

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 30th April, 2002**

The House met at 2.30 p.m

*[Mr. Speaker in the Chair]*

## PRAYERS

## NOTICES OF MOTIONS

### ADOPTION OF SESSIONAL PAPER NO.1 OF 2002

**The Minister for Finance** (Mr. Obure): Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, this House adopts Sessional Paper No.1 of 2002 on restructuring of the Agricultural Finance Corporation (AFC) laid on the Table of the House on Thursday, 25th April, 2002.

### ADOPTION OF SESSIONAL PAPER NO.2 OF 2002

THAT, this House adopts Sessional Paper No.2 of 2002 on the revival of the Kenya Meat Commission (KMC) laid on the Table of the House on Thursday, 25th April, 2002.

**Mr. Murathe:** On a point of order, Mr. Speaker, Sir. On the Notices of Motions given by the Minister, Cap.461 says that the Minister should not do what he has just done.

**Mr. Speaker:** Mr. Murathe, why do you not wait until the Sessional Papers come up for discussion?

**Mr. Murathe:** Mr. Speaker, Sir, this is because Section 5 says that unless the seven days have lapsed, it is only a Member who can give notice that the guarantee should not be approved.

**Mr. Speaker:** Order! Order, Mr. Murathe! The Minister laid on the Table the various Sessional Papers. He has given the House notice that he intends to move those Motions. The position is that if he lays on the Table a Sessional Paper and he does not intend to move a Motion to bring it for debate, then a private Member may give notice to bring that Sessional Paper for discussion in the House. So, you are well-intentioned but procedurally you are wrong!

*(Mr. Murathe stood up in his place)*

Order, and sit down!

**Mr. Murathe:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Overruled! Let us move on to the next Order!

**Mr. Murathe:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order, Mr. Murathe!

**Mr. Murathe:** Mr. Speaker, Sir, the procedures cannot be above the law!

**Mr. Speaker:** Order, Mr. Murathe! I have given you, as the Speaker, my understanding of the procedure. The position is that I am the goalkeeper, as it were, on the Standing Orders! If you think that a goal has been scored, and the goalkeeper did not score it, you can urge the House to overturn my decision, not on a point of order, but by way of Motion! That is the law!

Proceed now!

**Mr. Murathe:** Mr. Speaker, Sir---

**Mr. Speaker:** Order, Mr. Murathe! You should understand that this House is run on rules, and you will not usurp the authority of this House and make it yours. There are rules to be followed here, and I have already given my ruling! I have told you so!

So, could we now proceed on to the business of the House! If you really have something you would like to educate the Chair on, please, do it, and I prefer if you do it in writing so that I can share it with all the other hon. Members. It is in your interest that you actually put it down in writing and think about it. Please, do so!

Let us move on to the next Order!

## ORAL ANSWERS TO QUESTIONS

*Question No.196*

## DISAPPEARANCE OF MR. JOSEPH KARARI

**Mr. Speaker:** Is Mr. Muite not here? He is absent!  
Let us move on to the next Question!

*Question No.152*

## COMMUNAL BENEFITS FOR RUMA RESIDENTS

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

- (a) whether he is aware that there has been no communal benefits for the population around Ruma National Park provided by the Kenya Wildlife Service (KWS); and,
- (b) what he is doing to ensure that the community living next to the park gets the benefits.

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

- (a) The Minister is aware that the population around Ruma National Park has been receiving communal benefits provided by the KWS for quite sometime now as follows.
  - (i) The KWS initiated and completed Ogendo Water Project around Ruma National Park at a cost of Kshs500,000. This project was handed over to the community in 1997.
  - (ii) The KWS constructed three classrooms at Kamato Primary School at a cost of Kshs987,580. This school was handed over to the community in 1998.
  - (iii) The KWS dug a borehole at Sigama which was handed over to the community in 1998. The borehole cost the KWS Kshs580,000.
  - (iv) The KWS has also provided water passage to Sumba Hills inside the National Park for the community to water their animals and draw drinking water for their household.
  - (v) Nyatoto community draws water both for domestic and their cattle inside the park through a passage provided by the KWS.
  - (vi) Nyandenda community is provided with water at the park gate by the KWS for livestock and domestic use.
  - (vii) The KWS provides funds in terms of grants to Suba County Council. A total of Kshs300,000 is disbursed to the council annually.
  - (viii) The KWS is undertaking a tsetse fly control project in Ruma National Park in partnership with the local community.
- (b) The Government through the KWS will ensure continued benefits for the local community around Ruma National Park as detailed above.

**Mr. Kanyauchi:** Mr. Speaker, Sir, there appears to be one, two to three water projects in that area. Ruma National Park is one of the biggest national parks in Kenya. To begin with, I do not believe that the water which is alleged to have been provided is, indeed, being provided. Secondly, the KWS does not allow the community living around Ruma National Park to use the water which it provides. This has been the cause of conflict between Ruma community and the KWS. One of the worst roads network in Kenya is found within Ruma National Park. Right now, if you are tempted to go to Ruma National Park---

**Mr. Speaker:** Could you, please, try to save time, Mr. Kanyauchi?

**Mr. Kanyauchi:** I will, Mr. Speaker, Sir. I am saying that most of these projects are phantom. Could the Assistant Minister ensure that there are more concrete benefits to the local community than mere phantom projects which are in the air and the community does not see them?

**Mr. Samoei:** Mr. Speaker, Sir, the list of the projects that I have given here is very real. This year, the local county council received Kshs300,000 as a contribution from Ruma National Park alongside the communal benefits the KWS has continued to give to the local community. However, as suggested by the hon. Member, I will request the Board of management of the KWS, in its next year's budget, to consider some concessions, and maybe, improve the level of benefits. That also will depend on the revenue collected from this national park. I will take up the request by the hon. Member.

**Mr. Achola:** Mr. Speaker, Sir, could the Assistant Minister explain to the House what percentage of revenue is pumped back to the areas where the KWS operates so as to assist the people who border these national parks?

**Mr. Samoei:** Mr. Speaker, Sir, I do not quite have the percentages because some of our projects are not completed within a year. Therefore, monies that are used overlap into various years. However, alongside the policy of the KWS that has been in operation, we have tried, as much as possible, to make sure that local communities around

national parks benefit.

*Question No.068*

RATIFICATION OF WTO AGREEMENT

**Mr. Gatabaki** asked the Minister for Trade and Industry:-

- (a) whether Kenya is a signatory to the World Trade Organisation (WTO) agreement, and if so, when the country did sign the accord;
- (b) how the country will benefit from the WTO; and,
- (c) what measures the government and the private sector have taken to ensure that Kenya will not be flooded with imports when the WTO agreement comes into force in the year 2008.

**Mr. Speaker:** Is anyone here from the Ministry of Trade and Industry? We will leave the Question until the end then. Let us move on to the next Question.

*Question No.172*

PAYMENT OF BENEFITS TO HOTEL WORKERS

**Mr. Kihara** asked the Minister for Labour:-

- (a) whether he is aware that former Safariland Hotel in Naivasha, which was taken over by receivers in 1998, has been sold;
- (b) whether he is further aware that former workers of this hotel have never been paid their terminal benefits; and,
- (c) whether he could ensure that the workers are paid their benefits from the proceeds of the sale of the hotel.

**The Assistant Minister for Labour and Human Resource Development** (Mr. Maizs): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the former Safariland Hotel has been sold.

(b) Yes, I am aware that all former employees have not been paid their terminal benefits as per the Collective Bargaining Agreement. However, they have been paid Kshs4,000 each as per the provisions of the Companies Act, Cap.486.

(c) Since the company has been placed under receivership, the payment of terminal benefits and other unsecured creditors rests with the receiver manager.

**Mr. Kihara:** Mr. Speaker, Sir, the Assistant Minister says the hotel has been placed under receivership. However, the receivers have already sold the hotel to a third party. My understanding is that the first claim on proceeds of a sale goes to the payment of workers' terminal benefits. Why has the Ministry not enforced this law so that whatever proceeds are realised from the sale of the hotel are used to pay the workers' terminal benefits?

**Mr. Maizs:** Mr. Speaker, Sir, under the provisions of Section 311 of the Companies Act, in case of receivership, the first people to be paid are those with secured loans. First of all, the receiver manager is supposed to pay the Government taxes, rates and rents. Secondly, he is also supposed to pay all wages or salaries for the last four months prior to the receivership. Maybe, he pays loans before he thinks of settling unsecured securities. Therefore, the workers could not be paid their terminal benefits because the receiver got Kshs120 million which was used to pay off the secured loans. In fact, part "b" of this Question, should not have been raised under the provisions of Section 311, Cap.286. As I said, the receiver is supposed to settle all the secured securities.

**Mr. Kihoro:** Mr. Speaker, Sir, it is a shame that on the eve of Labour Day, the Assistant Minister takes human labour to be so valueless that it is paid for last. He has talked about a Collective Bargaining Agreement which involves a number of workers. Could he tell us how much money these workers are supposed to be paid under the Collective Bargaining Agreement in respect to each one of them? How many workers were involved and how much money were they supposed to be paid?

**Mr. Maizs:** Mr. Speaker, Sir, at the time of liquidation, the hotel had 128 employees. The hotel has been sold to Maasai Mara Lodges. The total amount we were supposed to pay the workers is Kshs512,000.

**Mr. Kihara:** Mr. Speaker, Sir, you will notice that the hotel was placed under receivership in 1988. At that time, the employees were paid Kshs4,000 each. I do not know how they were supposed to survive from 1988 on Kshs4,000. Could the Assistant Minister tell us whether the figure of Kshs512,000 is not small change for the "big fish" who bought this hotel? Why could the Ministry not pay the workers their dues?

**Mr. Maizs:** Mr. Speaker, Sir, it is incumbent upon the hon. Members of Parliament to review the law---

**Mr. Kihoro:** On a point of order, Mr. Speaker, Sir. The Assistant Minister talked about the Collective

Bargaining Agreement. He admits the workers were paid Kshs4,000. According to the answer he has given, he admits there were 128 employees. If you pay them Kshs4,000, that will amount to exactly Kshs512,000. This is the amount which has already been paid. Therefore, he is actually telling us that there is no Collective Bargaining Agreement.

**Mr. Speaker:** Mr. Kihoro, next time, never stand up on such an issue. It is unprocedural!

**Mr. Maiz:** Mr. Speaker, Sir, Mr. Kihara is right to state that, according to Cap.486 of the Companies Act, the emoluments are not enough. The Kshs4,000 to be paid by the insolvent company cannot meet the requirements of Section (b), since the terminal benefits have not been paid by the secured creditors.

The Ministry of Labour and Manpower Development is preparing a law to review this amount upwards to about Kshs200,000 per employee. So, if hon. Members of Parliament could hurry up and enact it into law, next time if a situation like this arises, we shall pay them Kshs200,000 instead of Kshs4,000.

*Question No.165*

PAYMENT OF BENEFITS TO MR. OSMAN ALI

**Dr. Ali** asked the Minister for Agriculture:-

- (a) whether he is aware that Mr. Mohammed Osman Ali, Personal File No.89090430, retired on medical grounds with effect from 1st November, 2000;
- (b) if he is further aware that Mr. Ali was not paid his retirement benefits fully; and,
- (c) when he will be paid.

**The Assistant Minister for Agriculture** (Mr. Sumbeiywo): Mr. Speaker, Sir, we have discussed with the hon. Questioner, that this Question was inadvertently sent to our Ministry. It was supposed to be sent to the Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports.

**Mr. Speaker:** Is that okay, Dr. Ali?

**Dr. Ali:** Mr. Speaker, Sir, it is okay since the person in question was a prison warder.

**Mr. Speaker:** Very well, I will order that it be redirected and be brought back within two weeks.

*(Question deferred)*

*Question No.176*

TARMACKING OF TAVETA-MWATATE ROAD

**Mr. Mwalulu** asked the Minister for Roads and Public Works:-

- (a) whether he is aware that the Taveta-Mwatate Road (A23) is the only untarmacked Class A road in the whole Republic; and,
- (b) when this vital road will be tarmacked.

**The Assistant Minister for Roads and Public Works** (Eng. Rotich): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Taveta-Mwatate Road (A23) is the only untarmacked Class A Road in the whole Republic.

(b) Mwatate-Taveta Road will be tarmacked when we get funds. However, the road is being updated to gravel standards, and is in a good motorable condition.

**Mr. Mwalulu:** Mr. Speaker, Sir, when a road is classified as Class A, it is an appreciation of the volume of traffic and the business it handles. This is one road that has remained untarmacked since Independence. Whereas I appreciate the efforts by the Ministry to upgrade the road to the standard it is, as opposed to last year, I wonder when this road will be tarmacked, since it is a very important international road linking the Port of Mombasa to important towns across the border, like Arusha, Mwanza and the Great Lakes region. This is one road that if tarmacked will ease transport within this region, and therefore, bring a lot of income to this Government. When, exactly will these funds be available?

**Eng. Rotich:** Mr. Speaker, Sir, it is true that the road is very important. At the moment, there is an on going gravelling project at the cost of Kshs101,159,800. The contractor is China Roads and Bridge Construction Company. Under the East African Community, we hope to tarmack the road as part of the East African road network. I am not able to say exactly when it will be tarmacked.

**Ms. Karua:** Mr. Speaker, Sir, the Assistant Minister said that he is not aware whether this is the only Class A, road that is not tarmacked. If he aware of other Class A roads that are not tarmacked, could he specify them, and if it is the only one, could he be good enough to admit truthfully to this House?

**Eng. Rotich:** Mr. Speaker, Sir, I have nothing to admit, but other roads that have not been tarmacked are Isiolo-Moyale Road (A2), 500 kilometres, long and Garissa-Liboi Road (A3), 187 kilometres long.

**Dr. Kituyi:** Mr. Speaker, Sir, the late President Kenyatta once expressed before his Ministers that if you tarmack the road through Lake Chala to Tanzania, you would take away our tourists to Tanzania. Since then, we have discovered that if we tarmac that road, all those tourists who go mountain-climbing on Mt. Kilimanjaro will come to Mombasa. It is beyond the economic interest of Kenya that we set a priority to tarmac this road. Could the Assistant Minister undertake, that notwithstanding the time it takes to collect resources for the community as part of the corridor roads, the Kenya Government will actively look for resources to tarmac this road for the national interest, and not just the East African Community?

**Eng. Rotich:** Mr. Speaker, Sir, the effort we are putting in is part of the total East African Road Network because the sections of the road that are in our country fall under our responsibility within the East African Community. We will undertake to do that as soon as the process of negotiations is over. But it will not take very long.

**Mr. Speaker:** Next Question!

*Question No.174*

RELEASE OF SUSPECTS

**Mr. Speaker:** Mr. Maore is not in?

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, we had agreed to defer the Question.

**Mr. Speaker:** Since I trust you, the Question is deferred!

*(Question deferred)*

*Question No.153*

EXPENSES INCURRED ON PROSECUTION WITNESSES

**Mr. Speaker:** Where is Mr. Michuki?

**The Attorney-General (Mr. Wako):** Mr. Speaker, Sir, again we had agreed to defer this Question to next Tuesday.

**Mr. Speaker:** Very well! It is so deferred!

*(Question deferred)*

**Mr. Speaker:** Mr. Muite's Question for the second time!

**Mr. Muite:** Mr. Speaker, Sir, I apologise for coming late.

*Question No.196*

DISAPPEARANCE OF MR. JOSEPH KARARI

**Mr. Muite** asked the Vice-President and Minister for Home Affairs:-

(a) whether he is aware that one Joseph Goko Karari, a staff member Service No.PF.6323, disappeared on 14th June, 1998, while stationed at Industrial Area Remand Prison.

(b) whether he is aware that since his disappearance, Mr. Karari has never been traced.

(c) what steps he is taking to ensure that Mr. Karari is traced.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports (Mr. Osundwa):** Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) I am aware.

(c) The Prisons Department has made the following efforts to trace Warder No.PF6323, Joseph Goko Karari, who disappeared from duty station on 14th June, 1998.

On 19th June, 1998 the officer in charge of Nairobi Remand Prison sent Goko's son who was staying with him in the staff quarters to his home to inquire the whereabouts of his father. The son reported that his father was not at home. The officer in charge then reported the matter to Officers Commanding Industrial Area, Kikuyu and Tigoni Police Stations to assist in tracing this warder.

