temporary Deputy Speaker, Sir, we are also being asked to pass a Supplementary Vote for the General Service Unit (GSU), and I can only express the hope that if the money is passed, it will be spent in the better training of the GSU rather than increasing their numbers in order to be deployed on innocent citizens of this country when they want to disperse peaceful political rallies. Are we being asked to pass the money in order for the numbers of the GSU to be increased so that they can continue to harass innocent Kenyan citizens?

Mr. Temporary Deputy Speaker, Sir, under (d)(01), page 166, we are also being asked to pass this Supplementary Vote for the Kenya Airports Authority (KAA). Now, in my view and opinion, it is not fair to this House and Kenyans in general to make a general statement: "KAA for capital expenditure". I would ask that when the Government comes to respond or reply to the debate on this Appropriation Bill, we shall be given the details and the precise breakdown of what this amount is for; "KAA development expenditure". Which airport and what is being done? Are we improving Nairobi or Mombasa Airports? We want an assurance that an amount of this money that we are now being asked to approve will go towards the construction of the airport at Eldoret. If the Government wants to construct an airport at Eldoret, we want to be told. We want a Bill to be brought here and we want transparency and accountability. We want to be told here that we want you to pass this money to enable us, as the Government, to construct an airport at Eldoret.

At the moment, I am not talking about the merits or demerits of the construction of an airport at Eldoret. I am merely talking about the responsibility placed upon this House to be told the whole truth and to have an opportunity to be heard. We do not want to pass amounts here through the backdoor, which might be heading towards the construction of this airport.

Mr. Temporary Deputy Speaker, Sir, when you come to (d)(05), again the amount required here for the Ministry of Home Affairs and National Heritage, the capital expenditure on buildings and staff houses, is too much construction. Almost every Vote here has to do with construction. Is it right that the Government should be embarking on extensive construction of buildings at this point in time when clearly the economy of Kenya cannot accommodate this sort of capital expenditure, and when clearly there are many other areas crying out for assistance?

That there must not be any taxation without benefit is something that is not academic. This is what led to the present constitution at set-up, as it is in England, when the King was taxing the people and putting the money into the pocket. The principle of "no taxation without benefit" was enunciated or evolved then. That is very, very critical. What Kenyans are asking is that the tax which they are paying - and everybody is paying through their noses; we are amongst the most highly taxed nations of the world - is that, can we see the benefits of this taxation?

The particular areas that are very critical in terms of the benefits, the Kenyan public, first and foremost, would like health services extended to even those who are not able to afford them, or the Government should manage the economy in such a manner that the majority of Kenyans will be able to have salaries or their own incomes to a point where they can afford health services from their pockets. At the moment, the health services in this country are in shambles and Kenyans are suffering. When we say "no taxation without benefits", where do we see evidence of benefits in the health services; where is the return of the taxes that we pay as far as health services in this country are concerned?

Mr. Temporary Deputy Speaker, Sir, the other major and critical area is education. Again, it is for this Government to so manage the economy that the majority of Kenyans are able to have incomes in their pockets, to such an extent that they can afford the cost of education for their children. Alternatively, if the economy is not so managed, it is for this Government then to provide education to the majority of Kenyans.

At the moment, again, the educational services in this country, from primary level to the university level, has collapsed. Parents are no longer able to afford school fees and books for their children, be it in primary, secondary or university. So, when we talk about taxation, it is very critical that the Government will manage that money and economy well. There is absolutely no evidence that the taxation and the economy of this country are being managed properly whatsoever.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, on a point of information. Hon. Members are misleading the House and making references to the figures in the Bill, which they say are not available anywhere. Those figures are available in the detailed Supplementary Estimates presented to the House on 11th April, this year. I would, therefore, ask hon. Members to pick up the details from this book. The information and the details of those figures in here are amply stated in this book, the Supplementary Estimates, Development Expenditure, as well as the Supplementary Estimates, Recurrent Expenditure. I would, therefore, request them to make references to both.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I was commenting on R36 on page 165 where the amount required for the year ending 30th of June, 1995, for the salaries and expenses of the Ministry of Lands and Housing, has been indicated. We are being asked to approve the expenditure from taxpayers' money to be used by the Ministry of Lands and Housing for the payment of salaries to the tune of K£2.7 million. If the Ministry of Lands, Planning and Housing does not have the money, why do they not sell the plots and houses that they are giving free to the politically favoured people in this country and bring that money to the Consolidated Fund? This Ministry should not be asking for funds when we know very well that in Mombasa, Nairobi, Nakuru, Eldoret and Kisumu, they are giving away Government houses and plots for free to the politically favoured. This exercise goes on everyday. This Government seems to have gone berserk! Why are they allocating Government houses to people? Unless something is done immediately, before too long, Jogoo House is, without any doubt, going to be allocated to one of the KANU politicians.

Mr. Temporary Deputy Speaker, Sir, today, as we speak in this House, practically all the forests have been cut up. As we know, forests come under the Ministry of Lands and Housing. What is happening is that they are giving 100 or 200 acres freely to people who are politically favoured, so that they can buy allegiance from these people. Why does this Government not just persuade Kenyans to join KANU because of their policies instead of bribing them with plots and houses? Why can they not sell to them if they have to give them out?

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to talk in a way that appears to encourage corruption, which he has so vehemently tried to oppose all along by saying that KANU should provide these things free in order to buy allegiance? KANU is a party that is supported by a majority of wananchi and they do not need to buy allegiance from any person at all.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, it is common knowledge that the figures of the voting pattern in the last general elections are freely available. If the hon. Minister does not have these figures, I will bring them on Tuesday and give them to him.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member on the Floor in order to keep on referring to the voting pattern of 1992, when, in fact, there have been so many defections to KANU even in this House and, therefore, the position has actually changed?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the people who have defected after being bought by this Government are politicians. For the information of this hon. Assistant Minister and the KANU Government, the public has not defected; they are still strongly standing in the Opposition!

Turning to R31 - Ministry of Education, I do not have any quarrel with this Ministry, except to suggest one thing. May I appeal to this Government to review the School Milk Feeding Programme to find out its effectiveness---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Muite! There is a Motion by the hon. Member for Kanduyi, Mr. Sifuna, and, therefore, you should not say anything about the school milk programme at this juncture.

