

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd May, 2000

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

LEAVE TO INTRODUCE A BILL
TO REPEAL THE IRRIGATION ACT

Mr. Nderitu: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
THAT, this House do grant leave to introduce a Bill to repeal the Irrigation Act, Cap.347, and replace the same with an appropriate law to provide legal framework for the ownership, control of rice production and marketing of rice by the farmers themselves and for connected purposes.

Mr. Keynan: Mr. Speaker, Sir, I beg to give notice of the following Motions:-

ESTABLISHMENT OF KENYA
LIVESTOCK DEVELOPMENT AUTHORITY

THAT, in view of the Government's commitment to eradicate poverty by the year 2015; noting that a large number of people living in abject poverty reside in rural livestock rearing parts of Kenya, and aware that our livestock industry continues to be a high foreign exchange earner with a great potential of generating wealth and employment opportunities, this House resolves that the Government establishes the Kenya Livestock Development Authority under the Crop and Livestock Act, Cap 321 of the Laws of Kenya, in order to promote and develop the livestock industry.

LEAVE TO INTRODUCE A BILL
TO REPEAL THE INDEMNITY ACT

THAT, in view of the

provision of the Indemnity Act, Cap.44 of the Laws of Kenya, which restricts legal proceedings in respect of certain omissions and commissions done in the "prescribed area", namely North Eastern Province and the Isiolo, Marsabit, Tana River and Lamu districts between 25th December, 1963, and 1st December, 1967; this House urges the Government to repeal that Act and consider compensating and or indemnifying the people grossly affected by the afore-mentioned omissions and commissions by public officers.

COMMUNICATION FROM THE CHAIR

LIMITATION ON QUESTION TIME

Mr. Speaker: Order! Order! As we get into Questions, I will not be generous today. I will restrict it to just before 3.30 p.m. I am informed by the Minister for Information, Transport and Communication that, as he promised the House, he will deliver a very lengthy Statement on the crash of the Kenya Airways Plane in West Africa. So, he will require time for that and, therefore, I will be very mean with time.

ORAL ANSWERS TO QUESTIONS

Question No.031

RURAL ELECTRIFICATION FOR NDHIWA

Mr. Ojode asked the Minister for Renewable Energy Development:-

- (a) if he is aware that Rural Electrification Programme will help alleviate unemployment in rural areas such as Ndhiwa, Riana, Nyarongi and Kobama Divisions; and,
 (b) what plans the

Ministry has for Rural Electrification within Ndhiwa Constituency.

The Assistant Minister for Energy (Eng. Manga): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Rural Electrification Programme will "elevate" unemployment in those rural areas. I am sure, it will also help to "elevate" poverty.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. The Assistant Minister is talking about elevating poverty and unemployment when the hon. Member was asking about alleviation of poverty.

(Laughter)

Mr. Speaker: Under what Standing Order are you asking that?

Mr. Munyasia: Mr. Speaker, Sir, I was saying he appears to be answering something different from what he has been asked.

Mr. Speaker: Order! Order! You should be able to show me a Standing Order that bars him from elevating poverty. Proceed.

(Laughter)

The Assistant Minister for Energy (Eng. Manga): Thank you, Mr. Speaker, Sir. (b) The Ministry will consider Rural Electrification Programmes recommended by Homa Bay District Development Committee (DDC) for Ndhiwa Constituency. The Ministry is seriously considering implementing those programmes, but currently, it has problems due to lack of funds. But it is trying to look for money to implement them.

Mr. Ojode: Mr. Speaker, Sir, in 1997-2001 District Development Plan, the DDC passed a resolution that two priorities will be given during that period; that is, Ngegu, Kochia, Got Olare Junction in Rangwe Constituency. The second priority was Opapo; that is, the Kenya Agricultural Research Institute station, which already has power, and then, Magina, Mirogi, Ndhiwa, Nyarongi and Aora Chuodho. Since 1995, whenever I file this Question, that is the same answer which I get from the Assistant Minister. I would like to appeal to the Chair, at least to ensure the Assistant Minister gives an indication as to when the Ministry expects to get funds, so that when we go back home, we can initiate small scale industries.

Mr. Speaker: What is the question?

Mr. Ojode: My question is: How much money has the Assistant Minister allocated for the Rural Electrification Programme in Ndhiwa Constituency?

Eng. Manga: Mr. Speaker, Sir, in our programme, we have allocated Kshs20 million to do Ndhiwa Divisional Headquarters and that will also affect other areas. I quite agree with hon. Ojode. What he has read out are, actually, the priorities that we have from the District Development Committee (DDC), but our handicap is the availability of funds. Also, Homa Bay District, as a whole, has been allocated K£980,000 for this purpose in the current financial year. However, until money is made available, it would not be right for me to say that the project will be implemented tomorrow.