On 26th June, 1998, the officer in charge again contacted the relatives who said that they had not traced him.

On 9th July, 1998, the officer again contacted the relatives for the third time because the officer had not resurfaced either on duty or in the staff quarters, and on 9th October, 1998 the officer in charge declared him a deserter

since he had not been traced or appeared for duty.

The ex-warder remains untraced by the department and relatives to date. The law requires that he cannot be presumed dead until seven years from the date of disappearance are over.

**Mr. Muite:** Mr. Speaker, Sir, one of the problems that we face as a nation is the inability of various Government Ministries to investigate themselves when they are the culprits. Could the Assistant Minister consider enlisting the assistance of the police to go and investigate and establish the truth? Because, this person who the Department of Prisons claims disappeared and deserted, was seen being bundled into a prison vehicle by his fellow prison warders at Industrial Area Prison. Could the Assistant Minister undertake to get the police to go and investigate and get the truth?

**Mr. Osundwa:** Mr. Speaker, Sir, I said that my Ministry contacted Officers Commanding Industrial Area, Kikuyu and Tigon Police Stations to assist in tracing the prison warder. Therefore, there is nothing much we can do, since we have reported the matter to the relevant Government department which is charged with the responsibility of investigating such kind of cases.

**Mr. Gatabaki:** On a point of order, Mr. Speaker, Sir. Mr. Muite has made very serious allegations that, that particular warder was seen being bundled into a prison van by fellow workmates. The implication that the warder was bundled into a prison van and murdered by his own colleagues is very serious! Is it in order for Mr. Muite to make such serious allegations without substantiation?

**Mr. Speaker:** Well, I hope Mr. Muite understands what he is talking about. As an hon. Member, he should avail all that information to the relevant assisting organs. Mr. Assistant Minister, if you are interested in getting more information from Mr. Muite, you can do so.

**Mr. Anyona:** Mr. Speaker, Sir, the responsibility of the prisons is to keep prisoners, while they are their hosts. If anything happens; someone is sick or someone dies, there are other arms of the Government that take over. In that particular case, the investigations are the responsibility of the police. Is the Assistant Minister now telling us that, instead of the police coming in to investigate what happened, it is the Prisons Department which took upon itself to investigate a matter concerning them; a matter over which they have no responsibility or authority to investigate? Is he saying that and if so, why?

**Mr. Osundwa:** Mr. Speaker, Sir, I have said that Mr. Karari was our employee. We have taken the necessary steps to report his disappearance to the police, who have the means to investigate the matter. I do not think the Prisons Department has the means to investigate that kind of disappearance.

**Mr. Muite:** Mr. Speaker, Sir, what we want done is for the Assistant Minister to undertake to get the police to take up that matter as a criminal matter. They should not just concentrate on tracing a person who has not been seen since 1998. Is he prepared to be the complainant and get the police to investigate that matter as a criminal matter?

**Mr. Osundwa:** Mr. Speaker, Sir, Mr. Muite wrote to the Commissioner of Police on 7th August, 1998. His letter was replied to on 24th September, 1998, and he was informed of the efforts being made by the Police Department. So, I believe the police are doing something about it.

**Mr. Speaker:** Could we have Mr. Gatabaki's Question for the second time?

#### *Question No.068*

#### RATIFICATION OF WTO AGREEMENT

**Mr. Gatabaki** asked the Minister for Trade and Industry:-

- (a) whether Kenya is a signatory to the World Trade Organisation (WTO) agreement and, if so, when the country signed the accord;
- (b) how the country will benefit from the WTO; and,
- (c) what measures the Government and the private sector have taken to ensure that Kenya will not be flooded with imports when the WTO agreement comes into force in the year, 2008.

**The Assistant Minister for Trade and Industry** (Mr. Ekipapa): Mr. Speaker, Sir, I apologise for coming late. I was not here when the Question was asked for the first time. However, I beg to reply.

(a) Kenya is a signatory to the WTO Agreement which was signed on 14th April, 1994, and Kenya completed the ratification process by 31st December, 1994.

(b) The benefits that Kenya will derive from being a member of the WTO include, among other things:-

(i) Conversion of negotiated trade concessions into trade opportunities by the Kenyan business community through improved market access.

(ii) Non-imposition of arbitrary import duties and other unnecessary restrictions on Kenyan products through transparency and predictability of external markets.

(iii) Human and institutional capacity building and technical assistance.

(c) The WTO Agreement came into effect on 1st January, 1995 and, therefore, its coming into force in the year, 2008, does not arise. However, upon signing by any nation as a WTO member, accession of all the WTO agreements is mandatory and, therefore, Kenya, having ratified its membership on 31st December, 1994, is bound by the WTO Agreement.

However, within the WTO legal framework, Kenya, like any other WTO member, has a right to put in place any of the following measures to counter flooding of imports into her territory:-

(i) Anti-dumping subsidies and safeguards which a country can apply under Article 6 of GATT, 1994.

(ii) Subsidies and special counter-veiling duties.

(iii) Binding of tariffs.

**Mr. Gatabaki:** Mr. Speaker, Sir, I have two sets of answers and one is not signed. The other answer is signed "hon. K.N.K. Biwott" and it is different. So, I do not know which one is reliable!

**Mr. Speaker:** Well, I think you will respond to the one given on the Floor of the House.

**Mr. Gatabaki:** Mr. Speaker, Sir, the one which has been given on the Floor of the House is not signed!

Mr. Speaker, Sir, Parliament spent the whole weekend with the International Monetary Fund (IMF). What was coming into play is that Parliament must be involved or informed of all the major agreements that the Government enters into. The WTO is such a fundamental organisation involved in so much that this Parliament ought to have been given the understanding of the involvement. In view of the new found relationship between themselves, ourselves and the donors, could he tell this House why Parliament has not been involved or educated about that important convention?

**Mr. Ekirapa:** Mr. Speaker, Sir, if the hon. Member is referring to approval by Parliament of this particular process that was completed in 1994, it could be too late in the day! But on any important matters concerning the WTO, I would like to undertake that my Ministry will ensure that the Minister will present any proposals that we would want to negotiate to Parliament.

**Mr. Wamae:** Mr. Speaker, Sir, that is a very important issue and we all know that Kenya is going to be very seriously affected, and our whole industrial process is going to be destroyed. Could it be in order to ask the Assistant Minister to come to this House and issue a Ministerial Statement on the Government policy and how the WTO agreement is going to affect the economy of Kenya? That is because he has never informed us about the WTO agreement as a House!

**Mr. Ekirapa:** Mr. Speaker, Sir, the WTO agreement is intended to benefit its members. However, the ratification within the agreement has it that, whenever any particular member country feels that its own economy is being affected by any importation--- I mean, importation and not dumping because there are rules---

**Mr. Speaker:** Order! Mr. Ekirapa, I think what Mr. Wamae is asking and, in my view, correctly is: When are you, as an Assistant Minister, coming to brief this House on the implications of the agreement signed by the Government on WTO? That is what he is asking!

**Mr. Ekirapa:** Mr. Speaker, Sir, I can do so within the week.

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

**Mr. Speaker:** Mr. Gatabaki, this is your Question and I will give you the last shot. Dr. Kituyi, are you still interested?

**Dr. Kituyi:** Mr. Speaker, Sir, I am still interested because what the Assistant Minister purports to say are benefits are false benefits. Under the WTO, countries in the south opened up on every front to foreign goods and services. Countries in the north are not obliged to remove the restrictions on agricultural imports. The quota system which is growing around our horticultural exports to Europe is declining and it needs to be strengthened. In the African Growth and Opportunity Act (AGOA), our quota will be reduced as other countries come on stream. There is no benefit for Kenya by joining WTO. Now, if that is something that you want to come and tell us, then you need to be educated further on the issue.

**Mr. Speaker:** Is that a question or a statement?

*(Laughter)*

**Mr. Wamae:** On a point of order, Mr. Speaker, Sir. Since the Assistant Minister has said that he will bring a Statement here next week, is it in order for me to ask him to tell us when he will bring the information since we would like to be here?

**Mr. Ekirapa:** Mr. Speaker, Sir, I can bring it next Thursday.

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

**Mr. Speaker:** No! I have given you a chance to ask your question and not to raise a point of order.

**Mr. Gatabaki:** Mr. Speaker, Sir, only last November, the Minister for Trade and Industry led the African countries into the next round of WTO and yet this Assistant Minister is saying that it was in 1994 which is a very long

time ago. It was last November and the Assistant Minister has not found it worthwhile to notify this House. However, could he tell this House what specific benefit Kenya is gaining or attaining by joining the WTO? Could he name the specific products Kenya is selling by being a member of WTO?

**Mr. Ekirapa:** Mr. Speaker, Sir, I have already explained what benefits the country is getting, but I can give some more. On agriculture, we have negotiated for the reduction of domestic support and export subsidies which the countries in the north used to give to their companies so that gradually the countries in the north are going to remove these subsidies so that the competition can be at par.

Mr. Speaker, Sir, we are now negotiating on the elimination of tariffs, tariff peaks and their escalation. For example, if Kenya were to export its unprocessed coffee to Germany and the duty is 5 per cent, we want to ensure that if we were to process that coffee here, the duty does not jump to 15 per cent. That would be a benefit to the country.

Mr. Speaker, Sir, on things like hides and skins, pyrethrum *et cetera*, which are now enjoying a certain percentage of import duty, we want to ensure that if we were to start processing those goods in this country that those countries do not increase the duty to the detriment of our exporters.

Mr. Speaker, Sir, there are also benefits we are getting from human and institutional capacity building and technical assistance. For example, officers dealing with multi-sectoral activities both from the public and private sectors, and even from the Civil Service and civil society, have had some training on how to deal with the European Union on matters of exports and imports and that is a benefit to Kenya.

Mr. Speaker, Sir, as a result of the Doha Convention, we now have a package of technical assistance from WTO which benefits our people because they are being taught how to negotiate when entering into future agreements. That is capacity building which is beneficial to our country.

Mr. Speaker, Sir, I can go on later.

**Mr. Speaker:** Well, I think what you should have done, and what you will do on Thursday, is to compile all those issues into a comprehensive report for the House. You will table it so that we can have the benefit of reading it. It is very nice for the House to know what you are doing.

### QUESTIONS BY PRIVATE NOTICE

#### LOSS OF LIVES DUE TO MILITARY EXERCISES

**Mr. Leshore:** Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that several pastoralists have lost their lives and property due to military exercises in Laikipia, Isiolo and Samburu districts?

(b) What action is he taking to ensure the safety of property and lives in these areas during such exercises?

(c) What measures is he taking to ensure that the affected people are compensated?

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

(a) I am not aware of pastoralists who have lost their lives or property due to military exercises in Laikipia, Isiolo and Samburu districts.

(b) Procedures and regulations have been in existence on the conduct of military exercises.

**Mr. Leshore:** On a point of order, Mr. Speaker, Sir. This is the same, same answer which the House rejected last week. Why is this Minister bringing the same answer which the House rejected last week?

**Mr. Speaker:** Mr. Samoei, I wonder whether you really live in Kenya. Have you not heard of a case which is going on in Britain?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I live in Kenya. It is only that I do not live either in Laikipia, Isiolo or Samburu.

(c) However, military exercises are carried out in designated and protected areas which are normally cleared by the provincial administration long before such exercises commence.

In addition, at each military range---

**Mr. Leshore:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to bring the same, same answer the House rejected last week?

**Mr. Speaker:** What happened last week? Mr. Samoei, were you here?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, I was not here last week and I am not aware that this answer was rejected.

**Mr. Mbitiru:** On a point of order, Mr. Speaker, Sir. Indeed, that answer was rejected last week by this House. However, in any case, is it in order for the Assistant Minister, Office of the President, to come here and state that he is not aware that some Kenyans have been killed in Laikipia while there is a case already in Britain which has been initiated by NGOs in this country and some barristers will be coming all the way from Britain to come and represent Kenyans? That is the same reason why we rejected that answer last week. I do not understand exactly where



we are going. Is the Assistant Minister in order to mislead this House?

**Mr. Speaker:** Mr. Samoei, what do you think is the way forward on this issue?

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Speaker, Sir, because of the gravity of this matter and because I am being made to know now that this answer was rejected by this House, I want to promise this House that I will give an answer which befits this House maybe on Thursday this week.

**Mr. Anyona:** On a point of order, Mr. Speaker, Sir. This is a practice which has developed in this House; where the Ministry does some kind of trial and error exercise. They give an answer to an Assistant Minister and if he gets away with it, fair enough and if he does not, then they hand it over to the next one hoping that he will make it. If the House is not alert enough, they get away with it. Last week, this Question came up and it was answered by hon. Moroto and he was not able to answer it. The issue you have just referred to was cited. We also said that the Minister in charge of internal security now did, before in this House, say that they were aware and something was being done about this. So, we told him: "Go back and get more information." So, you see what they have done!

Mr. Speaker, Sir, would it be in order for us to require that the Minister himself comes and answers this Question, not because I doubt hon. Samoei's ability, but I think for purposes of responsibility and accountability?

**Mr. Speaker:** Well, I suppose the problem is that, maybe Mr. Samoei was not informed at all of what happened. I think the House agrees that ordinarily Mr. Samoei does very well when answering Questions. Shall I defer it to Thursday this week?

**The Assistant Minister, Office of the President** (Mr. Samoei): I have no problem, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Leshore, is Thursday okay with you?

**Mr. Leshore:** Mr. Speaker, Sir, I would also like him to bring the agreement between the British Government and the Kenya Government on this issue.

**Mr. Speaker:** So, is Thursday okay with you?

**Mr. Leshore:** Yes, Mr. Speaker, Sir.

*(Question deferred)*

**The Assistant Minister for Local Government** (Mr. Hashim): On a point of order, Mr. Speaker, Sir. Mr. Anyona put it as if he was questioning the integrity of Assistant Ministers. Could he apologise for that?

**Mr. Speaker:** Order! Order! I do not think Mr. Anyona questioned the integrity of Assistant Ministers. Maybe what he is worried about is the fact that more often than not, you, as Assistant Ministers, do not get enough briefing.

Next Question, Mr. Anyona!

#### FINANCIAL ALLOCATION TO KISII-CHEMOSIT ROAD

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

(a) Is the Minister aware that the Kshs200 million in the Development Printed Estimates for the 2001/2002 Financial Year approved towards the completion of the stalled Kisii-Chemosit Road (C21), has been reduced to Kshs100 million in the Supplementary Estimates (Development Expenditure) for the Financial Year 2001/2002?

(b) Why were the Printed Estimates for the Road reduced despite earlier assurance to the contrary?

(c) Will the Minister make full budgetary and financial provisions in the 2002/2003 Financial Year for the completion of the Kisii-Chemosit Road?

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

(a) I am aware that the provision of Kshs200 million reflected in the Printed Estimates (Development Expenditure) for this financial year for the Ministry of Roads and Public Works for the completion of Kisii-Chemosit Road has been reduced to Kshs100 million in the Supplementary Estimates.

(b) The Printed Estimates for the Kisii-Chemosit Road have been reduced because of the following reasons:-

(i) The re-tendering of the project took more than five months to process through all the procurement stages, namely, advertising, technical evaluation and award. The contract was finally adjudicated and awarded in February this year, and the contractor moved to the site in March.

(ii) According to the project engineer, the scope of work expected to be realized between March and June, 2002, will not exceed a sum of Kshs100 million. In view of this, the provision has been adjusted from Kshs200 million to Kshs100 million.

(c) According to the implementation plan, the project whose contract sum is Kshs896,379,825, will take 20 months to complete. The projected budget during this period is as follows:-

(i) 2001/2002 - Kshs100 million

- (ii) 2002/2003 - Kshs400 million  
 (iii) 2003/2004 - Kshs396 million.

I would like to assure the hon. Member for Kitutu Masaba and, indeed, the people who will be served by this road, that the Government is determined to ensure that the project is implemented and completed within the contract period. In this regard, the Government will ensure that the required budgetary provision will be availed during the contract period for the completion of this particular project.

**Mr. Anyona:** Mr. Speaker, Sir, I believe even the Chair really must be very tired of this Question of Kisii-Chemosit Road. The first time I raised this matter in this House was in 1977 and the following day, I was detained. To this day, this road has not been done. We have had two Finance Ministers from the community and the road has not been done. Why would we now believe that this road is going to be done, if it has not been in all these years? Would he give us some good reason? If not, then, he should not give us any false hope.