Mr. Muite: Thank you, Mr. Temporary Deputy Speaker, Sir. I did not know that, but I would like to

say that today, in Kenya, there are very many children who would prefer to have ugali and beans instead of this milk which is too expensive. However, if there is a pending Motion on this issue, I will leave it at that. Here we are being asked to approve money and I would like to say that the Government should question itself as to whether the money that is spent in the school milk programme is best spent in giving milk to children instead of buying them beans and ugali. There are very many children in the country today who do not have food, and they would prefer to have food instead of milk.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Chepkok): No! We prefer milk.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the option could be left to the people to decide. I hear the hon. Member from Turkana saying that they would prefer milk.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Chepkok): On a point of order, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Chepkok. We all know that you do not come from Turkana.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, the Turkanas are neighbours to the Marakwets and I did not know until now that there is any bad blood between them.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Chepkok): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really in order for the "hon. Member for Kikuyus" to allege that I come from Turkana while he knows very well that I come from Keiyo-Marakwet? If he doubts that I come from Keiyo-Marakwet, he should accompany me over the weekend so that I can show him where I come from. He will be safe enough.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Chepkok to mislead this House by saying that he comes from Keiyo-Marakwet while we know that he is from Keiyo District? There is no constituency that we know of by the name Keiyo-Marakwet. There are Keiyo and Marakwet Districts and he cannot be in both districts at the same time.

The Temporary Deputy Speaker (Mr. Wetangula): In fact, he has misled the House in two respects; first, by describing his constituency as "Keiyo-Marakwet" and secondly by referring to hon. Muite as the "Member for Kikuyus".

(Laughter)

Mr. Muite: I thank you, Mr. Temporary Deputy Speaker. Regrettably, we have two qualities in common between the hon. Member and myself. He happens to be as dark as I am and we also share the same Christian name. I find that to be highly regrettable.

Coming to R30, again we are being asked to pass the money for Kerio Valley Development Authority and TARDA. Before this House can be asked to pass a supplementary budget for those authorities, we would like to be satisfied as to the sound management and lack of corruption in these two parastatals. Are they being managed soundly? Are we being asked to subsidize this mismanagement, inefficiency and corruption? Is that what we are being asked to pass a supplementary amount for? We would like to be satisfied on these very critical issues.

On page 164 - R28, they indicate the amount required in the year ending 30th June, 1995, for salaries, allowances and other expenses of staff of the Office of the Controller and Auditor-General on account of services rendered to the Central Government and Local Authorities. The only one institution where this House would approve any amount asked for, is the Department of the Controller and Auditor-General.

An hon. Member: Just because it is headed by a Kikuyu?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, there is also Vote R22 - Ministry of Co-operative Development, and I would like to comment that this is a very, very critical Ministry because if we were to remove mismanagement and corruption in the management of the co-operative societies, this is the way forward in this country of assisting people who do not have a lot of means on their own and yet when they get together, they can achieve economically. Regrettably, the Ministry of Co-operative Development has not been an example in efficiency; in terms of assisting the co-operative societies in this country. The majority of the co-operative societies are not properly managed. In fact, instead of giving assistance in the majority of cases, the co-operative officers are the ones who go and join hands with one clique or the other in particular co-operatives; they are then joined by the district commissioners, the chiefs and what-have-you, and these particular co-operatives collapse. So, I would be happy to support and approve a supplementary budget for the

co-operative movement in this country, but it is not the amount of money that is important. Even if we vote billions and billions of shillings to the respective Ministries, there will be nothing to show for it.

The key is first and foremost, the human element; what sort of individuals are you going to put in key positions? We must identify individuals, men or women, purely on merit and not on political considerations.

We must give people jobs and promote them because they are able Kenyans; because they merit on their own personal CVs, and then we are going to begin to manage the economy of this country in the manner in which we should. So, even if we were to pass this Supplementary Appropriation Bill or, indeed, the Budget that we are going to pass in June, we will continue to go down as a country; the economy of this country will continue to go from bad to worse until we run proper management of public affairs; proper management of the economy, and proper management of the institutions that we have. That can only happen if, first and foremost, we are serious in eradicating corruption in this country. Corruption is the most devastating factor in the economy of this nation. If we want to eradicate corruption--- If one wants to eradicate corruption in any country anywhere in the world, do not start at the bottom. You will not be able to eradicate corruption if you start from the bottom or from somewhere in-between.

The way to go about eradicating corruption is to find out in the particular country how high up corruption has gone and start from there. If you identify how high it has gone and start from there then the eradication of corruption will percolate downwards and you will find that within no time you have got a new moral order in the country. I do want to emphasise that because it is all very well for us to debate this Supplementary Appropriation Bill but unless we come up with proper management of our affairs and eradicate corruption the economy of this country will never get anywhere.

Mr. Temporary Deputy Speaker, Sir, on page 163, we are being asked to pass a supplementary amount for the Ministry of Information and Broadcasting for the salaries and expenses of the Ministry. We cannot, on this side of the House, really seriously be asked here to pass a supplementary Vote for Kenya Broadcasting Corporation which is being used as a KANU mouthpiece. We are being asked to approve taxpayers' money to go into an organ that, for all practical purposes, is a propaganda mouthpiece for the ruling party, KANU. Even if all the other amounts for the other Ministries are passed, it is my honest hope that this House will reject this particular supplementary Vote for hon. Makau until such time that KBC is given to competent people.

Not too long ago, the Managing Director of KBC, without batting an eyelid, said in public that the reason why the Opposition is not covered on KBC is because the Opposition never says anything newsworthy. That is an insult to this House; it is an insult to the hon. Members on this side of the House because we know that it is not the truth. If KBC wishes to have any credibility, it must be impartial; it must be run competently and it must detach itself from the ruling party KANU. If it does that and then comes to this House to ask for more money, I am sure that the House will be more than happy to give that money to the Corporation. But you are now being asked to give more money between now and June, to enable them to cover what every chief from every location in the country says; what each district commissioner says and what each Assistant Minister and Minister says. It is like this country consists of the minority party, KANU because they were elected by a minority. That is the minority that is covered on KBC.

Mr. Temporary Deputy Speaker, Sir, on the same page, we are being asked to pass a very large sum of money for the Ministry of Environment and Natural Resources. We have devastated our environment from Molo Forest, the forest near the Escarpment, down to Karura Forest. Are we now being asked to pass more money in order to facilitate more employees being employed in this Ministry, to enable them to pursue this craze that they have of totally being insensitive to the future generations in this country? It is shattering when one sees what we are doing with our forests; when one sees the manner in which we are cutting down chunks of virgin forest

land and dishing it out to individuals who already own hundreds or thousands of acres, purely in order to carry political favour. This Government really should not have the courage to bring a Bill like this one to this House; to ask us to approve a supplementary amount for the Ministry of Environment and Natural Resources.

With those few remarks, I beg to oppose.

