

NATIONAL ASSEMBLY

OFFICIAL REPORT

Ninth Parliament - Second Session

*(Ninth Parliament established by Proclamation -
Legal Notice No.8 of 24th January, 2003)*

Tuesday, 18th February, 2003

STATE OPENING OF PARLIAMENT

*The National Assembly met at thirty minutes past Two o'clock
at Parliament Buildings on Tuesday, 18th February, 2003,
it being the first day of the Second Session.*

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

*[His Excellency the President (Mr. Mwai Kibaki) escorted by the
Speaker and accompanied by the Mace of the National Assembly
entered the Chamber at ten minutes to Three o'clock]*

[His Excellency the President (Mr. Mwai Kibaki) took the Chair]

(The Mace of the National Assembly was placed on the Table)

PRAYERS

Mr. Speaker: Order, hon. Members! It is now time for us to be led in prayer by our Spiritual Leaders. I will ask you, hon. Members, to bow your heads and remain seated. For those who feel that they must stand, they may do so. The rest of the Members who wish to sit and bow their heads may do so. Our Spiritual Leaders, you may now lead us in prayers.

(Prayers were then said by the following:

*The Rt. Rev. Peter N. Njoka; Rt. Rev. Dr. Jesse Kamau; Chief Kadhi Ahmed Kasim; The Archbishop Ndingi
Mwana a' Nzeki and Mr. Soipin Lekoolool)*

COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Order! Order, hon. Members! Your Excellency, it is with great pleasure and honour that I, on behalf of all hon. Members, take this opportunity to welcome Your Excellency to inaugurate the Second Session of the Ninth Parliament.

Allow me Your Excellency to note with deep sorrow and regret the untimely death of our two departed colleagues and friends, Mr. Ahmed Khalif, Member of Parliament for Wajir West in a tragic plane accident, and Mr. Paul Samuel Kihara, Member of Parliament for Naivasha, who passed away after having been ill for a considerable period. On behalf of all hon. Members and on my own behalf, I wish to send our heartfelt condolences to the families and friends of our departed colleagues, and to the voters of Wajir West and Naivasha constituencies. May the Almighty God rest their souls in eternal peace.

May I, as customary, request that we all rise and observe a minute of silence in honour of our departed colleagues. Hon. Members, could we rise up?

(Hon. Members rose up in their places)

and observed a minute of silence)

Thank you, hon. Members. You may take your seats.

Your Excellency, it is a moment of great inspiration for us to have you at the National Assembly, to address the nation on the Government policy and legislative agenda for the Ninth Parliament. We are very eager to listen to you because from your address today, Kenyans will know the political philosophy and economic strategy of the new Government of the people of Kenya.

Your Excellency, before I invite you to address this august House, allow me to make brief remarks. Hon. Members, there is no doubt that Kenya and all her institutions, the National Assembly included, are at the threshold of a new epoch, of a new dispensation, indeed a new chapter. In his inaugural Speech on the 30th December, 2002, His Excellency the President said that our country is going through a critical moment. He continued to say:

"The task ahead is enormous, the expectations are high and the challenges are intimidating."
The most encouraging thing is that Kenyans are fully behind the Government in its efforts to change for the better.

Hon. Members, as a National Assembly, we must use this opportunity in our history to play our rightful role in the renewal of our country. Failing this, our relevance may be called into question.

Hon. Members know as well as I do, that with the anticipated constitutional changes, a more alerted citizenry and reform-minded civil society, this Parliament will definitely experience substantial challenges and more responsibilities in the Kenyan politics and society. I, therefore, urge hon. Members not to dampen the spirit of Kenyans, but to approach the responsibilities with dedication and a sense of purpose for the common good.

Your Excellency, a quick glance at the membership of the Ninth Parliament gives me pleasure to report that there is an increase in the number of professionals from varying backgrounds. There are Members with impressive track records in public and private life, who have voluntarily abandoned their careers to join this august House. We, therefore, look forward to more informed debates.

Last but not least, I would like to thank the Government for the support it has continued to give to the Parliamentary Service Commission. This Session, we intend to provide more office facilities for staff, introduce live broadcasting of debates in the House and a website for the National Assembly.

(Applause)

To provide better services to hon. Members, we will establish an ultra-modern library with the latest information technology and communication equipment. All these facilities are a further burden to the tax-payer, which are absolutely necessary if the National Assembly has to deliver to the Kenyan people.

In the meantime, I challenge each and every hon. Member to utilise the available facilities fully and ensure that they serve the interest of the people and the nation as a whole.

Finally, it is now my pleasure and privilege to invite His Excellency the President to address the House. Your Excellency the President, you may address the House from where you are seated.