**Mr. Obure:** Mr. Speaker, Sir, it is not a question of Ministers coming from that community. We are talking about a very important road. I am aware that commitments have been made previously, which have not been honoured. I have given this House my assurance that the Government has made adequate provision for the completion of this road and funds will be provided. It is, indeed, regrettable that previous promises have not been honoured, but I believe that this time, the Government is very serious. As you can see, we already have a work programme also showing the cash flow intended for that project. I am confident the project will be completed.

**Hon. Member:** Uliza Nyachae!

*(Laughter)*

**Mrs. Ngilu:** Thank you, Mr. Speaker, Sir. The Kisii-Chemosit Road has been used time and again for the purposes of campaigns. It happened in 1992 and 1997, and now, we are in 2002. I believe that the people of Kisii and those who use this road want to see it tarmacked. I do not think it is the issue of having two Finance Ministers coming from that community. Could the Minister assure the House that work will start on this road and it will be done according to the promises that the Head of State has made in the past?

**Mr. Obure:** Mr. Speaker, Sir, I do not believe that the issue of politics comes in. As a matter of fact, this particular road was in existence not just in 1992 and 1997 elections, but way back in 1985 when the contractor moved to the site. As I said, it is regrettable that it has not been completed. But I have given that assurance and I have said that adequate budgetary provisions have been made to ensure that this particular project is completed this time round.

**Mr. Obwocha:** Mr. Speaker, Sir, in 1992, they put up a camp at Ikonge. In 1997, they put up a camp at Kemera. When the Kshs200 million was reflected in the current year's Budget, they promised us that work would start in October. We are now in April. The Minister has gone ahead to reduce this provision from Kshs200 million to Kshs100 million. How can we believe that this Government will complete this project?

**Mr. Obure:** Mr. Speaker, Sir, Mr. Obwocha is expressing scepticism, but the contractor is already on site working. We have reduced this figure because they will not be able to use the Kshs200 million by the end of June. That is why we have reduced it to Kshs100 million, procedurally through this House, so that these funds can be put to use elsewhere. I have assured this House, through you, Mr. Speaker, Sir, that Kshs400 million---

**Mr. Speaker:** Order! Order!

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. Who is telling the truth; between the Minister and Prof. Onger, because, yesterday, Prof. Onger gave a different figure of Kshs80 million when he was presiding over a function there? Whom do we believe now?

**Mr. Speaker:** Order! Order! This is the Minister for Finance! Would you finish your statement? Time is up!

**Mr. Obure:** Mr. Speaker, Sir, I would like to ask Mr. Ndicho to believe the Minister for Finance when he is talking in this House, and to believe that this road will, indeed, be completed as envisaged under the current plan.

**Mr. Anyona:** Mr. Speaker, Sir, there is a document I want to table here. The question I want to raise is one aspect of what we have been discussing. There is a second aspect. The road is called Kisii-Chemosit Road. It starts from Kisii and runs towards Chemosit. It was changed to start from Chemosit to Kisii, but it never got to Kisii. This time round we got money to complete that road and it is still Kisii-Chemosit Road. We are now being told that the road will start from Chemosit which is already tarmacked. It will receive tarmac upon tarmac and before they reach the area that is not tarmacked the money will be finished. I want to table the document here.

*(Mr. Anyona laid the document  
on the table)*

The tender agreement states that the client, who is the Ministry of Roads and Public Works, wants the road to start from Kisii to Chemosit and yet they are using whatever money is available to tarmac the section of the road which is

already tarmacked. What is going on? What is the reason for that?

**Mr. Obure:** Mr. Speaker, Sir, that sounds like a matter to be dealt with by the contractor. The road is called Kisii-Chemosit and I do not know whether it makes any difference to call it Chemosit-Kisii Road because it is basically the same road. The point is that, that is the decision by the contractor. What is more important to Mr. Anyona, and the people of Nyamira, is that the entire road will be tarmacked.

**Mr. Speaker:** Order! Time is up! Dr. Murungaru and Dr. Ochuodho, your Questions will take positions one and two respectively, on Questions by Private Notice on Thursday.

#### SUPPLY OF ANTHROPOMETRIC EQUIPMENT

**(Dr. Murungaru)** to ask the Minister for Education:-

(a) For what reasons was tender number IDA No.15 KE-00/01-ICB-002 for supply and delivery of anthropometric equipment awarded to the highest bidder?

(b) What remedial action will the Minister take to ensure that the public does not suffer undue losses?

*(Question deferred)*

#### RESTRICTION ON FISHING ACTIVITIES

**(Dr. Ochuodho)** to ask the Minister for Agriculture:-

(a) Following recent restrictions on fishing in Lake Victoria, could the Minister clarify exactly what is expected of fishermen?

(b) What has necessitated such an action?

(c) How does the Government expect those who rely wholly on fishing to cope?

*(Question deferred)*

**Mr. Speaker:** Next Order!

#### POINT OF ORDER

##### SECURITY SITUATION IN MERU

**Mr. Mwiraria:** Thank you, Mr. Speaker, Sir. I rise to ask for a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security, regarding the security of Meru Municipality, its environs and Meru District in general. Of late things seem to have gotten out of hand. To give one example, on Saturday, 20th April, armed bandits attacked three markets around Meru Municipality. These were: Gikumene where they attacked ex-councillor Isaac Mbogori and his family, destroying his bar, home and everything; Kerige where they killed a businessman; Kathurine where they killed another lady and somebody's homestead where they shot two children when their father could not give them money. The story could go on, but I would really like to know what the Government is doing to contain this situation which of late has gotten out of hand.

**Mr. Speaker:** Very well. Is there a Minister ready for that? I hope they will come and respond.

#### COMMUNICATION FROM THE CHAIR

##### DEFERMENT OF MOTION TO INTRODUCE BILL TO ALTER CBK (AMENDMENT) ACT COMMENCEMENT DATE

**Mr. Speaker:** Order! I wish to give the following Communication. The hon. Member for Gem, Joe Donde, filed a Motion for consideration by the House which was approved by the Chair on 20th March, 2002, and a notice thereof given on 2nd April, 2002. The Motion was subsequently scheduled for debate on Wednesday the 24th of April, 2002. However, when the Motion was listed for debate last week the Member for Kitutu Masaba, Mr. George Anyona, sought the guidance of the Chair on the propriety of the Motion before the House in view of a Bill published by the Attorney-General entitled the Central Bank of Kenya (Amendment) Bill, 2002. Mr. Anyona claimed that the debate on the Motion would contravene Standing Order No.70(1). At that time the Bill had not been introduced in the House by way of First Reading due to the fact that 14 days had not lapsed as stipulated by Standing Order No.98.

The Motion by Mr. Donde reads as follows:

"THAT, this House do grant leave to introduce a Bill for an Act of Parliament to amend the Central Bank of Kenya (Amendment) Act, 2000, to alter the commencement date of the said Act."

The Bill published by the Attorney-General states, *inter alia*, in the memorandum of objectives and reasons as follows:

"Clause 2 proposes to alter the commencement date of the recently enacted Central Bank (Amendment) Act, 2000, Act No.4 of 2001, from 1st January, 2001, as currently specified to such date as the Minister may, by notice in the gazette appoint."

Hon. Members, in my view, the thrust of the Motion is one of the central objectives of this Bill. This notwithstanding, let me focus on our rules of procedure in dealing with matters of anticipation. Standing Order No.70(1) states as follows:

"It shall be out of order to anticipate the discussion of a Bill which has been published as such in the gazette by discussion upon a substantive Motion, an amendment or by raising the subject matter of the Bill upon a Motion for the Adjournment of the House."

Standing Order No.70(3) goes on to state:-

"In determining whether a discussion is out of order on the grounds of anticipation, regard shall be held to the probability of the matter anticipated being brought before the House within a reasonable time."

The Bill by the Attorney-General is expected to come for First Reading this afternoon. Erskine May, in *Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, second edition, provides:

"A motion must not anticipate a matter already appointed for consideration by the House, whether it be a Bill or an adjournment debate upon a Motion". That is at page 334.

It further states:

"Stated generally, the rule against anticipation which applied to the proceedings as well as Motion as strictly enforced in earlier times was that a matter must not be anticipated if it were contained in a more effective form of proceeding than a proceeding by which it was sought to be anticipated. It might be anticipated if it were contained in an equally or less effective form. A Bill or other order of the day is more effective than a Motion. A substantive Motion is more effective than a Motion for the Adjournment of the House or an amendment. A Motion for Adjournment is more effective than a supplementary question."

That is contained on page 335.

Hon. Members, it is, therefore, my considered opinion that the Motion by Mr. Donde will, if debated, impinge upon Standing Order No.70(1) and, by extension, on the established Parliamentary practices and procedures. Arising from the foregoing, the debate on the Motion should be deferred until the Bill is disposed of. I will, therefore, in the interests of the House, ask the Minister for Finance to expedite the consideration of the Bill that is to be read this afternoon as a matter of great concern to this House. Thank you.

Yes, Mr. Donde!

**Mr. Donde:** Mr. Speaker, Sir, I would like to thank you for that detailed ruling and I believe that the ruling is welcome.

**Mr. Speaker:** Thank you, very much.

Next Order!

## BILLS

### *First Readings*

#### THE CENTRAL BANK OF KENYA (AMENDMENT) BILL

**The Minister for Finance** (Mr. Obure): Mr. Speaker, Sir, I beg to move that, in accordance with Standing Order No.101A, the Central Bank of Kenya (Amendment) Bill, Bill No.15, be referred to the relevant Departmental Committee.

*(Order for First Reading read - Read the First Time -  
Ordered to be referred to the relevant  
Departmental Committee)*

## 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 Minister for Finance** (Mr. Obure): Mr. Speaker, Sir, I beg to move:-  
THAT, the Supplementary Appropriation Bill be now read a Second Time.

Mr. Speaker, Sir, when I first moved the Motion on the Supplementary Estimates a few days ago, I did explain to this House the circumstances that led me to request for additional supply under certain Votes and reduction in the provisions of other Votes.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

In order to save time, I will not repeat the explanations I gave to this House earlier. Instead, I will proceed to outline the contents of the Bill before the House.

Mr. Deputy Speaker, Sir, the Supplementary Appropriation Bill, 2002, seeks additional supply in respect of the following Votes: Under Recurrent Expenditure, Vote R01, Office of the President; Vote R02, State House; Vote R04, Ministry of Foreign Affairs and International Co-operation; Vote R05, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports; Vote R08, Department of Defence; Vote R10, Ministry of Agriculture and Rural Development; Vote R11, Ministry of Health; Vote R12, Ministry of Local Government; Vote R14, Ministry of Transport and Communications; Vote R16, Ministry of Trade of Industry; Vote R21, Ministry of Environment and Natural Resources---

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Hon. Members, please, give the Minister an opportunity to initiate debate on the Bill.

**The Minister for Finance** (Mr. Obure): Thank you, Mr. Deputy Speaker, Sir. Other Recurrent Votes for which this Bill is seeking additional supply are Vote R25, Office of the Attorney-General; Vote R26, Judicial Department; Vote R27, Public Service Commission; Vote R30, Ministry of Energy; Vote R31, Ministry of Education, Science and Technology; Vote R33, Electoral Commission of Kenya, and Vote R46, Ministry of Tourism and Information.

Additional funds will be required under Development Expenditure, particularly in respect of Vote D04, Ministry of Foreign Affairs and International Co-operation; Vote D07, Ministry of Finance and Planning; Vote D10, Ministry of Agriculture and Rural Development; Vote D14, Ministry of Transport and Communications; Vote D16, Ministry of Trade and Industry; Vote D30, Ministry of Energy, and Vote 46, Ministry of Tourism and Information.

Mr. Deputy Speaker, Sir, the Bill also seeks a reduction in supply, in respect of the following Votes: Under Recurrent Expenditure, Vote R03, Directorate of Personnel Management; Vote R07, Ministry of Finance and Planning; Vote R13, Ministry of Roads and Public Works; Vote R15, Ministry of Labour and Human Resource Development; Vote R28, Office of the Controller and Auditor-General, and Vote R45, National Security Intelligence Service.

Under Development Expenditure, the Bill seeks a reduction in respect of Vote D1, Office of the President; Vote D02, State House; Vote D03, Directorate of Personnel Management; Vote D05, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports; Vote D11, Ministry of Health; Vote D12, Ministry of Local Government; Vote D13, Ministry of Roads and Public Works; Vote D21, Ministry of Environment and Natural Resources; Vote D25, Office of the Attorney-General; Vote D31, Ministry of Education, Science and Technology, and Vote D36, Ministry of Lands and Settlement.

Mr. Deputy Speaker, Sir, let me now comment briefly on the Votes for which this Bill is seeking additional supply and on those for which it is seeking substantial reduction in supply. Hon. Members will recall the severe drought that ravaged the country in the year 2000/2001, causing serious food, water and electric power shortages. It

will also be recalled that, in order to contain the situation, the Government took decisive and urgent measures, including appeal for local and international food aid.

In order to ensure that we do not find ourselves in such a situation while we are financially unprepared, it has been decided that a Strategic Grain Reserves Fund (SGRF) be established to enhance food security and stabilise the marketing of maize in the country. In this regard, a provision of Kshs1 billion has been made in the Supplementary Estimates to form the initial capital of this Fund. These funds will, therefore, go towards establishing that strategic grain reserve, which is essential in terms of assuring the country of food security.

The rest of the increases in these Votes are to cater for operational and maintenance costs in Government security agencies, specifically the Police Department's General Service Unit (GSU), Criminal Investigation Department (CID), the Administration Police, and a provision to cater for an increase in house allowance for civil servants.

Mr. Deputy Speaker, Sir, the additional supply we are seeking in respect of Vote R2 is to cater for the operational expenses of State Houses and Lodges. The additional supply being sought in respect of Vote R04, Ministry of Foreign Affairs and International Co-operation, is intended to meet expenses of increased Presidential travels abroad, and cater for an additional provision of foreign service allowances, payment of rents and rates, both residential and non-residential, in our missions abroad.

The additional funds being sought in respect of Vote R05, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports, are to cater for recruitment of prison warders and wardresses. We are also seeking additional funds for Vote R10, Ministry of Agriculture and Rural Development, to cater for an increase in house allowance for civil servants and officers in parastatals falling under this Ministry. Also, an emergency allocation has been made for purchase of chemicals to contain the spread of the larger grain borer, which has been causing considerable damage in farming areas, and which has affected the farming community considerably.

The additional funds we are seeking in respect of Vote R11, Ministry of Health, are for payment of higher house allowances for both civil servants and officers in parastatals falling under this Ministry, and more specifically for the purchase of drugs and medical equipment. Additional funds are also required to cater for adjustment of allowances for doctors and paramedics. Under Vote R12, Ministry of Local Government, we are also seeking additional funds to cover the adjustment of house allowance for the Ministry's staff.

The additional funds being sought in respect of Vote R14, Ministry of Transport and Communications, will mainly go towards catering for an enhanced house allowance for civil servants. This is also the case in respect of Vote R21, Ministry of Environment and Natural Resources. Under this Vote, we are also seeking additional funds to implement Agenda 21. As we all know, Agenda 21 relates to issues of environment and development.

Mr. Deputy Speaker, Sir, additional funds are also being sought in respect of Vote R25, Office of the Attorney-General, to cater for an increase in house allowance for civil servants. We are also seeking additional funds for Vote R26, Judicial Department, to cater for enhancement of house allowance and recruitment of new magistrates.

Mr. Deputy Speaker, Sir, under Vote 31, Ministry of Education, Science and Technology, again, we are asking for additional funds for this Vote mainly for payment of enhanced house allowances for teachers. The increases in other Votes which I have not highlighted here are mainly to cater for increases in house allowances for staff in those Ministries.

Under Development Estimates, in the main Vote for the Ministry of Foreign Affairs and International Co-operation, we are seeking additional funds in order to meet the expenses of moving our Embassy from Bonn to Berlin. We sold some of the properties we owned in Bonn. The funds raised will be applied towards the construction of the Ambassador's residence in Berlin, hence the increase in expenditure on this Head.

Under Head D07, Ministry of Finance and Planning, the additional funds requested will cater for consultancy expenses to be incurred towards the planned privatisation of the Kenya Railways Limited. This consultancy is financed by the World Bank, but we need counterparts to match the additional funds that we are getting from the World Bank. I am sure hon. Members will support the additional funds requested, taking into account the poor state of our railways which is a major means of transportation in this country.