The Temporary Deputy Speaker (Mr. Wetangula): I will give the Floor to hon. Sunkuli but before he takes the Floor, I want, for the avoidance of any confusion and for the Members who are complaining that they have been ambushed with this Bill, to say that everything contained in this Bill is available in the Supplementary Estimates, both Recurrent and Development, which were laid on the Table of this House on 11th April, 1995, and subsequently passed by the House. So, it is not fair to make allegations of ambush on information you already have.

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

The Temporary Deputy Speaker (Mr. Wetangula): On what I have said?

Mr. Munyasia: No, Mr. Temporary Deputy Speaker, Sir. It is just an addition.

The Temporary Deputy Speaker (Mr. Wetangula): Order! The Chair does not need any additional material.

The Assistant Minister, Office of the President (Mr. Sunkuli): Thank you, Mr. Temporary Deputy Speaker, Sir. I will not be very long because the details of this Bill have been succinctly stated---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Sunkuli, you have no business explaining the ruling of the Chair; it is so clear.

The Assistant Minister, Office of the President (Mr. Sunkuli): I am doing something different, Mr. Temporary Deputy Speaker, Sir. I am just saying that the details of this particular Bill have been succinctly stated by the Mover and Seconder, and I will, therefore, not go into them myself. I just want to say a few things that would be of interest in this particular Bill.

Mr. Temporary Deputy Speaker, Sir, first I want to commend hon. Muite for digging deeply into the Bill. That shows the kind of interest he would have for the matters that are before this House. It is only a pity that most of these statements are not quite appreciative of the efforts that the Government is making in the expenditure of these funds. This is in particular when one comments about the Office of the President.

This House will realise that there are so many departments that render essential services that fall within the Office of the President. If the hon. Member for Kikuyu Constituency had actually read that particular volume, he would have realised that the money we have requested for the Kenya Airports Authority, which falls under the Office of the President, is for the rehabilitation of the existing airports, principally the work that is now going on in the Mombasa Moi International Airport.

There would be no reason for other inferences, and I am not saying that money should not be given for Eldoret Airport. We want to have an opportunity, some of us, to stand here one day and explain to the hon. Member and other hon. Members who are interested, the value of Eldoret Airport. It is being made as if Eldoret Airport is not something that is worth existing in this country.

I know the problem---

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. While I do sympathise with the concern and sentiments of hon. Sunkuli on the issue of Eldoret Airport, I think it is not in order for him to imply that we, in the Opposition, have said that building an Airport in Eldoret is useless. What we have said is that given the needs of the country under priority set out in the Eng. Wambura Report of 1993, we do not understand the logic of the Government to build an International Airport in Eldoret.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, that one he would have said, given his particular time. I am saying that I personally detest the kind of sentiments some hon. Members have expressed, as if Eldoret Airport does not need to exist. I have tried to see the reasoning behind this and I find only one thing about it, that those who are criticising Eldoret Airport have nothing against it except that it is in Eldoret. That is the only reason they have. They say this airport should be in Kisumu, but I am very sure that the moment Eldoret Airport begins to function, the horticultural products of the area, as the main feeder of this Airport, I think the hon. Members will tone down their sentiments on this issue.

Mr. Temporary Deputy Speaker, Sir, you have seen the large amount of money that we have requested in the Office of the President, and as other hon. Members have said before, a lot of this money that we are voting for the Office of the President would not really have been that much if a number of Kenyans can only understand the need for security in this country. We are now compelled to sometimes overstretch the Budget in order to put down

problems that have been caused by people who understand the law very well.

I want to call upon Kenyans who believe that they should cause problems, not to cause problems for the country because it will only mean that we will have to spend more and more money on security. Today, this amount of money for security is very negligible. The money we are pending for the Police Force is quite negligible. If the situation were to deteriorate, the whole country would have to divert its money to security, and this is one thing that I want to appeal to hon. Members, to inform their constituents, wherever they are, not to cause

problems. We have already explained, as a Government, where these problems are coming from, and the hon. Members who come from those areas should take it upon themselves to assist the Government in order to ensure that we do not, in future, continue to spend more and more money on security.

Hon. Muite's position about the police is understandable because it is perhaps part of the policy of the Opposition to criticise the Provincial Administration and the police. The police will require this money because they are the ones who keep the day-to-day security of the citizens. I know that in one or two occasions, there have been excesses by the police, and we have dealt with those excesses departmentally. It is not proper for the hon. Members not to see the day-to-day functions that are performed by the police, and only see the small mistakes that sometimes our police usually make. The police system is not an angelic system. It is a human system and when it makes mistakes, it should not be condemned wholesale.

Mr. Temporary Deputy Speaker, Sir, another aspect that I would just like to comment on is that a lot of this money we have asked for will also go into the Civil Service - The Directorate of Personnel Management - and the Government is going to retain the Provincial Administration because it is very important, and I know that a number of hon. Members here actually want more and more administrators in their constituencies. Half of the Questions I have been answering here, and I can substantiate that from the HANSARD, have been from hon. Members, especially on the Opposition side of the House, asking for more Chiefs. Sometimes I wonder why they criticise the Chief's Authority Act, when, in fact, they keep on asking, "When will my location be sub-divided? When will my division be added onto the list?" The need for closer administration cannot be played down, and the more administrative units increase, the more finances we will have to require in the Office of the President for this particular establishment.

Mr. Temporary Deputy Speaker, Sir, because we spend a lot of money in the Civil Service, in paying the salaries of the civil servants, housing allowances, medical allowances and so forth, it is important, therefore, that the Civil Service delivers to the citizens of this country that which the citizens voted for in 1992.

The citizens of this country voted for a particular manifesto that was presented by a particular political party, which has now formed the Government, and it is really very unfair to the citizens of this country to see a civil servant that is not prepared to implement the manifesto that the people of this country voted for, and begin to implement a manifesto that the people of Kenya rejected.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Akumu! Order, Akumu! You have hardly been in the House for one Minute.

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

The Temporary Deputy Speaker (Mr. Wetangula): Out of order. You do not just walk in and start interrupting debates.

The Assistant Minister, Office of the President (Mr. Sunkuli): So, Mr. Temporary Deputy Speaker, Sir, I want to call upon the civil servants of this country to deliver to the people of this country, that which the people voted for in 1992.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, Akumu! Are you soliciting for an expulsion?

Mr. Akumu: No!

The Temporary Deputy Speaker (Mr. Wetangula): Carry on, hon. Sunkuli.

Mr. Mwiraria: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to continue insistently talking about the Civil Service when we know that these days we do not have civil servants, but we have "civil masters"?

The Temporary Deputy Speaker (Mr. Wetangula): It is a question of semantics.

The Assistant Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, when invited to a topic on semantics, I would really enjoy it, but I do not know whether this is the proper forum for this. But, in fact, if our Civil Service can disabuse itself of only two things, namely politics and tribalism, we will have a good Civil Service.