(Applause)

PRESIDENTIAL ADDRESS

His Excellency the President (Mr. Kibaki): Thank you, Mr. Speaker. It is with great honour that I welcome hon. Members to the Ninth Parliament. I congratulate you for being elected and nominated to this august House. I also congratulate you, Mr. Speaker, and your deputy upon your election.

Our most heartfelt gratitude goes to Kenyans. It is the citizens of this country who went peacefully to the polls in December last year and elected us to this House. Let us be forever mindful of the great responsibility they have placed on our shoulders.

The Ninth Parliament heralds Kenya's long awaited second liberation. It is a testament to the patience and resilience of the Kenyan people. It demonstrates their faith in democracy as the preferred method of bringing about political change.

I reiterated some of those campaign promises during my inauguration speech. Today marks yet another step towards fulfilling these pledges. We reiterate our commitment towards creating a culture of zero-tolerance to corruption in Kenya.

(Applause)

We restate our commitment towards the provision of free and compulsory primary education.

(Applause)

We reaffirm our promise to ensure that there is security for Kenyans and their property. As leaders, we remind ourselves of our promises to put this nation's economy back on its track.

Mr. Speaker, Sir, good governance is the key objective of the NARC Government. It is only good governance that creates an enabling environment necessary to unlock the latent potential of our people. The pillar of this is to ensure that the rule of law is upheld in Kenya, which should be our most enduring legacy as a Government.

Mr. Speaker, Sir, the integrity and effectiveness of key institutions, like the Judiciary, are essential to Kenya's development. They are key to the rebuilding of public confidence in the State, and in enhancing the rule of law. They are critical in the restoration of rights and freedoms of our people. Therefore, we shall fundamentally reform the Judiciary to ensure that its integrity and independence is once again guaranteed.

Mr. Speaker, hon. Members will agree with me that corruption has undermined our economy, politics and our national psyche. It has undermined our most important institutions and tarnished our reputation as Kenyan leaders. Indeed, in the past, some of those widely perceived as most responsible for the vice of corruption sat in this very House, or occupied other positions of public trust. This is going to change! As President, I intend to lead this change. Corruption, they say, starts at the top!

(Applause)

Now, the fight against corruption in Kenya will start at the top. We shall embark on the process of declaring our wealth, as we promised.

Mr. Speaker, to lend weight to my Government's commitment to fight corruption, I shall establish a department in my office, headed by a Permanent Secretary, for the promotion of good governance and ethics. In addition, we have already gazetted legislation to establish the code of conduct for public officials; new rules for public procurement, and the strengthening of the audit system. As you know, we have also published a legislation to establish an anti-corruption commission with effective powers to investigate and to prosecute cases of corruption. I call upon the people of Kenya to join me in the fight against corruption. I call upon hon. Members to lead the way in this noble struggle.

(Applause)

Mr. Speaker, Sir, the completion of the constitutional review process is central to my Government's objectives. The new Constitution will create the legal framework and institutions that will give life to the principles of democracy; accountability, transparency and social justice. I am confident that the draft prepared by the Constitution of Kenya Review Commission will be further improved during the forthcoming National Constitutional Conference. We shall re-established the Parliamentary Select Committee on the Constitution immediately. This Committee will propose to the National Assembly the necessary steps to conclude the review process. To demonstrate the commitment of my Government to the constitutional reforms, I have established a Ministry responsible for these matters. I would like to appeal to members of the Constitution of Kenya Review Commission to focus on these primary tasks and not to waste time and public resources on personal attacks. Theirs is a solemn duty, and they should be mindful of this.

Mr. Speaker, Sir, the transparent and accountable management of national resources is the greatest challenge facing my Government. We are true to this challenge. The last decade has been one of steady economic decline. The major contributing factors for this have been corruption, insecurity and mismanagement. Our economic policies have also not been relevant to a rapidly globalizing world.

We are also working towards improving relations with our development partners, in order to work together towards achieving commonly acknowledged goals. We intend to reduce the current high levels of domestic borrowing as well. This will free up credit to the private sector. The private sector is the engine of growth and prosperity. It is our responsibility as a government to create an enabling environment for the private sector in order to create wealth and generate employment opportunities for millions of our youth.

Mr. Speaker, Sir, related to the issue of good governance in public affairs, I would like to emphasize the

seriousness with which we intend to deal with non-performing parastatals. In the past, most of these parastatals have relied on the Treasury for funding. This was even when they were capable of making a profit. I want to reiterate that my Government has no business in supporting institutions that are a drain on our public resources. Any parastatal that is not making a profit as required will not be retained by my Government.

Comprehensive reforms of our public service sector will soon be under way. Unlike in the past, this critical effort has all the political will necessary to create different decisions that will need to be made. It is critical that the service attract competent personnel to enhance productivity. My Government will urgently develop a policy aimed at improving the terms and conditions of employment for civil servants. This policy will put an emphasis on the relationship between pay and performance.