Under Vote D14, the Ministry of Transport and Communications will also require additional funds to help Kenya Railways Limited to pay for the rehabilitation of locomotives. Under Vote 30, Ministry of Energy, the additional funds required will finance the ongoing works on geothermal resources, exploration at Ol Karia financed by the International Development Agency and the European Investment Bank.

I have just talked about those Votes that relate to increases. But I also want to inform this House and seek its authority in respect of a certain Vote which requires a reduction in supply. As I informed hon. Members while moving the Motions on these Estimates, it has become clear that some donor funds may not be disbursed owing to delay in fulfilling certain conditionalities. In addition, owing to poor performance of the economy, the revenue targets that we set at the time when the Budget was formulated are unlikely to be achieved and needs to be adjusted downwards. In order to release the anticipated financing shortfall and release funds for these expenditures that cannot be postponed, it

has become necessary to reduce some Votes as specified in what I am just going to say now.

I will comment briefly on the anticipated reductions. On the current Budget, Vote 03, Directorate of Personnel Management, the main reduction in this Vote is largely due to slower implementation of the retrenchment exercise. As a result, a large part of the budgeted funds are unlikely to be utilised before the end of the financial year. The allocation on this item has been reduced by some Kshs1,170,000,000. That is under the Recurrent Estimates, Vote 3, Directorate of Personnel Management.

Vote 07, Ministry of Finance and Planning, the reduction in supply under Vote 07 was occasioned by re-distribution to other Ministries of the allocation for house allowance, originally included as house allowance adjustment in the Printed Estimates of the Ministry of Finance and Planning. Vote R13, under the Ministry of Roads and Public Works, the reduction that we are seeking in supply in this Vote was occasioned by expenditure reduction effected across the board to reduce the financing gap owing largely to the anticipated decline in revenues and an increase in expenditures as a result of enhanced house allowance for public servants.

Similar reduction is sought for Vote R15, Ministry of Labour and Human Development. The reduction in supply in this Vote is part of expenditure reduction effected across the board to reduce the financing gap created by anticipated decline in revenues and the increase in expenditure, resulting from house allowance adjustments for public servants. We have effected similar reductions for which we are seeking the approval of this House. One such specific one is Vote 01 under the Office of the President under the Development Vote. The reduction in supply on this Vote is due largely to the adjustment downwards of donor funds to reflect the reduced absorption capacity.

On Vote 02, State House, the reduction under this Vote is part of the across the board cuts effected to reduce the Budget deficit. On Vote 03, Directorate of Personnel Management, the reduction in supply in this Vote is due to a change in the mode of financing by the donor where they preferred to provide Appropriations-in-Aid as opposed to providing revenue directly to the Exchequer.

Regarding Vote 05, Office of the Vice-President and Ministry for Home Affairs, the reduction in supply in this Vote is largely due to reduced commitments of donor funds for various projects and programmes. The same is the case for the Ministry of Agriculture and Rural Development, Ministry of Health, Ministry of Environment and Natural Resources.

Hon. Members will notice from their copies of Supplementary Estimates that the additional supply sought is Kshs5,339,000,000 for both the Recurrent and Development Votes. These additional expenditures will be financed through domestic borrowing. The Supplementary Estimates also reflect an increase in Appropriations-In-Aid amounting to some Kshs2,397,000,000.

In conclusion, the Bill before the House is a very important one, and once enacted, it will give me the statutory authority to withdraw funds from the Consolidated Fund to enable Ministries and Departments of Government to continue implementing programmes and giving services to the public for the period ending 30th June, 2002.

Mr. Deputy Speaker, Sir, with these remarks, I beg to move.

**The Minister for Energy** (Mr. Raila): Mr. Deputy Speaker, Sir, I beg to second the Bill. This, of course, is a very important Bill because without its approval, we will not have the money that the Government needs. The Government will not be able to finance the rest of the Budget. The Bill is asking for additional supply of Kshs5.039 billion for both Recurrent and Development expenditures and an additional Appropriations-In-Aid figure of Kshs2.397 billion. This is to be funded through domestic borrowing.

We all know the consequences of domestic borrowing. Currently, the Government has no other option but to resort to domestic borrowing. Recently, we had an opportunity to have dialogue with members of the donor community in Mombasa. I think that meeting was very useful in that, for the first time, hon. Members had an opportunity to talk to representatives of the World Bank and the IMF face-to-face. It became very apparent in those discussions that there are differences in perception between the Government, hon. Members and those institutions.

Mr. Deputy Speaker, Sir, we all know that most of the countries in the Third World are suffering from heavy debt burden. The costs of these debts are also known. That is the reason why many countries have been petitioning for debt write-offs because there cannot be any development if they are using whatever little they earn to service those debts. Those debts were incurred during the period when the donor community was never talking about transparency, accountability, good governance or democracy. That was the time when, if you were in league as a friend in the battle against Communism, you could get money without any question. So, that is how the West managed to sustain dictators like Mobutu, Kamuzu Banda and even others in Kenya!

Mr. Deputy Speaker, Sir, there was nothing democratic under President Kenyatta's leadership in this country. In fact, the system was so repressive. We saw many Kenyans being tortured, taken to detention and even others being arrested within the precincts of this Parliament! What I am saying here is that the loans that were obtained at that time were not prudently used. It was at that time that the corruption we are talking about now started. But it has only

multiplied since then. Somebody was, in fact, bold enough and said that those who were in Government at that time, only "ate" profits. So, my hon. friend, Mr. Wamae, was only "eating" the profits that he made at the Industrial and Commercial Development Corporation (ICDC)!

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Minister to impute improper motives against me, that I "ate" profits at the ICDC? Could he substantiate that claim?

**The Minister for Energy (Mr. Raila):** Mr. Deputy Speaker, Sir, an hon. Member had said that during the time my friend, Mr. Wamae, was in Government, there was corruption but Government officers then did not "eat" the principal capital, but the profits. I do not see anything noble in "eating" profits which belong to the public! So, we are continuing to service debts which were incurred under conditions of perversity! Some of them were not used properly, and it is now payback time. The people who borrowed that money and misused it are the ones who are now passing judgement from the other side and pointing a finger at the Government. That is not fair!

Mr. Deputy Speaker, Sir, I agree that there are certain things which we must do as a country, not because we want to placate donors but because they are right for our economy. For example, we need to fight corruption. We must fight corruption, not because donors are telling us to do so, but because we know the burden of corruption on our economic growth and development. That is the reason why we need to put institutions in place to fight corruption, because we cannot fight corruption merely with good will. One cannot fight corruption by joining the Government! Corruption can only be fought if we put proper institutions in place. This is what the Government is trying to do by introducing the Corruption Control Bill and the Code of Conduct for Public Servants. We know that corruption did not just come to Kenya like that. The genesis of what we call grand corruption was the Ndegwa Commission Report of 1972, which allowed civil servants to get involved in running business, and sitting on boards adjudicating tenders. That is where conflict of interest came in! That is how you find civil servants walking out of the Government as millionaires; and those civil servants who enriched themselves through public funds can now stand up and shout that they are against corruption. We will continue to fight corruption!

Mr. Deputy Speaker, Sir, liberalisation is another aspect that has drastically affected our economy. We have opened up our markets and they are now flooded with foreign goods. Coupled with this, is the issue of privatisation. Privatisation in the language of some of our development partners is synonymous with "foreignisation". So, if we must sell our investments, we must sell them to international companies. It is as if we are not privatising if we sell them to our local people. That is also wrong! We should not be forced to sell our industries to foreigners when we have Kenyans who have got money to buy them!

Mr. Deputy Speaker, Sir, we should not depend on foreign aid. The time for aid dependency is long gone. What we need to do as a country is to open up and attract investment. When I talk about investment here, I am not referring to foreign investment. I am talking about local investment. Sometimes, when people talk about attracting investment, there is usually a misguided notion that we are only referring to foreigners. We need to rely more on our local people. No economy can grow on the basis of foreign investment alone. Foreigners will invest in the economy to make money and once they have paid the little tax, which they sometimes evade, they repatriate the profits back to their own countries, to go and pay dividends to their shareholders back at home. So, we need to create attractive conditions for local investment to protect our local investors. This is what the Government is now trying to do.

Mr. Deputy Speaker, Sir, Parliament has an important role to play in governance. But there is clear division of responsibilities between the Judiciary, Legislature and the Executive. Sometimes, there is a tendency for the Legislature to move into the domain that is exclusively for the Executive. The Executive is composed of the political party that wins an election. Political parties campaign for political power during elections. When a political party wins, it wins on the basis of the programmes that it has promised the electorate. A political party usually promises the electorate: "When we win, we are going to do this in terms of education, health, agriculture and the entire economy." Therefore, it would be wrong for Parliament to get involved in the running of the Government. That is not the work of the Legislature! If a political party wants to form the Government, let them wait and win the elections, and then they form the Government! But if they want to formulate policies in the House, then the party in power will not be able take responsibility for those policies! But when political parties try to implement some of their policies, they fail and then they become weapons for the Opposition to use against the Government.

Mr. Deputy Speaker, Sir, under the new global economy, policies of political parties have very little meaning. You may come up with a blueprint, but you still have to implement the conditionalities that are given to you by powers that are superior to you. Therefore, political ideology has also lost meaning. What meaning would there be for a party to term itself "centrist", "leftist" or "rightist", if its leaders are forced to implement policies which are basically liberal in nature? So, this is something that we, as a House, also need to debate; the era of ideology has gone. You can come up with a blueprint such as the one that was recently published by the National Alliance for Chance (NAC) on economic revival, but that in itself remains a propaganda sheet of paper. It will not be implementable because the forces that are superior will not allow you to implement it.



Somebody asked why KANU has not commented on the blueprint of the NAC. As the Secretary-General of the ruling party, I want to say that we found very little material to comment on in that document. In our view, it is a propaganda sheet of paper and nothing else, which has promised the impossible. When we come up with our own policy document, it will be a policy document based on the realities of this country, and one that will address the problems that affect this country. We will show how we will turn very many things round. So, we have no business commenting on a document which is irrelevant to the people of Kenya.

Mr. Deputy Speaker, Sir, I would like to finish by urging the House to consider that the times in which we are living are difficult. Times are hard not only for Kenya, but also for many other countries in Africa. We need to be patriotic, and it is time for us, as a country, to speak as one. When we face the donor community, we should speak as one people; as representatives of the people of Kenya. Today, it may be this Government, and tomorrow it will be another Government, but that kind of unity is necessary for us as a people, if we are to enhance our bargaining position and achieve what we need for the people of our country.

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

*(Question proposed)*

**Mr. Kibaki:** Thank you, Mr. Deputy, Speaker, Sir. I rise to support the Bill. In supporting this Bill, I would like to mention a few things because of what has just been said by the Minister for Energy, Mr. Raila.

We all know that in dealing with the World Bank, the International Monetary Fund (IMF) and other international institutions of any nature, any Government worth its salt speaks its mind. There is no Government which is worth being called a Government, which can stand up in front of its citizens and say that it is being ordered by such and such institutions to do XYZ. That is too much of a shame, and it is not true. It is a way of hiding. The truth of the matter is that whatever IMF and the World Bank say that they would like to be done, is negotiated with whoever is borrowing from them, and the borrower agrees to borrow on certain terms. If the Government has agreed to borrow on certain terms, then it is not truthful for the Government to tell Kenyans that it is being ordered by the World Bank to do ABCD and XYZ. Does the Government mean that it would have liked to continue with corruption and looting of public funds? Does it mean that being asked to fight corruption is a difficult condition? How is this difficult? What is difficult about being asked to protect our forests?

Right now, Ngong Forest is being destroyed. This is the area from where the Vice-President comes. Those involved are enjoying doing it; they sell the forest and make money.

**The Vice-President and Minister for Home Affairs** (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. Incidentally, Ngong Forest is not in my constituency.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, I presumed that the Vice-President and Minister for Home Affairs comes from that particular region. His constituency is Kenya, anyway, because he is the Vice-President.

Cutting down trees in Ngong Forest, which is going on and was shown on television, is being done by people who have been licensed by the Government of Kenya. The same people have destroyed Mount Kenya, Mount Elgon, the Mau Forest and many other forests. This Government continues to destroy forests until it will leave the country bare. Such a Government cannot stand up here and say that it has been forced to do these things by the World Bank. Has the World Bank forced it to cut down trees? Is it believable? There are things which are so criminal that they should not be done by any Government anywhere in the world, such as destroying forests, because this will leave this country without water. Rivers have already started drying up. This is a most painful thing to come from a Government. The Government is destroying forests in order to make money before it goes because it knows that it is on its way out. That is the whole reason. There is no other reason.

Somebody wants to destroy the inheritance of this nation, for example, forests, while still claiming legitimacy of the Government. Is it believable? The money which is being earned from the sale of forests such as Mount Kenya, how can it benefit this nation? It cannot benefit this nation and the fact that the Government does not stop it means that it has authorised it. The Government is behaving like a military occupation power. When a military occupation happens in any country, the military personnel occupy your country and destroy it before they leave. They destroy bridges, forests, cut down crops and then leave. Otherwise, why this policy? Forests are being destroyed in a systematic manner from one corner of Kenya to the other. How can the Government actually stand up, say nothing and pretend that it is unable to control forest destruction because the World Bank has told it not to do so?

Who is the Government telling this? Which Kenyan can believe such a thing? This is not true. The World Bank has talked about good governance. How does good governance involve forest destruction? How would good governance explain the Government's failure to distribute the Kshs14 billion which was meant to go to the districts for road maintenance? Money which was meant to construct roads in Kenya, and on which we passed a law and appointed District Roads Committees, for a year-and-a-half, has not gone to any district. So, where has it gone to? So, the Minister

should tell us where the money has gone to. We know that the money has been collected from the source. Before petroleum is distributed, petroleum levy is collected and it is meant to finance road maintenance. So, the money has been collected and the Kshs14 billion should be available. Where has it gone to? Before petroleum is distributed, there is a deduction of a levy, which is levied at source for purposes of financing roads. Money from the Petroleum Levy has not been received by any district and no roads have been constructed. But the money has been taken, and for the past years, money from the Petroleum Levy has been "eaten" up. And for the preceding years, the money is being consumed systematically! That is robbery! As a Parliament, we passed a law which has not been obeyed because money is being diverted from roads to something else! The Minister should tell this House what that other project is that the money has been diverted to do. Who is taking the money and why? In that connection, it is known that this Government has been piling up fictitious bills in terms of pending bills which were investigated? Even the former Minister for Finance is here and he knows it! The bills were investigated and were proven to be wrong and untruthful, and they have now been revived! So, the pending bills, which at one stage were worth something like Kshs20 billion, Kshs30 billion to Kshs40 billion, are now being paid systematically. These are actually fictitious bills being "manufactured" and cannot be proven!

Mr. Deputy Speaker, Sir, there was a special committee--- The Minister for Finance has never heard of this committee and he is shaking his head. God save him; he must shake his head! The truth is that there was an investigation committee which established that many of those bills worth billions of shillings were neither real nor genuine and, therefore, they were rejected! That was recalled on record and now they are being revived and being paid. That money which we are being asked to---

**The Minister for Finance** (Mr. Obure): On a point of order, Mr. Deputy Speaker, Sir. I hate to interrupt the Leader of the Official Opposition, but is he in order to continue misleading this nation that pending bills are being paid, when he knows that the Ministry of Finance and Planning has taken appropriate measures in this respect, and pronouncements have actually been made and no pending bills are being paid?

**Mr. Deputy Speaker:** Order! Mr. Minister, you are now arguing! Proceed, Mr. Kibaki!

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, what I know in greater detail than I have said is that, these pending bills have been paid; some have been paid by way of bonds, and which they are discounting in the market. There is no secret about this! It is known by every Kenyan who takes interest in the economy of this country! These are facts! What are we quarrelling about? If the money is stolen, let it be stolen, because these bills are fictitious and they are being paid! We can tell the Minister who has been paid the bills because he knows it.