One of the things that we inherited from the old system is the Civil Service and we have not sacked anybody on political or tribal basis. But some civil servants who were there, especially in some Ministries that I would not like to mention here, have continued to serve the interests of the Opposition quietly.

An hon. Member: Well, show them!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, this is a very deplorable---

Mr. Akumu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister

not misleading the country and this House by saying that the country voted for a manifesto as a party, when actually the ruling party only got 30 per cent of the total votes cast? He knows they are a minority Government and that is a fact!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, if the hon. Member, whom I respect very much, principally because of his age, really believes in what he is saying, why does he not come and squeeze himself on this Bench if he really believes that the Constitution requires him to be on this side? The truth is that he has decided to sit on the Opposition side because he knows that the number of people who elected his side was fewer than those who elected the Government side. An Opposition party that has only two tribes in Kenya cannot claim to be the majority when there are 40 tribes on the Government side.

(Applause)

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Mr. Mulusya, you are out of order!

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. How can you allow this hon. Member to go on misleading this House? He goes on to use his position as an Assistant Minister to mislead the whole nation, when he knows very well the outcome of the 1992 General Elections shows that those who voted for the Opposition were 3.5 million whereas his party only got 1.9 million. Where did he learn his mathematics?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I was in Western Province yesterday, and realised that hon. Shikuku and hon. Sifuna are the only two hon. Members from Western Province who have remained in the Opposition since 1992.

Mr. Shikuku: Ngoja, ngoja!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the voters who elected KANU were the majority and they have ever since increased.

I was commenting on the Civil Service and I want to reiterate that, in fact, we need to encourage our civil servants to disabuse themselves of tribalism and politics so that we can get the good policies of the Government reaching all Kenyans. It is not that our policies as a Government are wrong; it is that the vehicles of transmission of our policies take our policies, transform them into their tribal feelings and political misconceptions, and in the end deliver to the wananchi what the Government did not give them, and what wananchi did not vote for in the 1992 General Elections.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Ndwiga, I hope that it is a point of order.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I am a very experienced hon. Member of this House by now, and so I know what is a point of order.

An. hon. Member: We came here the same time!

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, is the hon. Assistant Minister in order to continue misleading his House that civil servants should stop practising tribalism so that the good policies of the Government will reach the people when he knows that tribalism is the policy of the KANU Government?

The Assistant Minister, Office of the President (Mr. Sunkuli): What is the point of order?

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, is he in order to mislead the House that civil servants are the ones who are practising tribalism when he actually knows that the KANU Government practises tribalism as a policy? And that is exactly what we get through the civil servants and the Police Force. As I said yesterday---

The Temporary Deputy Speaker (Mr. Wetangula): Mr. P.N. Ndwiga, now you are going beyond the point of order.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, during our tea break, I will take it upon myself to talk to the hon. Member, who is actually in a minority in the Opposition, and I have facts to prove that he is not even fully informed about what is going on in the Opposition. If he is fully informed, he would not be talking because I know he is a good man, but he is misinformed by certain hon.

Members of the Opposition who still regard the Opposition parties to belong to them. Therefore, I want to say that I have exhausted that particular topic on the Civil Service and I want to go on to another topic.

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. P.N. Ndwiga! I am quite sure that the point of order you want to raise will flout Standing Order No.73.

Carry on Mr. Sunkuli!

(Mr. P.N. Ndwiga continued standing)

Order, Mr. P.N. Ndwiga! Do not turn this into an argument between you and hon. Sunkuli. You are more decent than that.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, as a policy of the Government, the Government will continue giving enough coverage to all political opinions and shades in the country. It is really underrating the efforts that have been made by the Kenya Broadcasting Corporation (KBC) for hon. Muite to allege that the Opposition is not covered by the Press. What has happened, in fact, is that because the Kenya Broadcasting Corporation is a public instrument, it has covered both the Opposition and KANU. The only failure we have in the Press so far, is that because 80 per cent of the print media belongs to the Opposition, in fact, the Government has been given a total blackout in the Press except when it comes to negative matters. The Opposition today are in total control of the Press, both the radio, because they have almost 50 per cent of it, and about the whole of the print media.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to say that the Opposition is in control of the KBC, when last night, when I was listening to "Today in Parliament", especially on the Motion of Adjournment that hon. Dr. Kituyi moved, the report was entirely what was on the KANU side, and there was very little coverage, if any at all, on what was said by the Opposition? The record is there, you can go and listen to the tape, and you will find that what I am saying is correct.

Mr. Nthenge: I also listened.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I am prepared to go and listen as I did not listen to that last night. But that particular incident is an isolated case if, in fact, it happened. I am aware myself that all the time that I listen to **[The Assistant Minister, Office of the President]** radio, I am listening to what different hon. Members of this House have said.

Mr. Temporary Deputy Speaker, Sir, I would like to call upon the newspapers to be impartial. I know of one particular weekly magazine which does not quote anything positive that has been said by KANU hon. Members. This House is aware that, being in the Office of the President, I am always called upon to answer Questions, but there is no single day that this weekly magazine has mentioned my name as having said anything. It is like I do not exist. And that is the case of each and every hon. Minister and hon. Assistant Minister. I understand that this is because that a good amount of our Press is sympathetic to the Opposition side, and that we have nothing to do with it because it is not a public instrument. But I do plead with them to, at least, make a point of mentioning our names once in a while in the print media.

Mr. Temporary Deputy Speaker, Sir, I would now like to go to another topic.

Mr. Gitau: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Assistant Minister in order to accuse the newsmen for ignoring him when he knows that he does not make news by abusing the Opposition? The hon. Assistant Minister ought to know that if a dog bites a man, that is no news; but if a man bites a dog, that becomes news! You have got to make news to be heard.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I am very much aware of very many men on the KANU side who have been actually biting dogs and I think that, that is news.

The hon. Muite mentioned about the Ministry of Land Reclamation, Regional and Water Development. I know that it is not all that derogatory as I come from an area that needs the services of this Ministry. I am sure many hon. Members from both sides of the House require the Ministry of Lands and Settlements to move to their areas and sub-divide their parcels of land into individual titles. They should not reduce it to a question of sale of land because a large amount of this country is yet to be sub-divided into individual parcels, and I think that we should really vote for money for the Ministry of Lands and Settlement in order for it to be able to deliver the Kenyans into the current system of registration.

Mr. Temporary Deputy Speaker, Sir, there is one last point that I would like to comment on. I agree with the hon. Member for Kikuyu that we must get rid of whatever corruption that is there. We must get rid of corruption at all levels, both in the public

and the private sector. We must get rid of the spirit to tend to do things the wrong way. I am currently addressing Members of the Opposition who have a *locus standi*, like my friend hon. Shikuku---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to address Members of the Opposition instead of addressing the Chair?