During our campaign, we promised to bring into schools the millions of children who had been denied an education as a result of poverty. We would like to thank the Kenyan parents who have taken advantage of our free primary education policy. Ignorance is the biggest obstacle to the fight against poverty. A Kenyan without education is not empowered to take advantage of life's opportunities. Access to education for all Kenyans was, therefore, one of our most important campaign pledges.

I am happy to say that since the 6th of January, 2003, the NARC Government has kept its promise of providing free and compulsory primary education. I thank the millions of teachers, parents and pupils who have had to endure some inconvenience as the programme got under-way. I would also like to express my Government's appreciation to all those who have pledged to support this worthy cause. My Government has already distributed over Kshs500 million for this programme. We shall be asking this House to approve another Kshs2.4 billion before the new financial year. Because of this programme, an extra 2.1 million Kenyan children will enrol in primary schools by the end of this year. My Government remains committed to universal primary education.

Our next area of focus shall be on those many districts in Kenya that have no classrooms to speak of. We intend to invest in building classrooms and other education facilities in these areas.

Mr. Speaker, Sir, in the health sector, the priorities of the NARC Government are very clear. First and foremost is the fight against HIV/AIDS. It contributes greatly to poverty. A second priority in this area for my Government is the provision of affordable health care to Kenyan people. We are committed to the introduction of a national social health insurance scheme and the empowerment of hospital boards.

The rehabilitation and expansion our infrastructure is vital to Kenya's recovery. In the road sector, my Government has moved with urgency to clean up one of the most rotten corners of our public service. In the past, Kenyans have paid astronomical prices for low quality roads. Corruption and mismanagement in the roads sub-sector has contributed directly to poverty in Kenya. My Government has recently formed a committee to urgently review all pending bills in this sector. Similarly, in the housing sub-sector, we have moved with this dispatch and formed a committee to review the allocation of Government properties.

The all-important agricultural sector is faced with many problems. Yet it is the mainstay of Kenya's economy. Our economic growth strategy demands a review of farmers' incentives and modernization of agriculture through affordable and appropriate technologies. The Government will endeavour to ensure stability and consistency in agricultural policy. This will enable farmers to make long-term investment decisions. The regulations governing agricultural inputs, production and imports will also be enforced to protect farmers from unscrupulous traders. My Government will particularly support the revival of key institutions in the agricultural sector. These are essential to production and marketing of agricultural produce.

Mr. Speaker, Sir, related to agriculture are land issues. Currently, over 20 Acts of Parliament dealing with land matters complicate the administration of land. This is a source of great frustration to Kenyans. There is an urgent need to consolidate and harmonise these Acts for more coherent administration.

In the past, irregular allocations of public land became commonplace. Indeed, land became the most critical tool of political patronage. For my Government, land is first and foremost a vital economic, environmental and social resource. My Government plans to energetically deal with past mismanagement of our land resources. We intend to bring to the House a Bill comprising a comprehensive land policy for Kenya.

We all know that water is life. My Government is committed to ensuring that Kenyans have access to clean water. Plans are under way to carry out our institutional reforms within the water sector. These will separate powers of policy formulation, regulation and water service delivery.

Sustainable development of water resources is dependent on prudent management of our environment. Hon. Members know that this country is faced with serious environmental degradation. This is due to the reckless destruction of our forests and water catchment areas. My Government promises to move fast. It will put in place measures to rehabilitate and protect our environment. I want to declare that from now on, anyone caught destroying forests and water catchment areas will face the law.

Our tourism sector directly and indirectly generates almost half a million jobs for Kenyans. It earns us Kshs24 billion every year. The sector has been plagued by poor publicity in the past. This was due to many factors, including political clashes at the Coast Province in 1997. My Government plans to revamp this important sector. It shall benefit first from the changed climate brought about by the NARC Government. However, we plan to market Kenya more effectively as a global destination. We shall revamp the regulatory framework for the sector. We shall also promote eco-tourism.

Mr. Speaker, Sir, this House will be requested to provide funds to upgrade the infrastructure in the tourism sector. It is planned to upgrade the Utalii College.

My Government plans to establish a fully-fledged gender commission to mainstream gender issues in national development. A Bill shall also be brought to the House to directly address issues of domestic violence, whose prevalence is unacceptable.

Mr. Speaker, Sir, my Government also plans to take sports more seriously. Not only is it an important pastime, but Kenyans are good at it.

Success in sport changes the lives of many young Kenyans every year. It gives us something to be proud of as a nation. It promotes healthy lifestyles. My Government plans to deal with the corruption and mismanagement in this sector. These trends negatively affect our athletes. They have undermined the standards of key sports like soccer.