Mr. Deputy Speaker, Sir, what I am complaining about is that, these bills are not genuine and they are in billions of shillings! Some Kshs5 billion was paid in terms of bonds and other forms! When such things are happening, nothing is being done to the hospitals, where that money should be spent. There are other additional bills which had been rejected and have now been revived, and will be paid! That is why I am complaining and protesting, because these Supplementary Estimates are money, some of which could go into clearing those bills. Whether you are paying the bills through bonds, security bonds or through other means, this is payment all the same! What else can we call it? It is a system of payment, but it is payment! That is what I am complaining about; that actually there is a channel which has been found to syphon off taxpayers' money in Kenya through that route. At a time when money should have come here for the construction of roads, it has not been surrendered to the District Roads Board and, therefore, we are not constructing any road.

Mr. Deputy Speaker, Sir, the question about teachers' salaries which have not been paid is serious. Teachers have not been paid and they are just being taken round in circles, when in 1997 the remuneration package for teachers was negotiated, agreed, celebrated and everybody sang and danced. Teachers were paid the first instalment of that package. Now we are being told by the Government that teachers cannot be paid the remaining phases of the agreed package because there is no money! If there is no money to pay teachers, how does the Government find Kshs7 billion to pay pending bills which are fictitious? There is money to pay teachers!

**The Minister for Energy** (Mr. Raila): On a point of order, Mr. Deputy Speaker, Sir. I really do not want to interrupt the Leader of the Official Opposition. The Minister for Finance has said that pending bills are not being paid, but the hon. Member is insisting that pending bills are being paid! Could he be asked to substantiate his claim?

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, the consolation here is that the Minister for Finance promised to make a statement on the Floor of this House. The Chair is aware that a week ago, Kshs2.5 billion was paid in terms of bonds to clear pending bills. These things are not a secret, but the pretence is what I detest! This is pretence and let them go on pretending, but they cannot hide from God. Pending bills have been paid!

**The Minister for Finance** (Mr. Obure): On a point of order, Mr. Deputy Speaker, Sir. The Leader of the Official Opposition is taking a dangerous direction! Would it not be in order for him to substantiate that, actually, this money was paid, and say to whom it was paid?

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, I cannot pursue this matter with the Minister because he is pretending.

The Chair knows that there was a commission which investigated the pending bills, and, in fact, those that were provable - Mr. Nyachae was the Minister for Finance then - were put on one side to be paid. Those that were not proven to be truthful were put on one side and were rejected. But now, those rejected bills have been revived! The Chair can see why this is a very touchy and sensitive issue. This is because taxpayers' money is being syphoned through that particular channel!

Let me go back to the issue regarding teachers' salaries. Teachers were promised to be paid and they were paid the first instalment of the agreed package.

**Mr. Deputy Speaker:** Mr. Kibaki, you are being asked to substantiate or to name the companies which have been paid the pending bills. If you cannot do it now, just say so, so that you can do it on Thursday.

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, the pending bills have been paid! This matter has been reported publicly; we shall look for it wherever it is, but it is public knowledge. What I detest most is the pretence that there has been no payment of pending bills, when even in the present discussions with the IMF and World Bank and everybody else, the issue of the pending bills is, in fact, the subject! The point is, why pretend that there are no pending bills which have been paid? Why is the story becoming very touchy? Who is being paid these pending bills? The payment is disturbing!

The point which I am raising is that, teachers were promised to be paid in 1997---

**The Assistant Minister for Education, Science and Technology** (Mr. Odoyo): On a point of order, Mr. Deputy Speaker, Sir. I hate to interrupt our senior-most politician and Leader of the Official Opposition. But, perhaps, in view of his public record of looking after the taxpayers' money, a figure of Kshs2.5 billion times two, adds up to Kshs5 billion. Is it in order for the Leader of the Official Opposition to continue floating that figure as the basis of pinning his argument on teachers' salaries, while he does not want to reveal the names of individuals who were paid?

**Mr. Deputy Speaker:** Order! Order, hon. Odoyo! You are out of order! Proceed, hon. Kibaki!

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, let us go on. Leave them to enjoy themselves, but the facts can never be covered!

Mr. Deputy Speaker, Sir, teachers have to be paid their salaries as negotiated in 1997, because we depend on them. In fact, when an agreement was signed in 1997, the first instalment of the package, as agreed, was paid. In all those years, the Government should have completed paying the other remaining instalments. Right now, it is totally immoral to ask for the re-opening of something which was negotiated, agreed, concluded, signed and gazetted! What do you want to re-open? Why does the Government not say that it is producing a new schedule of repayment, but not re-opening the issue and tell the teachers to come for re-negotiation? What are you re-negotiating? The Chair realises what is being talked about! A teacher is being paid Kshs3,000, an amount which these hon. Members use on a drink in one evening! It is like pocket money! They have a drink and they pay Kshs3,000!

*(Laughter)*

*(Mr. Kosgey stood up in his place)*

Huo ndio mshahara wa mwalimu ambaye ana watoto, nyumba na bibi. He is paid Kshs3,000.

**The Minister for Education** (Mr. Kosgey): On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member on the Floor substantiate that there is a teacher who is paid Kshs3,000?

**Hon. Members:** You do not know this?

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, the hon. Minister who has refused to do what he should do wants to waste time by pretending that he does not know what he knows in details; what has been given to him in details; analyzed and explained in capital letters by the teachers. He knows this. In fact, he has been saying that he has no money to pay the teachers---

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

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, I am responding to a point of order. Hawa watu hawafahamu hata Hoja ya Nidhamu!

**Mr. Deputy Speaker:** Order, Mr. Kibaki! Hon. Members, quite frankly, when you ask for substantiation, you are implying that the hon. Member has violated a procedure or hurt the conduct of somebody. If you say that a teacher earns Kshs3,000 but he earns Kshs10, there is no harm!

**Mr. Shidiye:** On a point of order, Mr. Deputy Speaker, Sir. Today, the Leader of the Official Opposition Party has been going out of his way to tell untruth. We would like him to be honest and truthful. We know of no teacher who earns Kshs3,000. Some of us do not drink. We are very sober when we speak here. Could he substantiate--

**Mr. Deputy Speaker:** Order! Let us concentrate on the Supplementary Appropriation Bill and leave out extraneous issues!

Proceed, Mr. Kibaki!

**Mr. Kibaki:** Mr. Deputy Speaker, Sir, the amount of money P4 and P3 teachers are paid is public knowledge. The small increase that was demanded in 1997 is also known; the increments which were agreed to be paid in four phases. So, I do not know whether we want to pursue the truth or where we want to go. Unless we take the facts the way they are, we are wasting our time. The salary the teachers were paid was increased by Kshs500 or Kshs600 in the first phase. That is not something which I should be required to prove when it is known. In any case, where do these teachers live? Do they not live with us? In our constituency, do we not know the salary the teachers who teach in our primary schools are paid? We know all these things. I am saying that---

**The Minister for Education (Mr. Kosgey):** On a point of order, Mr. Deputy Speaker, Sir. I am sorry to take the Chair back to this point. As far as I am concerned, there are only 34 P4 teachers in the country, and none of them earns Kshs3,000. Could Mr. Kibaki substantiate what he has said?

**Mr. Deputy Speaker:** Order! Quite frankly, we are spending time discussing a non-issue. The teacher's salary, whether it is Kshs3,000, Kshs10,000 or Kshs20,000 is a matter of public record. But if the hon. Member gets that fact wrong, there is nothing for him to substantiate. On the contrary, I will require you to prove that they do not earn Kshs3,000!

Proceed, Mr. Kibaki!

*(Applause)*

**Mr. Kibaki:** Thank you, Mr. Deputy Speaker, Sir. Instead of the Minister getting very excited over "zero", I am saying that teachers should be paid the increment that they were promised. We should not continue arguing, and above all, we should not tell teachers a fiction that "when the economy improves, we will pay them better". Which economy will improve? What simple thing has been done which will make the economy improve?

Nothing has been done to make the economy improve. Other than destroying the forests, even the available money which is being earned from our exports does not go towards the improvement of the economy. Where does it go? How can you improve the economy if you cannot pay the farmer for his maize or milk? How will the economy improve? The economy will not improve. Therefore, it is "conmanship" to tell the teachers that they will be paid the increment when the economy improves. How will the Government pay them? From where will the Government pay the teachers? You cannot promise me to wait for the maize you have planted, when you have planted nothing. How can I wait if you have not planted anything? In any case, why should the teacher be the one to wait when these pending bills are being paid? I am saying that we are doing something very unfair to the people who have the responsibility of laying the foundation of this nation. We should pay the teachers their money because there is no other way out.

Mr. Deputy Speaker, Sir, the Minister for Agriculture was here, but I do not know where he has gone now. We passed a Bill in this House detailing the manner in which we were going to elect officials to the Coffee Board of Kenya. In different zones where delegates were going to be given the responsibility to elect the directors who would sit on the Board, it was agreed that the delegates be elected by the farmers. Notice has been given now by the Minister that by 16th May, that election will be carried out. The Minister has published a notice in the *Kenya Gazette*, but he has not given anybody the responsibility to ensure that those delegates are genuinely elected by the farmers. This is because that is what we insisted in this House when we passed the Coffee Bill. This is the only way to be sure that those people who will be elected will represent the coffee growers.

Equally, the Minister has now published a Bill where he wants to disintegrate the sugar industry. We shall debate on that when we come to it, but it is very frightening how he can do such a thing overnight. Wherever the dream came from, it is very evil. I am not talking about that, but about coffee. The same people who have swindled the Coffee Board of Kenya will be allowed to head it again. Delegates will be picked by the rich people. So, we would like to ask the Minister to make sure that delegates are elected by those farmers who own coffee factories so that they will be from the grassroots level. That is the only way we can be sure that we have competent people on the Board who will run that industry.

Secondly, there is no need to rush and elect people who will be marketing agents of coffee. We can wait until we have elected the Board, and then the Board, because those are the duties it was given, will come and perform them. Why is the Minister rushing now before the Board is elected, instituted and is operational, to choose some people as marketing agents on behalf of the farmer? Why should he do that? The law does not say so. Why should we pass a law in this House, which a Minister will not apply, but some version of that law which he cooks up with his friends or whoever they are trying to help in that industry? We know that, that industry has been exploited by people who live in Nairobi and want to remain the marketing agents. They have exploited us for 30 years. The structure should be

operational in the manner in which we passed the Bill in this Parliament. Now, the Minister is about to allow some action which will pre-empt the future in the market and this is very wrong. He shall still be pursued by the representatives of those people.

Mr. Deputy Speaker, Sir, I support the Supplementary Appropriation Bill and I hope the Minister will implement it so that we get money for our roads. I hope he will not allow this money to be swindled because for the last one year, since the last Budget, money has not been received in the districts. Instead, it is being directed somewhere else. The Minister had better find out, even for his own information as the Minister for Finance, where this money goes to. Since taxes have been collected, they should be directed to the District Roads Committees so that they can improve our roads. It is sad that this money has not been remitted to the District Roads Committees. So, the Minister, in his own interest, must know so that he can tell us where this money has gone to. Otherwise, why is he the Minister for Finance if does not want to know that part of his job?

Mr. Deputy Speaker, Sir, finally, last year, when we were debating the Budget here, we pointed out the gaps which now appear and which are being covered in the Supplementary Appropriation Bill. We pointed out that the Minister, in his Budget, had included a sum of Kshs40 billion which was expected to come from certain foreign donors. He factored it into the Budget and, therefore, thought the Budget was balanced. When we raised the question here, we were told that they were sure this money would come and that is why they included it in the Budget. This manner of dressing up the Budget or *kuongeza nguo maridadi hapa na pale*, so that it looks like a real Budget is not good. Could the Minister assure this House this will not happen again this year? This is the question we want the Minister to answer. This is because the accounts are like now presented. We should learn to have a Budget which presents the volume of revenue that is available to us, as a country. It is better we are told the truth from the time of Budget rather than being given a fictitious figure which is dependent on something that will come from other sources. This money was only expected to come, but it did not. If you tell us that, you will be telling this Parliament a story. I do not want to say a "lie"; that will be a fiction; an imaginary story. Do not tell us that this Budget will be balanced because there will be Kshs40 billion from this and that source. That may not be so.

So, I plead that in the next Budget, for the first time in four years, we will be told the truth because we must learn to live within our means.

I beg to support.

**The Minister of State, Office of the President** (Mr. Nassir): Bw. Naibu Spika, asante sana kwa kunipa nafasi hii ili niseme machache juu ya Mswada huu. Mengi ya mambo yanayosemwa hapa ni yale tuliwasikia tangu 1969 na 1974. Viongozi wanawadanganya Wakenya kwa kuzungumza juu ya ufisadi. Lakini walipokuwa mamlakani hawangeweza kuzungumza juu ya ufisadi. Lakini leo, kwa sababu tunakaribia uchaguzi mkuu, tunapakana matope. Nikila mimi si dhambi, lakini ukila wewe ni dhambi. Wakati wa kuwandanganya Wakenya baada ya miaka 41 ya Uhuru umekwisha. Ningetaka wenzangu wafahamu kuwa wajinga wa Kenya walikufa zamani na wamo kaburini. Kila Mkenya aliye hai ana akili zake na anajua anayoyasema. Kuna taabu nyingi sana kwa sababu wananchi wetu wameongezeka kwa kiwango kikubwa. Hata hivyo, tusiwafanyie siasa na kutafuta kura, hali wengi wao wanaumia.

Bw. Naibu Spika, ni lazima kila mtu, hasa wenye elimu kubwa, kuwasaidia wenzao. Tukija hapa Bungeni ni lazima tufikirie njia mwafaka za kuwasaidia watu wetu. Ikiwa utaendelea kunitukana mimi mwizi; fulani alikuwa mwizi wakati fulani; yule alikula na yule hajakula, si jambo la muhimu. Hii ni kwa sababu wale wanaowatukana viongozi wa Serikali hii wajue kuwa wao walikula mwanzo.

Bw. Naibu Spika, ili mambo haya yakomeshwe ni lazima tuwe na mfumo wa majimbo hapa nchini. Sioni haja ya pesa zetu zote kuwa hapa Nairobi. Hii ni kwa sababu watu fulani watazila. Siku ya Bajeti sisi tunapitisha pesa za maendeleo lakini maendeleo yenyewe hayaonekani kule mashambani. Hata hivyo, Serikali inalaumiwa kwa maneno chungu nzima kuwa viongozi wake wamekula pesa hizo. Lakini kila Mkenya akijua jinsi mambo yanavyoendelea katika nchi hii, basi maendeleo wilayani yatapatikana. Lakini kila mwaka, viongozi wa Upinzani hupenda kuzungumza juu ya hila za Serikali. Lakini ikiwa siku moja wao watakuwa mamlakani, basi sisi tutaongea juu ya hila zao. Ni lazima tufikirie jinsi ya kuwasaidia wananchi wetu kwa sababu wana shida nyingi. Viongozi wanaochaguliwa kama sisi ni matajiri na hawajui taabu za maskini. Matajiri wengi huendesha magari makubwa na wana mashamba makubwa. Wao hawana imani na maskini, na wanawatazama tu wakifa njaa, wakiwa hawana makao, na kadhalika. Ni lazima tutafute njia mwafaka za kuwasaidia wananchi wetu. Haifai kupakana matope kila siku kwa sababu si muhimu kwa wananchi wetu.

Bw. Naibu Spika, hata nikisema nini hapa, hakuna hata gazeti moja litakaloyaandika. Lakini mambo yote ninayozungumza hapa yataandikwa katika HANSARD. Kura mwaka huu si kwa tajiri. Matajiri wataharibu pesa zao lakini wananchi watampigia kura kiongozi anayefaa. Sisemi uwongo; Kenya ya leo haiiongozwi kwa misingi ya vikundi au ya kikabila. Wananchi wetu wanaishi kila pahali na watapiga kura ili kupata maendeleo. Wananchi wetu wameongezeka kwa kiwango kikubwa, lakini ni aibu kuwa viongozi wetu hawafikiri kuwasaidia kwa njia ya kuwapa mashamba, nyumba, nafasi za kazi na kadhalika. Kila mtu anavuta upande wake. Ningeliuliza Bunge hili lipitish

Mswada huu ili wananchi wetu wafaidike. Wakati wa kudanganya na kufanya ulaghai umekwisha. Wakati wa siasa za maneno matupu bila maendeleo umepita. Siasa siku hizi ni za maendeleo. Wakati wa siasa ulikuwa ni wa akina hayati Mzee Kenyatta, Ngala na Muliro. Leo ikiwa kiongozi anataka kura ni lazima afanye maendeleo lakini si kupiga siasa tu, ili baadaye apate bendera au uwaziri. Haifai kusema uwongo ili upate kura. Ni vizuri tunapokuja katika Bunge hili tusitukane viongozi wa upande wowote. Ni lazima tutafute njia mwafaka za kuwasaidia wananchi wetu. Haifai kutumia mishahara ya walimu kupigia siasa. Tunatakiwa kufikiria jinsi tunaweza kuwajengea wananchi wetu nyumba hata kama viwanja vimenyakuliwa na viongozi fulani. Matajiri wengi huwajengea wananchi nyumba ambazo hazina vyoo, milango au nguvu za umeme, na huku wanajigamba kuwa wao ni wazalendo wanaowapenda wananchi.