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

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I apologise for addressing the hon. Members without going through you, but I think I have a right to address them, so long as I do it through you.

The Temporary Deputy Speaker (Mr. Wetangula): Address them through the Chair.

The Assistant Minister, Office of the President (Mr. Sunkuli): I will do so, Mr. Temporary Deputy Speaker, Sir. I want to address them through you and say that only those who have a *locus standi* to actually comment about corruption should stand here to comment. I have seen, all of a sudden, some persons whose mouths used to be full sometime back, talk about corruption. I think it is also immoral for people who know that they have something to hide to come and stand here and look like they are the Angel Gabriel, all of a sudden. I think it is time that we allow people who are impeachable to address us on this topic of corruption.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Assistant Minister, who is a Maasai, has made a blanket accusation that Members on this side of the House are---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mulusya! The Chair cannot understand how any hon. Member of this House degenerates to the level of referring to another hon. Member in terms of his tribal affinity. We are hon. Members here, not on account of tribe but on account of competence and the fact that we are honourably elected or nominated here. Hon. Mulusya, you are grossly out of order and the opportunity I gave you is withdrawn.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, with those few words, I beg to support.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I would like to contribute to this Motion, and I would like to draw the attention of the Ministry of Finance to the fact that the relationship between this Bill and the Supplementary Estimates that were discussed in this House should [**Prof. Anyang'-Nyong'o**]

be made very clear to this House, and that the points that hon. Dr. Kituyi was making earlier about giving Members time to study the Bill before it is discussed in the House apply also to the Supplementary Estimates. You will realise that had the Supplementary Estimates been given to the Members in good time, and had they been given sufficient days for discussion, a lot of issues that are now being raised today would not have arisen. So, I really think that it is in the interest of the Government to ensure that the two processes of the Supplementary Estimates and the Supplementary Appropriation Bill are clearly articulated. The Supplementary Estimates are logically followed by this Bill because it is this Bill which legalises the Estimates. The Government, really, should realise that it is in the Government's interest that both the Supplementary Estimates and the Bill are properly discussed in the House.

Secondly, we Members of the House, once a Bill is laid in Parliament, are kind of prohibited by the Standing Orders to discuss the issue outside the House, but we can very well be helped by the public making their points of view in the Press and other mass media while the Bill is pending before the House. This is why an early publication of a Bill like this and its being released to the Press so that members of the public and members of the Fourth Estate can discuss it, would be of a great deal of help to this House. You will realise that many Members of this House have various professions and specialities. There are only a few people who are specialised in reading documents like Bills and who know what Estimates are, or what the figures involved are. However, if this kind of thing is discussed in the Press, Members of this House are really helped. So, I do think that it was really an ambush on the part of the Ministry to put this Bill in our pigeon-holes today and tell us to come and discuss it today when we have not had the opportunity to hear the views of professionals outside. We have not heard the views of financial specialists like Price Water house, the Kenya Association of Manufacturers, the Insurance Association of Kenya and others who are all part and parcel of the democratization process in this country. Therefore, they should be part and parcel of a discussion on something like the Supplementary Estimates and Appropriation Bill.

Mr. Temporary Deputy Speaker, Sir, this is why we have been telling the Government that part of good governance is to understand very clearly what the democratization process is. The democratization process is a process whereby you make it possible for the governed to control the governors. If the governed cannot control the governors, then, indeed, you go back to what hon. Muite was

calling a dictatorship. We do not use that term to disparage the Government, but to describe a situation that we are trying to run away from in democratizing this society. When you gag the public from discussing a Bill like this by not giving them a copy of the Bill in time, indeed, you are becoming a dictator because you are not allowing the governed to control the governors, and the governed can only control the governors if the governors are willing to listen to their points of view, and are willing to take those points of view in making policies. A Supplementary Appropriation Bill is a major policy document because it is a Bill that tells Kenyans that apart from the principle Appropriation Bill that this Government brought before us and we passed when the Budget was debated last year, now we are asking for more. You know, asking for more is a little bit unfair to the taxpayer because you are telling the taxpayer that this might involve taxing him more. If there is anything that Kenyans are really tired of, it is too much taxation. We are a nation that is so heavily taxed that we cannot save, and when we cannot save, the Government does not get the kind of capital needed for development. That is one of the reasons why we are very likely to begin stagnating in our economic growth by this time next year. I would like to give a fore-warning to my dear friend, hon. Mathias Keah, the Assistant Minister for Finance, that what you are currently so proud of, of holding inflation at 13 per cent - I do not know what the percentage is this morning - and what you are so currently proud of, of having a growth rate which you say is between 3 and 4 per cent; by this time next year, you will most likely have a negative growth rate. If anything, by this time next year, the shilling will have fallen tremendously in its value. I am saying so because there is no sign of investment in this country. There is no sign of increase in savings by us. If Members of this House, who by the income structure of this nation, earn among the--- (*inaudible*) point in this nation.

If the Members of this House cannot save, who is going to be able to save? Where are the savings of this country going to come from?

We should, therefore, in preparing an Appropriation Bill like this one, look seriously at the macro-economic indicators in our nation and think much far ahead than just covering the margins. In other words, by trying to cover what we think we cannot earn by either more domestic borrowing or by asking the taxpayers to pay more. I know for certain that this Government is currently burdened by a very high bill of domestic borrowing. This Government sometime last year went to the Consultative Group Meeting in Paris and requested the donors to help them pay their domestic borrowed debts. Quite honestly, for a nation that prides itself as being among the top in Africa, and for a nation that very frequently lectures its neighbours on how stable it is and how much it is a sea of development in this part of Africa to turn around and ask donors to help it pay its domestic debts is kind of embarrassing. I must say that unless we get our equations correct, the rhetoric of economic growth we listen to so often is going to turn into ashes next year, and I am quite sure we are going to come around again on our knees, begging to the rest of the world to help us. It is very embarrassing for an African country to go to the meeting of economic Ministers in Addis Ababa which begins next week, and begging, pleading with the Economic Commission to Africa (ECA) to classify you among the poorest of the poor in the world, so that when you are classified among the poorest of the poor, you are then eligible for more aid.