Mr. Speaker, Sir, co-operatives mobilise about 31 per cent of the national savings. The sector has played a crucial role in the marketing of major agricultural commodities. In the recent past, however, co-operative societies have under-performed. This is due to restrictive legislation, poor management and corruption. We intend to review and harmonise the activities of the co-operative sector. The Co-operative Act will be amended to allow savings and credit co-operative societies and unions to be more responsive in mobilising and managing savings.

Mr. Speaker, Sir, the *jua kali* sector and other micro enterprises are expected to play a crucial role in the creation of jobs in Kenya. However, we recognise that the sector's growth potential is inhibited by several constraints. These include poor access to markets, lack of credit and a poor policy environment. My Government will soon be presenting to the House a Sessional Paper on the development of micro and small enterprises for poverty reduction and employment creation.

My Government promises to reverse the current negative economic trends. To this end, we shall start by creating a national economic and social council. This will advise on proper management of our economy. It is our intention to grow at 7 per cent per annum in order to create 500,000 jobs per year. This will progressively eradicate poverty through wealth creation. We have initiated, and will implement, an economic recovery plan aimed at creating employment.

Mr. Speaker, Sir, when fear rules the hearts of a people, no form of real development can take place. Whether it is fear of crime and vandalism, or fear of the organs of the State, the effect is the same. Provision of freedom from fear for life is one of the cardinal duties of any responsible government. Unfortunately, today many Kenyans live in a state of fear. My Government is committed to changing this. Every Kenyan has a right to life and ownership of property. Sadly, there are some Kenyans who have chosen to make it a habit to disrupt the lives of other Kenyans. The message to them is clear: "Lay down your wicked ways and respect your neighbours". My Government will not allow anyone to interfere with these important rights. We are currently dealing with the problem of informal criminal groups that have been bred by endemic poverty.

We have been disturbed by the insecurity afflicting the *matatu* industry. *Matatu* owners have a right to operate their businesses peacefully; they have the right to employ drivers and conductors; choose their routes and also to charge legal and appropriate fares. My Government will protect this industry from any kind of harassment.

My Government also plans an overhaul to the terms and conditions of employment of the police force and other security services. They shall also be re-trained and re-equipped.

Mr. Speaker, Sir, it is important to declare the considerable emphasis my Government shall be placing on development in the North Eastern Province and other districts which have been marginalised in the past. This province and other districts have been neglected by previous administrations. We recognise the importance pastoralism plays in the national economy. We plan to address the development issues of these areas directly. Security, health, water, communication and education are top on the list of priorities that my Government plans to address.

Kenya is a proud member of the global community of nations. My Government will pursue foreign relations based on the principles of peace, good neighbourliness and respect for the territorial integrity of other nations. We shall work with other states through the Inter-Governmental Authority for Development (IGAD), the East African Community, the African Union and the United Nations to help resolve conflicts on the African continent.

We shall also accelerate our efforts to complete the establishment of a truly integrated East African Community. In addition to this, we shall continue to play our role in deepening co-operation within COMESA and other multilateral and bilateral arrangements. Kenya will also continue to pursue the peaceful resolution of conflicts in the Sudan and Somalia.

Mr. Speaker, Sir, recent terrorists attacks and loss of innocent lives have shocked the world. Kenya complies with Resolution 1373 of the UN Security Council. We join all peace-loving states in the fight against terrorism. My Government plans to establish mechanism to co-ordinate Kenya's response to global terrorism.

Before I conclude my remarks today, let me briefly mention that the First Session of our Ninth Parliament will need to set the pace for the next five years. It should debate various Bills and other matters purposefully. Honourable Members will have to address themselves to the important question of providing leadership. We should support and encourage Kenyans to participate meaningfully in the development of their country. Several Bills will be tabled for discussion during this Session. Important ones include the Public Officer Ethics Bill, the Anti-Corruption and Economic Crimes Bill and the Constitution of Kenya (Amendment) Bill.

Mr. Speaker, Sir, finally, let me remind honourable Members that they bear a great responsibility on their shoulders. Kenyans expect us to restore the glory of this great nation. I have every confidence that together we shall prevail.

Our moment in history has arrived. For the sake of the Kenyan people, let us not squander it. The fight to better the lives of our people will not be won in 100 days. But I am proud to say that we have started on the right foot. The journey towards renewal and prosperity for our beloved nation has begun.

With those remarks, I now declare the Ninth Parliament officially open.

Thank you.

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Speaker, Sir, I beg to give notice of the following Motion:

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday 18th February, 2003.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Order, hon. Members! It is now the pleasure of His Excellency the President to take his leave. As he does so, will all hon. Members remain standing?

(Hon. Members rose in their places while His Excellency the President left the Chamber)

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for us to adjourn the House, and the House is now adjourned until tomorrow, Wednesday, 19th February, 2003 at 9.00 a.m.

The House rose at 3.50. p.m.