Bw. Naibu Spika, leo si siku yangu ya kusema mengi. Lakini ningependa tupendane ili tuwasaidie wananchi wenye taabu, kushinda kuonyeshana uhodari mwingi wa kisiasa.

Bw. Naibu Spika, kwa hayo machache ninaunga mkono.

**Mr. Muite:** Mr. Deputy Speaker, Sir, I would like to register a very great concern with the manner in which this Government takes this House when it comes to money matters. We have said many times that control of expenditure; acting as a watchdog for the public, is one of the most important functions of this House. If you recollect, when we were debating the Recurrent and Development estimates on which this Appropriation Bill is now based, those two volumes were placed in our pigeon holes at 10.00 p.m. on the day when we were supposed to come and debate them in this House that afternoon, and approve Kshs5 billion. That did not give hon. Members of Parliament any time to carefully go through these items. When it comes to money matters, we need time to comprehend and go through them. The Government needs to seek assistance so that one can effectively be able to contribute and ask important questions. That does not happen. We actually passed those estimates within three hours that afternoon. This is the same hurry with which the Government now wants us to authorise the withdrawal of Kshs5 billion from the Consolidated House.

Mr. Deputy Speaker, Sir, are we, as a House, effectively being able to work as a watchdog on behalf of the public when we debate, pass and authorise money matters within a matter of hours? We need to re-examine how Parliament can be strengthened so that before we give this Government any money, we, as a House, are able to monitor how they have spent the money that we voted. This is an Appropriation Bill where they want Kshs5 billion to spend during May and June. We would be effective if we first went through the books in order to know how the money we gave to this Government in June last year has been spent. Has each shilling been spent for the purpose for which it was voted? That is the question we should answer before we can be in a position to authorise an additional Kshs5 billion, and yet we do not do that. In the end, we are just being used a rubber stamp. We are not being effective as a check on this Government.

Mr. Deputy Speaker, Sir, if you look at the amount allocated to Vote R01 for the Office of the President, for the month of May and June - because, presumably, this money is to be spent between now and 30th June - they are asking for Kshs1.7 billion. What is this money to be spent on within two months only? What has happened to the money we voted for them? When the Minister was moving the Bill, he talked in generalities as to why there is this shortfall. A shortfall of Kshs1.7 billion is a very large amount.

Mr. Deputy Speaker, Sir, we would have wanted to check exactly how the money we voted to the Office of the President was spent, and how this shortfall is arising. We are not able to do so now because of the rush with which we are being told to pass this Bill. A total of Kshs88 million is required for State Houses and Lodges in Sagana, Kisumu and Eldoret, at a time when many other people are crying, including the air traffic controllers.

Mr. Deputy Speaker, Sir, under Vote R05, the Office of the Vice-President and Ministry for Home Affairs, Kshs454 million has been allocated. This is close to Kshs500 million. What will this money be used for, just for two months? Why is there such a large shortfall?

On page 537, Vote R33, the Electoral Commission is asking for Kshs80 million for what they are saying, includes review of electoral boundaries. This House has not been given any scheme pursuant to which the Electoral Commission has agreed to review the electoral boundaries. What we would like before we authorise this kind of money are some proposals where the Electoral Commission can confirm that, indeed, they are going to review the electoral boundaries for the constituencies so as to make them more equal in terms of population. Are the electoral boundaries which are going to be reviewed for the wards or the constituencies? How can we be asked to vote money for review of electoral boundaries without proper details being given to this House, so that we know what the Electoral Commission will be doing? We do not want to be ambushed. We want transparency. We want to be told in very clear language that before June, the Electoral Commission will be reviewing all the electoral constituency boundaries, the reasons and the criteria which the Electoral Commission will be following to review the boundaries.

Mr. Deputy Speaker, Sir, then another peculiar issue is that, they are asking for Kshs80 million for the period between now and June because of expenses related to the conducting of by-elections. What by elections are they going to conduct between now and June? So, there are many issues that remain unanswered, and one wonders whether we

are at all being effective as a House.

On page 738, the Department of Survey is asking for Kshs46 million. Is it to enable the Department of Survey to continue surveying Ngong Forest, which is now being given to private individuals? This House is being used to authorise the destruction of forests. These are issues that should be delved into, and this is why I am saying that before a Bill like this one is brought to the House, it needs to go through a Departmental Committee of the House so that we can call those surveyors. Without the surveyor, there cannot be land grabbing or destruction of the forests. It is these surveyors who are authorising this surveying and, therefore, facilitating the grabbing of our forests.

Mr. Deputy Speaker, Sir, Mr. Raila was talking about the last regime and this regime, but as we talk today, this country has incurred a total of over Kshs600 billion in internal and external debts, and one day we shall want to know where this money has gone. For every debit, there must be a credit. The debit which is in the pockets of all of us as Kenyans, the credit is in certain pockets. These issues will have to be looked into. We cannot continue authorising the Government to conduct finances year in, year out. I want to be on record in the HANSARD as opposing this Appropriation Bill.

I beg to oppose.

**Mr. Shidiye:** Mr. Deputy Speaker, Sir, this country requires visionary leaders who are honest and can deliver services to Kenyans. Unless and until we are focused, we will be doing a great disservice to this country. I say so because, some of the people who were in charge of this economy are now claiming to be the prophets of this century. That is the most unfortunate thing. We know instances where hon. Members on the opposite side of the House were in this Government. They were in the highest echelons of the Government, and when multiparty politics came to this country, they decided to cross over to the Opposition, thinking that they would form a Government, but they lost. They are now bitter, but if you asked them to account for their deeds, you would get shocked. It is very unfortunate that those people are now claiming to be the most righteous people.

Mr. Deputy Speaker, Sir, when we appropriate Kshs5 billion for May and June, before the Budget, it is very important that we look at the grey areas in our regions. For example, the whole of the North Eastern part of Kenya is inaccessible because of the rains. You will never hear about other people talking about that problem.

Mr. Deputy Speaker, Sir, right now, people are using donkeys and camels and nobody is talking about our road network. I say so because it is hurting me when I am in this House and I feel like the rest of Kenyans. People are so much concerned only about the places they come from and yet, they want to lead this country at one point or another. We are cut off completely. From here to Mandera, it is 1,700 kilometres and yet, it is not motorable. Nobody has raised that issue and yet, it is a serious matter! Famine relief and medicine cannot reach those people and we have to flyover. That is why, when we look at the Budget, we must use an eye that sees far and wide. We do not want to have a violation of priorities where, all the people who sit in those big offices, mostly from one province--- If you look at the estimates, those people will never--- You will realise that we are not getting any development, particularly in our area, and they know the problem.

Mr. Deputy Speaker, Sir, that is why we have to address the issue of the Constitution. We feel that it is through the Constitution that proper leadership and developmental programmes could be achieved through the Budget. If the Budget of Kenya is Kshs200 billion and we allocated 1.5 per cent of it to improve our roads and education, the world would have been different for us. We would have been more comfortable. But nobody is thinking about us! We want affirmative action not for gender issues alone, but for those marginal areas. If women are claiming that they have been marginalised for 40 years, we are also claiming that northern Kenya has been marginalised for 40 years.

It is a very important issue because there are people who want to lead this Government; they are saying that they are power-hungry and ambitious, but they have never visited our area! They want to lead this country! We will never ever vote for them! Some of them do not know where we stay. If I tell them I come from Mandera, they ask me: "Do you pass through Eldoret to reach Mandera?" They do not understand! How can I vote for such a person? He is so egoistic and feels that Kenya is so small that it ends in Central Province, and that is the end of it! That is why we have to be very straight. We do not want leadership which is parochial and which will not help this country. When these people were there in the Government, they never helped us. Today, they are telling us that they are prophets and they would like to change the world. What prophets are they? We must be very realistic. I believe in realism. We do not want to dream. There are some people who believe that they can change this country. They want a centralised system where the power is in Nairobi and Central Province. They want to control the Government.

Mr. Deputy Speaker, Sir, the next constitutional dispensation must be federal. That is pure and simple! We want regionalism and we want the people who are there to stay in their province, if it would be fit for them. Let us stay with our cows and camels and feed our people in whichever way we can. We are crying for water and good roads. When the Minister for Finance will be presenting his next Budget, we will be looking at him. That is because we want to make sure that marginal areas get what they deserve.

With those few remarks, I beg to support.

**Ms. Karua:** Thank you, Mr. Deputy Speaker, Sir. If the whole of North Eastern Province had people like the hon. Member who has just spoken, I would be a worried person! But the voice I hear is the voice of one bitter person; maybe, bitter at themselves, for their inability to articulate issues that affect them! It is the Government of the day that has the responsibility to vote enough money to give services to people. If a Member of Parliament is not able to understand that it is the Government of the day that does that, then, that Member of Parliament is failing, even in representation of the people who voted him in.

Mr. Deputy Speaker, Sir, it is sad that when we rise to support the Bill, we digress and display ignorance. When we do not address the issues of the day, we are actually doing a disservice to the people who voted us in. We must differentiate who, in this country, has the responsibility. It is the Government of the day that makes the policy and spends the money. We are here to try and evaluate what the Government is doing, to see whether it is right and to authorise it. When we are being asked to give authority, we have to ask questions. If Members of Parliament fail to appreciate that we do our duty when we ask questions, then I think something is very wrong and we should evaluate qualifications of Members of Parliament. Perhaps, we should go through induction courses, so that we are able to appreciate the role of both sides of the House. It is time we stopped posturing as though Members of the different tribes are reminiscing. It is time we started listening and answer with reason and not with verbal invective. It is a great disappointment to listen to speeches which are full of nothing but verbal invective.

Mr. Deputy Speaker, Sir, I am glad that, at last, it has been recognised that affirmative action is not just for women. It is for all marginalised groups. I do agree that we need affirmative action in budgetary provisions, so that we can bring the level of service in this country at par in all areas. There is no reason why any area should be without roads, health services and water. There is no reason why the basic services that the Government provides should be different in any part of Kenya. That is why it makes a lot of sense for Members on this side of the House, or even Back Benchers on the other side of the House, to question why the Office of the President wants to use Kshs1.8 billion in just a matter of two months! That is money that could be used to alleviate the suffering of the people in the marginalised areas. That is money that could be used to pay the aerodrome workers who have been bullied for demanding their rights. It is our duty to question that expenditure, so that, at the end of the day, we can have money for affirmative action through budgetary provisions.

Mr. Deputy Speaker, Sir, when it is unexplained why so much money is needed by the Office of the President - and we have seen in the recent past, civil servants being involved in partisan politics, my guess is that, that is money that is going into the succession politics. I fail to see what can be done in two months by the Office of the President and State House, to warrant use of the money that they are asking for. I know they have expenditures, but we need explanations, so that we can be sure that, that money is going to be well utilised and not for partisan campaigns.

Mr. Deputy Speaker, Sir, I can see an item for rural electrification. We all need electrification, but we know that, that programme has not been working. It is a project and a programme that has been abused and is being used as a personal fiefdom by the people at Kenya Power and Lighting Company (KPLC). They need to know that the Ministry is now in charge of the programme. It is no longer under KPLC because they have failed to implement it. This programme is not implemented on a first-come and first-served basis. People who paid deposits for rural electrification as far as ten years ago are still waiting to be connected, while people who have not paid deposits are being fraudulently connected. I am afraid that money voted under this Bill is just going to turn a few people into overnight billionaires. What we have seen in the last ten years under this programme of rural electrification is the emergence of a few billionaires in Kenya. We have not seen any real benefits coming to Kenyans. A few shopping centres have been connected, but the real benefit is not with us, because it is in the pockets of a few, and it is our duty to question this. If questioning it is a crime, then we would rather, on this side, be guilty of that crime because, what would be our use in this House if we cannot question Government expenditure?

Mr. Deputy Speaker, Sir, I want to agree with the hon. Members who have said that teachers should be paid their dues. The Government is not above the law. The Government is a creature of the law and having negotiated with the teachers under the law, it entered into a binding contract. The Government should stop using strong-arm tactics. If it cannot be able to pay the teachers their entire dues, the Government should be making a proposal on how to pay them, but nothing has come up in the last five years. I believe that the Government should take steps to minimise its expenditure. Why are we asking the teachers to tighten their belts when nobody else is tightening his belts?

Mr. Deputy Speaker, Sir, we have not seen any drop in expenditure by Ministers and their Permanent Secretaries in the use of motor vehicles. The directive of having a maximum of two vehicles has not been observed. We are still seeing people use and abuse Government motor vehicles. Every time a Minister is appointed or moved elsewhere, a state-of-the-art motor vehicle is bought. Should Government motor vehicles be purchased on the basis of the extravagant usage by civil servants and Ministers, or should we have some practical models approved for these senior officers so that those who want to drive according to taste, can drive from their salaries? After all, recently, the salaries of Permanent Secretaries were increased and so they can afford the cars of their taste. We should have a



standard Government of Kenya motor vehicle so that we stop waste of Government funds. We have not seen strict control on the use of these vehicles. What is official? Is taking your children to school official? Is taking your family shopping official? In my mind, official business means going to and from work by the officer concerned. Family errands are a matter of personal expenditure and the officers concerned should revert to their salaries to finance their family needs.

Mr. Deputy Speaker, Sir, we would want to see controls in the way top Government officers, including Ministers, are using their telephones. We would want to have a ceiling depending on the duties each office has, so that we can have austerity measures all round, otherwise, it does not make sense to tell the teachers to sacrifice on behalf of everybody else when everyone else is having it good.

Mr. Deputy Speaker, Sir, the spending policies of the Government leave a lot to be desired. We are voting money here but we are not getting corresponding service. It is time Kenyans got to know that it is the Government of the day that has the responsibility of giving service, and where the Government fails, it should stop blaming donors and should instead blame itself. It is not for donors to tell us or to address the issue of corruption. We should be doing it willingly, voluntarily and without waiting for somebody to do so on our behalf, but what this Government has done is to keep on lamenting about the donors' conditionalities without considering what is good for Kenyans. It is in our own interest that we curb corruption and embezzlement of public funds, but we are failing to address these issues and blaming the Opposition, the donors and any other scapegoat we get for the inefficiency of those in Government.

Mr. Deputy Speaker, Sir, although I acknowledge that money is necessary for the Government to be able to function, it must stop using Parliament as a rubber stamp and making Parliament hurry the Budget. If the Minister for Finance wants to show good faith, he should by now start liaising with the relevant Departmental Committee so that in May, they are able to go through his budgetary proposals so that Parliament can have its input before the Budget is read in this House in June. Bringing the Budget here in June will be an act of bad faith without any consultation and it will be expecting this House to be used as a rubber stamp. If we agree as Members that we have a role to play as watchdogs and we stop, especially Members on the other side, seeing their role merely as defending the ruling party, we might then be able to stand up and tell the Government that until there is an equitable distribution of resources within the Budget, that Budget will not pass. Otherwise, we shall go on lamenting or blaming those who are blameless for the neglect of our areas, while forgetting that as Members of Parliament, we hold the key to the prosperity of our constituents and the rest of Kenyans.

With those few or many remarks, I beg to oppose.

**The Minister for Public Health** (Prof. Onger): Mr. Deputy Speaker, Sir, I stand to support this Appropriation Bill for various reasons. One, I think it is easy for us as hon. Members to forget the kind of debate we had to go through when the Budget was presented. There were certain aspirations in the Budget that had to be met, and some have been met and others are still in the process of being completed. I have heard so much lamentation from the other side of this House that has no basis other than fiction. I think that is wrong because it is this very same House that has been asking for certain provision of services in various sectoral Ministries, and today some Members stand here, after being recipients of these sectoral services, and say what the Government has not done.