As a Kenyan, I do not want us to be classified among the poorest of the poor, or among the least developed countries in the world so that we can have hand-outs from the developed nations. I would like us to be classified among the middle-income countries or the newly industrialized countries. But for us to be fighting in Addis Ababa all the time, trying to see how many of us can be classified as the least developed countries in the world, there is no sign of development. Quite honestly, when you look at Supplementary Estimates and this Supplementary Appropriation Bill, we are very rapidly going towards that area where we shall be pleading passionately to be classified among the least developed countries. I am quite sure that my dear friend, hon. Mathias Keah, would not like to be called an Assistant Minister of a country that is the least developed and being sent all the time around the world to plead that it be classified as such. We shall be classified as such if there are no savings in our nation and if there is no increased investment in this country, if our own indigenous entrepreneurs are not putting their money in the productive sectors in this country, and if no foreign investment is coming into the productive sectors of this country. I would like to ask the Government to give us facts and figures as to how much productive investment has been put in agriculture and manufacturing sector because in the manufacturing sector, there is evidence that factories are closing down and their workers are being laid off. Now, this is not part of the Structural Adjustment Policy which says, "Reduce your workers so that you are more efficient". These are people who just close down because they cannot face the current phase of what is going on in the economy.

I think, when we are drafting a Bill like this one, we must know where the money is going to come from, and must be concerned about how the national wealth is being created. That is why I am predicating my

specific comments on various sections of this Bill on that kind of overall comment in our economy. I am a very worried man because I look at the future as being very bleak. We seem to be travelling backwards almost in every area. Yesterday, I met an hon. Member on the other side of the House - I would not like to say his name now, but he and I know each other very well and before greeting me he said, "But Professor, why are we going backwards all the time?" That is a comment which is very important and I hope in the KANU Parliamentary Group, some hon. Members from the other side will be brave enough to ask that question. Why are we going backwards all the time? When we think we are making progress, we are going backwards; backwards on economic reforms, political reforms and you wonder whether we are a nation of madmen or we are a nation of civilized and sensible men and women.

I do not understand why this is happening. Politics is about the future. Politics is rarely about the past. The past is a concern of historians and politicians. We should learn from historians about the past so as to build the future. In this House, all the time, we dwell on the past, and we do not dwell on the past as a way of creating the future; we dwell on the past as a way of apportioning blame and after we have apportioned blame, we go out of this House looking pleased. I wonder why that kind of culture should be rooted so deeply and why it should be promoted by the official mass media of this nation.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Professor, that lecture is extremely interesting but can we come back to this Bill.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, this Bill is also extremely interesting and I will definitely come back to it.

Now, coming back to the Bill, we are voting some money here for the President's Office both in terms of Recurrent Expenditure and Development Expenditure. I just want to say something about Development Expenditure, a term which I think the Ministry of Finance should completely abolish. I want to draw the attention of hon. Keah to page 164 of the Bill, item D01. This recurs in many items, and I think it is an inappropriate terminology. You are talking about Development Expenditure and the Ministry writes, "The amount is required for the year ending 30th June, 1995, for the Office of the President for Capital Expenditure, including General Administration and Planning".

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

[Mr. Deputy Speaker resumed the Chair]

Mr. Deputy, Speaker, Sir, General Administration cannot be Development Expenditure. General Administration is part of Recurrent Expenditure and everywhere in these Votes, you find that they include General Administration under Development Expenditure. The budgeting system of our Government is wrong. Apart from drawing attention to including General Administration under Development Expenditure, I also want to draw attention to what I would call, "local appropriation, Government of Kenya (GOK) financing and Appropriations-in-Aid". I think the Government should get this very clearly because last year I looked at the Recurrent and Development Estimates of our Budget. This year, I did the same and found that in several Ministries, the figures given for Appropriations-in-Aid, and quite often where that aid was coming from, was constant. It was not changing from one Budget year to the other. So, I took these figures to those agencies and those donors who are meant to be giving this money and I asked them, "Did you last year give the Kenyan Government so much money as Appropriation-in-Aid or as aid?" They said, "No, we did not". Then I asked them, "Where does this figure come from?" They said, "This capital figure comes from the Budget of 1991/1992". In other words, somebody is not doing his or her work in the planning and budgeting departments. These figures are just being reproduced routinely and we come to this House and we are not given enough time. We do not look at the past Budgets, Development and Recurrent Expenditures. We just pass these things routinely and indeed, somebody in Government, when the money is taken from the Treasury to the different parent Ministries, they say, "We are giving you a lump sum; you people have to decide how you repatriate it according to your own budget lines. Then those people have to begin doing fresh budgeting on how to use that money. This is why our Ministries are in a mess because what we think we pass in this House as a Budget and then it is given as a lump sum from the Treasury to the Ministries, makes no sense. It has no relationship whatsoever with the Budget. This is the truth, because I have checked and confirmed it.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. I am sorry to interrupt the hon. Member, but I have heard him say something terrible. I have heard him say that the foreign donors just give us foreign aid figures. Can he clarify that?

Mr. Deputy Speaker: Dr. Lwali-Oyondi, that is a frivolous point of order!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I think the concern of the hon. Member is genuine. I think we need to make this thing very clear so that hon. Members do not leave this House without quite understanding what I was saying. Although he did not make it as a point order, I empathise with his concern, and I will try and explain again for his sake.

The point I was making is simple and important. It is simple in the sense that when we get this Bill we see its various schedules have columns three and four. Column three simply shows "Supply", followed by the Kenya Pounds sign. Column four is titled "Appropriations-in-Aid". The understanding of the hon. Members in this House is that this money is being appropriated by the Government through aid of whatever kind. Now, my point was that in the Development and Recurrent Estimates that we pass here, year-in-year-out, there is always a column which tells you where the money is coming from. I was telling hon. Members, in the last two financial years, I have taken time to go and check and what aroused my curiosity is that I found that the figures for 1993/94 and 1994/95 Financial Years were the same. So, I was wondering whether this money was given in aid exactly the way it was shown in the estimates. So, I went and asked somewhere, "Did you give the Kenyan Government the exact money for this year and last year?", but I was told that neither this year nor last year was that money given; that figure refers to the 1992/93 Financial Year.

So, I asked, "What is happening to our budgeting system in our Ministries? Are civil servants reproducing these figures routinely and bringing them to this House, and since we have neither the time nor the research capacity, we just pass them, then at the end our Ministries, which are supposed to be given that money from the Treasury, do not get it? Or, the Treasury gives the money in lump sum and then requests the Ministries to repatriate it according to their budget lines? I am just informing the Government that I think this is a shoddy process of budgeting, and that the Government and the donors and the Opposition need a seminar together, so that we can discuss thoroughly what the system of budgeting, is, so that when information comes here we know what we are debating about.

At the moment, I think we are kind of baying at the moon. The Government and us are baying at the moon! Quite honestly, these things that we pass here have very little meaning. I will give you an example. In the 1993/94 Financial Year, we passed a Budget in this House that gave every district in this Republic K£600,000 for rural electrification. This financial year too, we passed a Budget in this House where almost every district was again given another several thousand Kenyan Pounds for rural electrification. If you ask the Ministry of Energy whether they ever got that money, they will tell you that they did not. Yet, of course, we were all content that our districts would get K£600,000 for rural electrification! In my own constituency and district, I have not seen a single extension in rural electrification, neither last year nor this year. So, what does the Budget mean? These are questions I am raising.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Arising from the explanation that Prof. Anyang'-Nyong'o has just given, is it, therefore, in order that the Minister for Finance should be bringing to this hon. House non-existent, or phantom, monies for discussion?

Mr. Deputy Speaker: Hon. Lwali-Oyondi, that is another frivolous point of order! You definitely need to learn what a point of order is!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, maybe that was not a point of order, but I think it is a question that needs an answer. I hope that hon. Keah, aided by hon. Otieno, who is a well known financier and, perhaps, understands these figures a little better than my colleague - but that is besides the point - will get the point, so that next time he will be replying, he will enlighten the House. I am really wanting the Ministry to make these things very clear to the House; otherwise, it does not make much sense passing these things.

Let me go to the next point, which relates to expenditure in the Office of the President. Hon. Sunkuli, who I have a lot of respect for, made the point that we, in the Opposition, should not be complaining about creation of districts because we are always asking for closer administration, and that we are always asking for more assistant chiefs and chiefs in our locations. I myself have even asked for a police post near my home because twice I have been attacked and it takes too long to go to Maseno, especially when my dear friend, the Minister for Public Works and Housing, has declined to tarmac the road that connects me with my dear friend, hon. Member for Emuhaya. Both of us have a common interest in having close communication, but we are denied it by a poor road. I hope my neighbour will take that up with his colleague in the Government because I need protection from the police.

We do need these services. But regarding close administration, we, in the Opposition, have said that

we want an administrative system that is sympathetic to the people. We want administrators who are elected by the people. The assistant chief is the most important member of the administration in the life of an ordinary villager. But imagine a man or a woman is appointed an assistant chief without consultation with the villagers when he is 24 years old. For example, in my area, we have assistant chiefs who have just gone beyond puberty they are very young. This was not the practice in the past. In the past, those who became chiefs and assistant chiefs were mature people. These colonial administrators were very respectable men. But these days I go home and find a kid with a crown on his head a KANU badge on his coat lapel, and this man is a terror!

I think that people who are such close administrators to wananchi should be elected. This is the position of FORD(K). FORD(K) gives assistant chiefs and chiefs much more honourable titles, namely, locational executive officers. You know, in Nigeria, the term chief is very tyrannical! So, these are the reforms we are suggesting to the Government.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of information, Mr. Deputy Speaker, Sir.

Prof. Anyang-Nyong'o: Mr. Deputy Speaker, Sir, I do not need it. I never interfered with the Assistant Minister when he was talking!

I do not think it is democratic to appoint somebody a chief when he is 23 years old to rule villagers until he is 55 years old. How many years are those? We say in this House we want two terms of office, even for the position of the President. Now, an assistant chief is being given more than three decades of free reign in the village. This element of democracy should be looked into. I do not think it is fair for chief or assistant chief to be given such powers over the people. The DCs and DOs are transferred. Fair enough! Some are even transferred after six months or even two weeks, but the chiefs or assistant chief, if you clash with him over whose chicken crossed to whose yard one morning, he is on you for 35 years! I would plead with the Government that before I continue voting money to the Office of the President, I am liberated from tyranny of chiefs and assistant chiefs. I am quite convinced that the Attorney-General, who takes his name from "Prophet Amos" who was a very fair and democratic man, will definitely sympathise with my point of view.

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Member seems to have gone into this issue of chiefs and assistant chiefs in great depth. The other day, I appealed to this House that any person with views on the new role of chiefs and how they can be made more accountable should give those views to the task force which has been set up for this particular purpose. I do hope that the hon. Member with views on this matter will submit the same to the task force.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I was coming to that because we also have a Vote for the Attorney-General's Chambers from which I think he is going to reinforce the task forces. But I am worried about those task forces. The Attorney-General knows my views about this because we have discussed it together. My view is that this thing could have been done more efficiently, and creating more and more bureaucracies is a little bit of waste of Government money. I am quite worried about the money that these task forces are taking from the public funds. That is my honest view about it.

Mr. Deputy Speaker, Sir, let me come to the point about the reality of political pluralism in this country. Hon. Sunkuli, said that the people of this country voted - and I use his word - "overwhelmingly" for a manifesto. I suppose that was a KANU manifesto. I think I would like to be prudent with the English language. "Overwhelmingly" means 90 per cent and above; okay? When I look at the figures of voting during the last general elections - those figures are available to the public - I will not use the word "overwhelmingly" for those who voted for KANU really. This is because 63.3 per cent voted for the Opposition parties and the other percentage voted for KANU. If you take 63.3 from 100, that leaves 30 plus something---

The Minister for Transport and Communications (Mr. Otieno): On a point of order, Mr. Deputy Speaker, Sir. I am afraid the hon. Prof. Anyang'-Nyong'o is trying to mislead the House with his statistics because there is no such thing as one Opposition. So, he should talk of the votes for KANU and FORD(K) and we shall beat all of them one by one!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, my dear friend, hon. Dalmas Otieno, I do understand his sentiments about FORD(K) because had it not been for FORD(K), he would not have been nominated to this House. So, that sentiment is appreciated. But my only advice is that when he goes past the door, he could consider defecting to the more popular side!

Mr. Deputy Speaker, Sir, the reality of political pluralism means that we should also budget for it. I know that hon. Sunkuli is on record that he supports political pluralism, and as a senior Assistant Minister in Government, he should support it by putting his money where his mouth is! This means that he should

support political pluralism with the resources. We should also realise that the future of this country depends on strengthening this pluralism with the belief that we belong to various political parties, professions, cultural groups and ethnic identities. I, myself, desist from using the words "tribe" and "tribalism" because they are words of the past. They are concepts that were created by the colonialists and have done a lot of damage to our country. I think we should create our own vocabulary as a way of giving ourselves a positive future.

That is why I insist that we should look at politics as something for the future. If we have things of the past that are dragging us behind, let us discard them and do something positive so that the future is better. Now, if we had agreed that we are to encourage pluralism in our society, I would have voted more money in the original budget and even the Supplementary Estimates and this Appropriation Bill, for it is going to support pluralism.