Mr. Deputy Speaker, Sir, I shall confine my remarks precisely to what I just want to say now. For instance, in the area of health, I think it is quite clear that each single Member here is a recipient of an ambulance in each district hospital, including sub-district hospitals, and some of the private hospitals which are run by mission hospitals. That, in itself, is a major step forward because when you talk of alleviation of difficulties that are encountered by our mothers who are in delivery, who need services from point "A" to point "B", hitherto, there were no ambulances, but now there are ambulances there and they are being catered for, and I think it is an important point to remember. Rather than lamenting and cursing the Government, we should be looking at ways and means of enhancing these services.

Mr. Deputy Speaker, Sir, secondly, I think it is only fair that one of the issues that we can do to reduce both the morbidity and mortality associated with some preventable conditions, is in the process of immunisation.

Unfortunately, in this country, we have introduced what we call pentavelance of five immunisations in one shot, which I launched in October last year. This process requires vigorous campaigns in order to get all the children under the age of five immunised. The morbidity and mortality associated with this known immunisation is very high. We have a very high wastage of children before their birthday of five years. I want to submit to this House that part of this cost will go to meet some of the expenses on the immunisation of our children. That in itself is a major step in preventing situations like tuberculosis, polio, and others like Hepatitis B, which is now becoming a menace in our society. When I look at the National Immunisation Days and see the kind of campaigns that take place at the constituency level, because that is where Kenyans reside; in some areas, we are getting a response of between 47 to 65 per cent when the immunisation rate should be at the rate of 90 to 95 per cent. The Government has provided cold-chain system where all these vaccines are able to reach the dispensaries, including the gases to maintain the cold-chain system. I see no reason why hon. Members should lament when these services are being offered directly for the

common good of our society.

Mr. Deputy Speaker, Sir, this Supplementary Appropriation Bill is basically addressing these issues and I find it a paradox that a Member should stand here and lament over past events. Yes, the Budget has not been financed by the so-called Bretton Woods institutions and that is, precisely, why we are here. We are cutting the cloth according to our size, and we are saying we can now finance specific targets bearing in mind some of the basic burdens. In this country, one of the biggest expenses we are likely to incur is in the area of health. On HIV/AIDS, this Parliament has had the occasion, through a Sessional Paper, a parliamentary session in Mombasa and through the formation of CACCs, to understand much about the scourge. Instead of spending time in their constituencies to promote various aspects of CACCs, they are now talking about release of money. The money is there, but it has got to be released, based on basic programmes. Today, we have problems with Members of Parliament, including Mr. Kibaki, who are patrons of their respective CACCs because they do not attend meetings. They should be telling the National AIDS Control Council (NACC) that they need the orphaned children to be supported in educational purposes. They should go ahead and enumerate or catalogue them. They should be telling us the programmes for the youth and women, and how they should be carried out so that they can be taught to avoid the scourge of HIV/AIDS, and tuberculosis, which is soon catching up with us. Instead, they are talking about academic issues which have no relevance to the Kenyans of today. Kenyans of today would like to see delivery of services, and that is exactly what the Government is doing.

It is only the other day when Members were lamenting about security. Obviously, when you are talking about security, behind it, there must be spending of colossal sums of money in order to maintain a secure environment. I find it a bit of a paradox that some Members should query one of the areas in the Office of the President when they themselves and more so, from the Opposition side, were insisting that if it means that we must spend more on security, let it be. How come today, they are now saying we should not spend money on security? I find it a point not arguable, and yet, we are demanding that the Government must spend its resources in order to ensure that the citizens of this country are secure. That is what is happening.

Mr. Deputy Speaker, Sir, I think it has reached a time when Kenyans must count their blessings. Our blessings are our own human resources. We are very intelligent hon. Members here, but I think it is high time we put our intelligence together in order to alleviate the problems that are facing this country. You can stand that side and criticise for the sake of criticising. You can play to the Gallery; it suits you. We are in the election year and I expect that kind of play to the Galleries, but that will not help us to alleviate these problems. I think the answer lies in us together tackling these issues. If I tell you, for instance, that safe motherhood in your constituencies is creating problems for us; that we need to work together in order to alleviate that safe motherhood, maternal child health and everybody gets involved; we should then agree on the approach and the cost to it. Some costs may not be met directly from the Budget. We have now identified that in the scourge of HIV/AIDS, there are those who may require treatment and we need to set aside in our Budget, some modest sums that may be directed towards the purchase of anti-retroviral drugs. That will be a reasonable thing to do and request for, because 50 to 60 per cent of our bed occupancy currently is as a result of HIV/AIDS accompanied by tuberculosis. For any nation to relieve itself off that burden, it needs to spend more and more in that direction.

I know it has been a very difficult moment for the Minister for Finance to increase our budgetary requirements. I want to thank him because in this Supplementary Appropriation Bill, there is a provision for our very hardworking nurses, doctors and all the paramedical staff; that somehow, they will be able to get some little incentives in order to maintain them and their morale in working for us and in helping us to manage the health issues in this country. What is wrong with that being presented as part of the Supplementary Appropriation Bill? Are you saying it is wrong that this expenditure should not be included in this Supplementary Appropriation Bill? These are expenditures directly related to personal emoluments of some of these staff that we are discussing. I think the argument from the other side that the money is going to be spent wrongly has no basis whatsoever, and I want to dismiss it instantly. Instead, I think we should say, yes, you are asking for this sum of money; could you tell us how we are likely to benefit as a nation in this or that area? We are prepared, as a Government, to answer those queries. We are not immune to criticism. We accept criticism as part of the process of management of the nation. But to say that this Government has failed; we have not failed. You are recipient of services that we are delivering to you, and I think we have done very well, given the circumstances that you cried for non-remittance of Bretton Woods institutions' support to the Budget. That is what we are reaping today; the cries from your side. But Kenyans have been very supportive and I think together, we shall survive. If we can survive for 11 years without direct intervention and support from the Bretton Woods institutions, I believe that in the next Budget, we should be able to brighten up our efforts and be able to achieve the stated objectives that may be presented in the Budget.

Mr. Deputy Speaker, Sir, without anticipating debate, one of the issues I have constantly seen and heard in this House, and emanating from Questions from hon. Members, particularly from that side, is the question of assisting the farmers, particularly those who had taken loans in various institutions, like the Agricultural Finance Corporation

(AFC), and problems affecting the Kenya Meat Commission (KMC). I believe before this House are substantive Motions addressing those issues. You could not discuss them without being featured in the Appropriation Bill.

If you think that this is the wrong approach, then we should revise our approach to the political systems that we have stood by and argued for. I want to plead with my colleagues on the other side that there is no need for us to fight. This Supplementary Appropriation Bill is basically meant for you and me. It does not discriminate on who is on the Opposition or the Government side. I am just about to announce a programme which will basically support the whole of Central and Eastern Provinces. If my recollection is right, I do not think we have a majority Members of Parliament in the Government side from Central or Eastern Province, but it does not matter. In implementing the Government's programmes, we must always cater for Kenyans, not on the basis of whether they are on the Government side, but on the basis of their desired needs. Therefore, I want to plead with my colleagues that there should be sobriety in their approach to this Supplementary Appropriation Bill, so that it can be passed without much ado.

I beg to support.

**Mr. Khamasi:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to say one or two things about this Bill. The other week was a very sad one because we threw out a Motion which sought to establish a budget office in this House. We would not

be arguing over this matter if we had actually passed that Motion and a Bill was introduced in this House to establish a budget office which would scrutinise exactly what we are discussing now. I was rather sad to see the Minister for Finance standing here to very vigorously oppose the establishment of a budget office. It was very sad, particularly taking into account that almost all our neighbours; Uganda, Tanzania and many other countries including Britain from which we have copied our Constitution and laws, have got a budget office. This is why we were asking that we have a budget office to scrutinise exactly how the money is appropriated and expended. I think after six months, we will bring a Motion seeking leave of the House to introduce that Bill on the budget office.

**Mr. Deputy Speaker:** Do we need a Bill to establish a budget office?

**Mr. Khamasi:** Yes, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** We do not need a Bill to establish the Clerk's office, but the Clerk will be hired.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I want to support this Motion because I know that the Minister for Finance will require money. One thing that I would like to comment on is the question of rural electrification. Rural electrification in this country has been carried out so unfairly. Now that Mr. Obure is the Minister for Finance, I know that he will try to ensure that this process is not abused and used as bribery in some well-connected areas of this country. We would like to see a situation in this particular sector where, as with the District Roads Committees, at least a portion of any money allocated for rural electrification projects goes to every constituency. If you look at the distribution of the funds allocated for these rural electrification projects, you will note that they only go to specific areas and the reason for this is not well known.

Mr. Deputy Speaker, Sir, currently, there is a tribunal going round looking into the terms and conditions of service for Members of Parliament and so forth. We have teachers crying because the Government has not awarded them a salary increment. You saw how brutally the Civil Aviation staff were treated when they demanded for their rights. The nurses are crying. The discrepancies between salaries of civil servants in this country leaves a lot to be desired. Part of what we are being told to approve today goes towards the salaries of civil servants. For example, at the moment, a Permanent Secretary gets a salary of over Kshs500,000 and yet officers of the Provincial Administration whom this Government relies on very heavily are paid peanuts. You will find that a newly appointed DC starts with a salary of just slightly over Kshs17,000 per month and yet a Permanent Secretary gets over Kshs500,000. How do you motivate a person like that? You expect this person to chair the Security Committee, the District Education Board, the District Agricultural Committee and so forth, and yet you are paying him peanuts. This discrepancy has been in existence for too long.

It is high time the Government thought very seriously about overhauling the salary structures in this country for the whole public service. When you look at the example I have given, it completely demotivates any person who is being paid that salary. A good example is the "Dream Team" who used to earn between Kshs2 million and Kshs1.5 million, while other Permanent Secretaries were getting only Kshs60,000 or Kshs40,000. That is ridiculous! How do you motivate such civil servants to do a good job? It is high time the Government took very seriously the issue of harmonising and restructuring salary scales in this country.

We are also supposed to approve pending bills. When we hear about pending bills, one wonders what pending bills we are talking about. Who scrutinises these pending bills? What is the rationale of approving some bills and not others? Once upon a time, when Mr. Nyachae was in that Ministry, he did refuse to approve quite a number of pending bills because he was not satisfied about the legitimacy of these bills. Immediately after his removal from the Ministry, we understand that most of those pending bills were paid. We have not been told reasons why those bills which were rejected were paid. It is necessary that when we are appropriating these funds, we are told clearly the

purpose which these funds will serve. I do believe that as much as we have heard which amount is allocated to the health sector, its uses and so forth, we should also be told in no uncertain terms how these funds will be utilised. I would not like to repeat what my colleagues have said.

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

**Mr. Muihia:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Bill. Today we are being asked to help the Government patch up what they should have done at the beginning of the year. This Government has been in place for close to 40 years. I would have expected the Ministry of Finance and Planning to have perfected ways and means of preparing budgets at the beginning of the year so that the amount of money appropriated here during the Budget Speech is enough to last throughout the year. However, as we debate this Bill, Kenyans are languishing in poverty. Wherever you go in this country, you will see signs of poverty. I am just from my constituency.

The rain that has been pounding the country for the last two days has rendered roads in my constituency impassable. This is in spite of the fact that the Ministry of Roads and Public Works has been allocated some money to maintain roads in rural areas, where peasants are struggling to free themselves from poverty by tilling their land.

Mr. Deputy Speaker, Sir, we have been told that more than US\$2 billion, which belongs to this country, is lying in secret bank accounts in foreign countries. What is the Government doing to ensure that money which has been stashed away in secret foreign accounts by some unscrupulous Kenyans is brought back to the country and utilised for the purposes the Minister has highlighted? Earlier on, the Minister for Public Health, Prof. Ongeru, talked about the Government's commitment to eradicate HIV/AIDS. Even after the HIV/AIDS workshop we held in Mombasa and the subsequent forming of the Constituency AIDS Control Committees (CACCs), nothing has happened.

I am surprised to hear that the money that was supposed to cater for the operational costs of the CACCs is supposed to be available. My own Gatundu South Constituency CACC has put in place all the requirements, including a working team. We have requested for funds, as is required of us, but nothing has happened. Last year, I spent about three months trying to create awareness amongst my constituents, until---

*(Loud consultations)*

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. Could we appeal, through you, to hon. Members on the Government side to give us an opportunity to hear what the hon. Member for "Gatundu North" is saying? I do not want to talk about "voting machines", but could you prevail upon hon. Members on the Government side to consult in low tones?

**Mr. Deputy Speaker:** I will, indeed, ask the hon. Members to consult in low tones but, for your information, the hon. Member who is on the Floor is the Member for Gatundu South and not Gatundu North.

**Mr. Muihia:** Mr. Deputy Speaker, Sir, I thank you for correcting Mr. Muite that I am, indeed, the Member for Gatundu South, which is a very important constituency.

**The Minister for Public Health (Prof. Ongeru):** On a point of order, Mr. Deputy Speaker, Sir. Could Mr. Muite tell the House who the "voting machines" he has referred to are? I believe that there are human beings on this side of the House, and not "voting machines". So, could he substantiate who the "voting machines" are?

**Mr. Muite:** Mr. Deputy Speaker, Sir, I did not call anybody a voting machine. You can now see that hon. Members on the Government side are streaming into the Chamber. We know that they are coming in to vote for the Bill before the House, but I said that I did not want to call them "voting machines". So, I did not call anybody a "voting machine".

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

**Mr. Deputy Speaker:** Order! Order! Proceed, Mr. Muihia!

**Mr. Muihia:** Thank you, Mr. Deputy Speaker, Sir. As I continue with my contribution, I want to hope that Prof. Ongeru is aware that the "voting machines" were witnessed at Kasarani, where he lost an election.

I was saying that the Government must be ready to invest in research and come up with appropriate marketing policies. As farmers in coffee growing areas work hard to revive the one time glorious industry, I would have liked to see in this Bill an amount set aside to pay off debts incurred by the farmers. The Government was advanced some money by the World Bank at an interest of only 0.85 per cent. However, the Government decided to on-lend the same money to farmers at an additional rate of 8 per cent.

In addition, the Co-operative Bank of Kenya charged the farmers a further 7 per cent. Subsequently, while the farmers realised no returns from that loan, the Government reaped Kshs1.6 billion. I would, therefore, like the Minister for Finance to set aside an amount of money to off set the debts incurred by coffee farmers.

Mr. Deputy Speaker, Sir, the Appropriation Bill indicates that the Electoral Commission of Kenya (ECK) is

supposed to be reviewing some boundaries. However, yesterday, we met with the ECK Chairman, and he said that the Commission would not review boundaries. So, I do not know what the amount of money that is supposed to be used for that purpose is going to be spent on.

Many hon. Members have spoken on rural electrification. In my constituency, there are many groups which have paid money to the Kenya Power and Lighting Company. Some groups have put some money into bank accounts, so that the Government could supplement their effort to supply electricity to schools and coffee factories which have no electricity. So, I hope that part of the money the Minister is requesting through this Bill will be used for the purpose of electrifying small towns in the rural areas, so that small-scale entrepreneurs can start businesses. That is the only way we can work with the Government to help this country move forward. We cannot talk as if we were still in our high school days, when we used to engage in wishful thinking debates.

Mr. Deputy Speaker, Sir, I would like hon. Members on the Government side to become more serious in addressing serious issues, so that we can help this country move forward.

With those few words, I beg to support.

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to contribute to this debate. I would like to be very brief and start by requesting the Minister to begin thinking of how to make the economy grow, so that he can have a broader taxation base, which will make Kenya self-supporting, and enable it to survive without depending very much on donor funds. Having spent the weekend with the International Monetary Fund (IMF) and the World Bank personnel in Mombasa, it is clear that we cannot expect very much change in the coming financial year. It is, therefore, important for the Minister to think, as he prepares the next Budget, of ways of stimulating growth in industry and agriculture in order to broaden and strengthen the tax base.