Mr. Deputy Speaker, Sir, I think the Attorney-General, in proposing those task forces, had a very positive attitude. He said that our laws must be reformed. The Chiefs' Authority Act, the Public Order Act and so on, are all colonial and we must have an orderly process of reforming them. His solution was to create task forces for each and every area of law reform. Unfortunately, that solution was going to run into "bureaucratic inertia" because

people who want to become chairmen of task forces want to extend their time for as long a period as possible. So, the internal work becomes more and more inefficient, and longer time is taken.

Mr. Deputy Speaker, Sir, I wonder, when those task forces were created - I seek guidance from the Attorney-General - whether the terms of reference included a very tight schedule as to how much they were going to spend and within what time period they were going to report to this House. I am concerned about the taxpayers' money and I do not want a task force, say, on women or child labour to be sitting for three years.

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. First of all, those task forces have a timetable to meet and, secondly, I did assure this House last year that beginning this year, we shall begin debating Motions which have come as result of task forces. For instance, in today's Order Paper, at least, two Bills -**[The Attorney-General]**

Nos. 13 and 14 - have come as a result of the task forces. So, my promise to this House is that more task forces are coming up in the near future.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, at least, I must thank the Attorney-General that some progress is being made, but those are only two or three Bills. The task forces were about 12; were they not?

The Attorney-General (Mr. Wako): On a point of information, Mr. Deputy Speaker, Sir. The task forces were ten in number.

Mr. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I would like to thank the Attorney-General for that piece of information. I would like to assure this House that we shall keep on putting a horse power in your posterior so that this process is speeded up.

However, there is one more area that was left in this matter, which I think should have been reflected here, and this is the issue of land. The hon. Paul Muite, when he was making his contributions, made a point about land. Similarly, several questions have been raised in this House regarding the question of land. I do not think, when it comes to the issue of land, a task force will be sufficient. You will remember that even during the last Session of this Parliament, a Bill on land was killed in this House because it was terribly defective. I would like to appeal to the Attorney-General, therefore, that when it comes to the question of land, to ensure that we have a land commission to look into the various issues on land problems facing this country. As we speak here, there are various socio-economic and political problems associated with land ownership, land distribution and land disposal. The last time that this country had a commission on land was in

1933, when we had the famous Carter Land Commission whose report went into volumes. When this Report was published, it warned the colonial Government about an impending disaster in Central and Rift Valley Provinces. I remember one of the things that this Report said was that the issue of land ownership in Kiambu, for example, was a bombshell and that unless the Government did something about this, there would be a civil strife in this country. The colonial Government then dragged its feet on the issue, and eventually the Mau Mau Rebellion broke out over this issue.

The hon. Achieng'-Oneko is here and I am sure he will bear me out; one of the ways in which the Mau Mau crisis was defused was that the colonial Government began addressing itself to the question of land issue and land reform in Kikuyu countryside. One of the reasons why there has been such a tremendous progress in agricultural

production, particularly in the Central Province and Rift Valley was because the land issue was addressed through a scientific study by the Carter Land Commission. This Commission was established over 60 years ago, but since then a lot of changes have taken place in this country, not forgetting that there are areas in this country which were not affected by the consequences and recommendations of the Carter Land Commission. It means therefore, that we need a similar commission to be established, whose members would be anthropologists, sociologists, historians, geographers, architects, environmentalists, land economists, specialists and so on. I am saying this because all these issues are at the centre of land problems in this country.

Mr. Deputy Speaker, Sir, we have drawn the attention of this Government several times to this matter. I am glad that a Motion for the Adjournment is coming here next week on this issue. We have expressed to the Government that current wanton disposal of land and assets in this country is setting a time bomb in this country. Today, there are people in Kileleshwa who have lived in Government houses as civil servants since the 1950s, and they have served this Government faithfully by devoting all their professional lives to serve this Government. Their only faith in the Government is that the Government had a good health system so that even if they were paid little money, they kept on boarding matatus and buses to work. The best handshake for this faithful civil servant would have been to tell him that since he has lived in that house for all those years, he should go to the National Housing Corporation of Kenya or to the Savings and Loans Limited to ask for a loan because the Government has a scheme for giving him a golden handshake, which includes giving him access to buying that house. This kind of scheme could be brought to this House and after debating it openly, we would approve it. This would be democratic, fair and just.

Mr. Deputy Speaker, Sir, what do we find today? Our Government has become a government of guerillas. Everything is done on an ambush basis. A civil servant wakes up one morning only to find Administration Police outside his house telling him that he has to move out of that house. Is this "ahsante ya punda" or what is it supposed to be? This civil servant has served this nation faithfully, but when he is just about to retire, you treat him like a donkey treats the owner.

The Assistant Minister for Lands and Settlement (Mr. Kaino): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member on the Floor in order to revisit an issue that has already been debated? What he is now saying was thoroughly debate yesterday. Secondly, he has said that the land Bill that was introduced in this House was killed because it was defective, when we know that it was shelved pending further consultations.

Mr. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, at least, the hon. Member is proving the point I was making, that this is a Government of guerillas.

However, I would like to---

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Professor in order to use a terminology that is more applicable to FORD(K). It is FORD(K) Party which is a party of guerillas and not this Government. Is he therefore in order to reverse a term that is more consistent with the conduct of FORD(K) and use it on this Government?

Mr. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, we live in a democratic country and I will therefore respect the opinion of hon. Sunkuli and reserve my democratic rights to disagree with him.

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member really in order to refer to this Government as a guerilla Government when he knows that the very definition of guerilla movement, is a movement against the established Government in a country? Is he, therefore, in order to use the two words which are in themselves contradictory in terms, particularly when I know he has studied a number of issues on this matter?

Mr. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, let me begin by thanking the Attorney-General for defining what I meant because he has got it quite right. When a Government goes into the house of its own civil servant, where that civil servant has been living and serving that Government faithfully for two-and-half decades, and without any warning asks that civil servant to quit, do you not think that civil servant views that Government as a guerilla movement?

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to say that a Government going to its own house can be likened to a guerilla movement?

Mr. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I am surprised that the hon. Attorney-General is pretending that he does not know that people live in houses. If a Government goes into its own house and

disregards the fact that a human being lives in that house and sells that house, that Government is not only a guerilla Government, but is a gorilla itself.

(Laughter)

The Attorney-General (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir, is the hon. Member on the Floor, in order, really not to be consistent with the teachings he has had regarding who a guerilla is and matters related to revolution?

Mr. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, it is unfortunate that the Attorney-General does not seem to know what I know about the guerilla movement. If he was aware of what I know about this issue, obviously, he would have performed much better in his point of order. What I know happens to be better than what he pretends to know.

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! It is now time for the interruption of business and the House, is therefore, adjourned until Tuesday, 2nd May, 1995, at 2.30 p.m.

The House rose at 6.30 p.m.