In this connection there is a problem which is cropping up in Nairobi. Following President Moi's suggestion that rents in the slum areas be halved, people in areas such as Ngunyumu and Gitasuru, which is part of Kariobangi, and where investors have put up highrise buildings, have refused to pay rent. The result is that, to date, we have over 700 landlords who own between 20 and 40 flats each, who cannot collect anything from their tenants. Many of them, who had borrowed money to put up the buildings, are now in trouble, and may have their buildings sold. All this is happening under the guise that the Government wants the rent halved. I thought that the Government only wanted rent in slum areas lowered. Something needs to be done. I am, therefore, appealing to the Minister for Finance to see what the Government can do to ensure that those landlords get justice. It looks as though ours is becoming an almost criminal society, where someone develops his or her property at a great cost, and people refuse to pay rent, and they use the Government as their excuse. I do not think we can justify this kind of behaviour.

Mr. Deputy Speaker, Sir, let me just say a word about the need for a strategic grain reserve. During the last 15 years, we have been spending on average between Kshs10 billion to Kshs15 billion to purchase food. In years when we have had drought, like the year 2000, the amount was much bigger. It would appear good economics if the Government would ask itself how it could make Kenya self-sufficient in food production. I am glad the Minister for Agriculture is here; making Kenya self-sufficient in food production should not be a very difficult task. We should concentrate on providing water for irrigation to our farmers in the arid areas, where livestock is kept and food crops grown. So, I would urge that rather than making Kenya a food deficit country which keeps on importing food year in, year out, we should aim at making it a self-sufficient country which produces its own food. The only way we can ensure this is by providing water for irrigation for the nationals of Kenya, both in the arid and semi-arid areas.

Regarding the Budget itself, I notice that under Vote D13, the Ministry of Roads and Public Works, the Minister proposes to reduce it by Kshs336 million or thereabouts. This is a time when the 16 per cent which we were promised for constituencies has not been fully paid. I know that, at least, in Meru, we have received Kshs4 million per constituency. We are expecting the remaining Kshs1 million. But the 24 per cent which was promised to the districts, which the Minister should make available to the Ministry of Roads and Public Works, has not been made available. Could the Minister, in his reply, tell us what has happened to that money which we think could be very useful?

Under the Ministry of Foreign Affairs and International Co-operation, one of the items to be funded by the additional cash is the President's travels abroad. We do not mind our President travelling abroad because he travels for the benefit of this country. We want to support that. But could His Excellency the President be good enough to brief the House on the good things that he has negotiated for us? I think it is only fair that we should know what is happening, why taxpayers' money is being spent, how it is being spent, and for what benefits it is to us and to the country.

I want to say a few words on the issue of corruption. A few years ago, the then Minister for Finance, Dr. Masakhalia, introduced Treasury Bonds as a method of paying pending bills. After he left office, all the pending bills were evaluated. A committee chaired by a very respected Kenyan, Mr. Harry Mule, was set up. It approved what was clearly payable and left pending other bills. I cannot remember now whether it was of the order of Kshs18 billion. Most of these bills have been paid in the recent past. I do not want to bore the House by mentioning names, but we

know for certain that this is one venue of corruption because the officials, including the State House--- I will use a bad word against them, but I hope I shall be forgiven.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order!

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, I wanted to call them the "State House mafia." They are getting between 30 and 40 per cent.

**The Minister for Agriculture** (Dr. Godana): ---(inaudible). That is unparliamentary!

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, I said that I wanted to call them that, but I did not. I said I wanted to use a bad word, but an hon. Member wants to know which one. I said that they ask for 30 to 40 per cent before they pay up the pending bills, but I did not use it in my original statement. Then, these are taken to banks, and for 5 per cent, they are discounted. Since most of these bills were questionable, we must ask the Minister to satisfy himself whether taxpayers' money is being spent appropriately.

Finally, I do not want to anticipate the Donde Bill, but I want to make two points. The first one is that when the Donde Bill first came up for consideration, it was brought to the Committee on Finance, Planning and Trade, and we had discussions with the bankers. We told them point-blank that we were concerned about two issues; the first one is the social dimension of the Donde Bill. What do we mean by that? There are people, particularly former civil servants, who spent their pensions putting up buildings mainly in the Ongata Rongai area and other parts of Nairobi; they borrowed a small sum to complete the buildings. Many of them, and this is what I want the Minister to appreciate, who had borrowed Kshs2 million have paid up to Kshs8 million, and yet the banks are demanding Kshs6 up to Kshs8 million more. What sense does it make when somebody borrows Kshs2 million and he or she expects to pay, at the end of the day, Kshs3.5 million, but he or she pays Kshs8 million, and he or she is still owing?

I would appeal to the Minister to talk to the banks and tell them that they have already had more than their money back. In fact, when we challenged the banks and told them: "Look, this is our problem, and we want you to suggest a solution." They came back with a written statement, suggesting that they are willing to consider introduction of the "Duplum Principle" which says that somebody who has borrowed money and has paid twice the amount borrowed will be forgiven of any amount over and above that. They volunteered that information to the Committee on Finance, Planning and Trade. If that was done, then the social dimensions of the high interest rates would have been done away with.

The Second point which I would like to put across, and I hope the Minister will take it seriously, is that, during the same discussion, we asked the banks, the Minister and the Governor of the Central Bank of Kenya to sit together and work out an amicable and acceptable method of lowering interest rates without being coerced by this House. We thought that would happen because the banks agreed. For some reason, maybe, because they thought they had won over the Minister and the Governor of the Central Bank of Kenya, they went and changed their minds. I am appealing to the Minister to do this country a lot of good by using the Governor of the Central Bank of Kenya to bring down interest rates for the benefit of the Kenyan people.

With those few remarks, I beg to support.

**The Assistant Minister for Trade and Industry** (Mr. Ekirapa): Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this debate.

I know that a number of my colleagues have raised this point, but the experience we had in Mombasa while interacting with officials from the International Monetary Fund and the World Bank must have opened everybody's eyes. It was very clear to us that the Minister for Finance should be thinking about the next Budget without support from the Bretton Woods institutions. Those people will keep on changing their goal posts until this country comes down on its knees.

Mr. Deputy Speaker, Sir, I know that a Bill, popularly known as the "Donde Bill", is coming to this House for amendment. A colleague has mentioned the fact that there is need for more discussions between the Treasury and the banks. We understand from other sources that the banks are now prepared to make some proposals. If that does happen, it will be better because the Central Bank of Kenya will take its responsibility seriously, to ensure that it controls interest rates. Central banks in other countries do that, and ours should also be able to do so, rather than having legislation in place. Legislation will bring other problems to the country, to the extent that people who are supposed to be investing in this economy will shy away.

**Mr. Sungu:** On a point of order, Mr. Deputy Speaker, Sir. It is clear that debate on this Bill has been exhausted, and I beg to move that the Mover be now called upon to reply.

*(Applause)*  
*(Question, that the Mover be now called  
upon to reply, put and agreed to)*

**The Minister for Finance** (Mr. Obure): Mr. Deputy Speaker, Sir, I will be very brief in my response. First of all, I would like to take this opportunity to thank all the hon. Members who have made very useful contributions on this Bill. I would like to assure them that I have taken seriously the views they have put forward, and we will make sure that we take them into account in our policy formulation.

Mr. Deputy Speaker, Sir, I wish to make reference to what hon. Muite said. The increase under Vote R01 - Office of the President, of Kshs1.7 billion, which we are seeking the authority of this House to spend, relates to money set aside - Kshs1 billion for the strategic grain food reserve, and Kshs700 million for the increase of house allowance for staff of that Ministry.

*(Mr. Kamolleh consulted  
loudly with Mr. Ojode)*

**Mr. Deputy Speaker:** Order, Mr. Kamolleh!

**The Minister for Finance** (Mr. Obure): Mr. Deputy Speaker, Sir, Mr. Kibaki went into some considerable detail to inform this House about certain assumptions which were made.

**Mr. Ochilo-Ayacko:** On a point of order, Mr. Deputy Speaker, Sir. Have you noticed that there are no Members of the Opposition in this House?

**Mr. Deputy Speaker:** Order, Mr. Ochilo-Ayacko! This House does not operate on how many Members are on either side of the House. It operates on the basis of a quorum which consists of Members of Parliament, whether they come from the Opposition or the Government side. I take it that you are being funny! But I want to tell you that, that is not very funny!

**Mr. N. Nyagah:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member aware that hon. Norman N.G.K. Nyagah, Opposition Chief Whip is, indeed, a Member of the Opposition, and is in the House right now?

**Mr. Deputy Speaker:** Well, I think the hon. Member assumed that you have followed the footsteps of another Nyagah!

**The Minister for Finance** (Mr. Obure): Mr. Deputy Speaker, Sir, we did make some assumptions in the preparation of last year's Budget in relation to certain budgetary support which we expected to get. Unfortunately, that did not materialise. We have learnt a number of lessons from that, and during the workshop we had last week, we understood some of the parameters involved and why we were not able to get some of the money. Out of the lessons we learnt, we hope to be more pragmatic in that respect.

Mr. Deputy Speaker, Sir, on the issue of Petroleum Fuel Levy, it is not true at all that the Petroleum Fuel Levy funds have not been released. On the contrary, each of the 210 constituencies in the country has received a minimum of Kshs4 million out of that Fund. It is also true that up to 91 per cent of the funds that are supposed to go to district roads committees have so far, been disbursed.

Mr. Deputy Speaker, Sir, the question of pending bills is of great concern to all of us. I have spoken very loudly about this issue, but it is not true that they are being settled at the moment. Any payments made in respect of pending bills can only be done after the committee which was set up makes their recommendations, following a thorough scrutiny of those bills.

Mr. Deputy Speaker, Sir, hon. Members expressed the desire to be involved in the process of Budget making. But I would like to say that the Budget is made for the people of this country and it must involve them, consider their aspirations and wishes. That is, in fact, what is happening under the Poverty Reduction Strategy Paper, where Kenyans were involved in setting out their priorities. It is our hope that in the forthcoming Budget, the priorities given to us by the people will be reflected. We believe that, that is one of the best ways in which we can trigger growth.

Mr. Deputy Speaker, Sir, I want to thank hon. Members for the support they have given this Bill, and I hope that they will proceed, indeed, to give the approval which we are seeking.

With those few remarks, I beg to move.

*(Question put and agreed to)*

#### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Mr. Muturi) took the Chair]*

THE SUPPLEMENTARY APPROPRIATION BILL

*(Clauses 2, 3, 4 and 5 agreed to)*

*(First and Second Schedules agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Minister for Finance** (Mr. Obure): Mr. Temporary Deputy Chairman Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation Bill (Bill No.14) and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

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

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION BILL

**Dr. Anangwe:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation Bill (Bill No.14) and approved the same without amendment.

**The Minister for Finance** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Osundwa) seconded.

*(Question proposed)*

**Mr. Achola:** Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister for having got this approval from the House, but I want to just very quickly make three points. First of all, I want to appeal to the Minister for Education that although he has done what he has done for the teachers, he should find some ways of raising funds so that he can, at least, go some way in meeting the teachers' demand.

Secondly, I would like to appeal to the Minister for Agriculture to try and listen to the cries of farmers. At the moment, certain issues that are sorted out on the Floor of this House are later negated by the Minister, and this is not auguring well for this country, considering the fact that 30 per cent of our gross domestic product (GDP) comes from agriculture.

Finally, I would like to appeal to the Minister for Medical Services to do something about the HIV/AIDS pandemic. Last year, we passed a Bill here which provided that prices for HIV/AIDS drugs would be reduced, and the Government would import cheap drugs for this country. Up to this moment, that has not happened. As an hon. Member of the ruling party, I want to appeal to the Government to look into this issue because it is really affecting many



citizens.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports** (Mr. Osundwa): Mr. Temporary Deputy Speaker, Sir, I want to make one comment on Vote R12 on the Ministry of Local Government. Already, we have voted a lot of money to this Ministry and part of this money is to be given as grants to the local authorities. I feel that there are inadequate laws to govern the use of some of these grants, especially the Local Authority Transfer Fund (LATF), the Government contribution in lieu of rates. The tendering procedures in the local authorities have been overlooked and councillors have misused this money. For example, the Mumias/Butere Town Council lost Kshs9 million last year, and this year, it has lost Kshs3.1 million just because of inadequate policing law.

*(Question put and agreed to)*

**The Minister for Finance** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read the Third Time.

**The Minister for Mineral Exploitation** (Mr. Kalweo) seconded.

*(Question proposed)*

*(Question put and agreed to)*

*(The Bill was accordingly read  
the Third Time and passed)*

**The Temporary Deputy Speaker** (Mr. Muturi): Next Order!

*Second Reading*

THE DOMESTIC VIOLENCE  
(FAMILY PROTECTION) BILL

*(The Attorney-General on 3.4.2002)*

*(Resumption of Debate interrupted on 25.4.2002)*

Mr. Kihoro, proceed from where you had left!

**Mr. Kihoro:** Mr. Temporary Deputy Speaker, Sir, let me continue from where I stopped because Mr. Gumo lost his time on Thursday. I came with an exhibit to show why we should be fighting to make sure that we enact this Bill. I came with an exhibit which shows people determined to intimidate Kenyan women, to make sure that they live like foreigners in their own country. This is a very important Bill. The exhibit that I want to lay on the Table is in respect of a newspaper; *The Kenya Times*, the Saturday issue of 27th, April, 2002.

*(Mr. Kihoro laid the newspaper on the Table)*

Mr. Temporary Deputy Speaker, Sir, if you look at that newspaper, it has got a headline story reading as follows: *Mungiki* to FIDA: "We'll 'cut' you!" I thought this is something that is so obnoxious at this time and age! It is an appropriate newspaper which should be taken to court and be prosecuted, including the Editor, because of writing obscenities and displaying them in our streets in the name of making money! Let us not violate the rights of more than 25 per cent of women of this country. Let us not teach our children the wrong things, by intimidating and telling them what they should speak. What has been put as a headline on that newspaper is what is going to happen to them.

Mr. Temporary Deputy Speaker, Sir, there has been a lot of domestic violence in this country. It is only appropriate that this Bill is enacted. There should be the same kind of determination and presence of hon. Members on the part of the Government to ensure that this Bill is passed, because it will be indeed very hypocritical if this Bill, which has come before this House to be enacted by this Parliament, is not passed. After going through all the stages, I do understand that in the administration of the Office of the President, through the Cabinet, the Bill was proposed by the Attorney-General. The Bill has come here, and it will be sad to find out that the party that works very hard to defeat it is the ruling party. It will be a sad day for this country if we tend to speak more to foreigners than we do to our own

people. It is very annoying for us to have such conspiracy where a Bill that is supposed to be proposed and enacted by the Government, with the support of the Opposition, can come here and be defeated! I am taking that as an example of what is happening outside the four walls of this Chamber.

Mr. Temporary Deputy Speaker, Sir, I know the Attorney-General is an honourable man and, indeed, this Bill is very important. The Attorney-General has brought this Bill to this House and it needs the support of every hon. Member. Nobody should fear the implications of passing such an important Bill. It only solidifies nearly 55 per cent of Kenyans; the women in this country who have gone through torturous domestic violence. Sometimes when you see the pictures of tortured women on the daily Press--- Here is a lady whose eyes were gorged out, and she can no longer see and you wonder what could be an excuse for that act! This picture shows a lady who was once a beautiful Miss Kenya and who is no longer a Miss Kenya. It is no longer possible to look at her and feel happy; you will feel offensive and angry because of conducts that sometimes go on in our own homes. Whereas our homes remain our own fortresses, it is important that no torturous crime; no abuse, harassment or inhumanity should be committed there. There is nothing to fear from passing the Bill. It should only encourage those who believe that we should all be equal and that our sons and daughters are equal.

Mr. Temporary Deputy Speaker, Sir, I know that there is no man who does not hold dear his daughter, and equally the violence that has been perpetrated on spouses; either way.

Mr. Temporary Deputy Speaker, Sir, men do get a lot of protection from this Bill, if there are some who have suffered domestic violence. Those who should fear are the guilty and potential torturous. If you respect the rights of your spouse and your daughter, this is the time to come up against domestic violence. Let us vote for the Bill, accept it as it is, with minor amendments that might be necessary. There is no way a Bill such as this, which will bring our country of age should be rejected. Mr. Temporary Deputy Speaker, Sir, sometimes I wonder how a group like *Mungiki* continues to operate in this country.

I do hear that this violent group that continues to threaten the women of this country with archaic, medieval, backward practices---

Thank you.

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Muturi): Hon. Members, it is time for the interruption of the business of the House. Therefore, this House stands adjourned until Thursday, 2nd May, 2002, at 2.30 p.m.

The House rose at 6.30 p.m.