Mr. Kibicho: Mr. Speaker, Sir, now that we know that when the Ministry finances a project under the Rural Electrification Programme, the local community pays 10 per cent of the total cost, could the Assistant Minister assure this House that there is an obligation on the part of the Government to instal electric power in that locality? In my district, there is a place called "Ndima Rural Electrification", where the local community paid over 1 million more than a year ago, but no electric power has been installed.

Eng. Manga: Mr. Speaker, Sir, projects for which local communities pay 10 per cent of the total cost are normally initiated by those communities; they are not projects that are contained in the DDCs' programme. The 10 per cent is normally for the survey work which enables us to get the actual cost. If the community decides that the project should be implemented on a cost-sharing basis, the Ministry is required to look for money for the same. If the

particular community decides to take up the whole project on a self-help basis, it is given the exact figures and the technical support on how to go about it.

*(Dr. Ochuodho and Mr. Ojode
stood up in their places)*

Mr. Speaker: Mr. Ojode, would you like to give your last chance to Dr. Ochuodho?

Mr. Ojode: No, Mr. Speaker, Sir; I would like to have that chance myself.

Could the Assistant Minister assure the House when exactly the Kshs20 million will be availed for the electrification project at Ndiwa?

Eng. Manga: Mr. Speaker, Sir, I think hon. Ojode knows very well that I cannot stand here and tell him that the Kshs20 million will be made available tomorrow when I know that, that money has to be looked for. However, I would like to assure him that, although the levy money that we collect is being used to pay off debts, we are trying to distribute that money equitably to districts. We are trying to see whether we can do that. It will not be right for me to tell him that the money will be available tomorrow.

Mr. Speaker: Proceed, Dr. Ochuodho!

Mr. Ochuodho: Mr. Speaker, Sir, if I heard it right, and I believe that you also did---

Mr. Speaker: Dr. Ochuodho, ask your Question.

Dr. Ochuodho: Mr. Speaker, Sir, my question is on the Kshs980,000. The Assistant Minister said---

Mr. Speaker: Order, Dr. Ochuodho! I have called you to ask Question No.008.

Question No.008

CONSTRUCTION OF ELDORET-KAMPALA
OIL PIPELINE

Dr. Ochuodho asked the Minister for Energy:-

(a) how much money will be spent on the construction of the Eldoret-Kampala Oil Pipeline; and,

(b) why the pipeline did not originate from Kisumu directly into Kampala.

The Minister for Petroleum Energy (Dr. Masakhalia): Mr. Speaker, Sir, I beg to reply

(a) A total of US\$80,548,245 - which, if exchanged at the rate of Kshs74 to the USDollar, amounts to Kshs6 billion - is the estimated cost of constructing the proposed Eldoret-Kampala Oil Pipeline. However, the actual cost of the project will be determined when the contract has been tendered and awarded.

(b) The pipeline has not been designed to originate from Kisumu and proceed directly to Kampala, because the land terrain from Kisumu Kenya Pipeline Company Depot is marshy and unstable. Those physical characteristics will make it difficult to maintain stable hydraulic pressure in the pipeline, and would escalate the cost of the construction work. Further, it would necessitate the construction of additional pumping stations.

Dr. Ochuodho: Mr. Speaker, Sir, unfortunately, this is another white elephant project. The Government is going to pump Kshs5 billion into that project, yet only about half of that amount could be spent if the pipeline were to originate from Kisumu. Could the Minister table the estimates which shows that it was found to be, feasibly, cheaper to lay the said pipeline from Eldoret to Kampala as opposed to laying it from Kisumu to Kampala, as one would expect?

Dr. Masakhalia: Mr. Speaker, Sir, the feasibility study was carried out by M/S Prenscent? Consulting Firm, which is a renowned engineering firm. The firm carried out a study on the envelop kind of estimates of what it would cost to construct the pipeline from Kisumu to Kampala, considering the physical characteristics I have referred to. The firm then turned to the Eldoret-Kampala route, and it found the topography to be plain and the that the engineering aspect on this route would be less problematic. So, it decided to design a pipeline to start from Eldoret to Kampala.

Mr. Muite: Mr. Speaker, Sir, could the Minister be a little bit more elaborate in terms of the technical details. When he referred to the "terrain from Kisumu to Kampala", was he referring to the texture of the soil, the hills, or what was he referring to? What makes the terrain from Eldoret to Kampala more suitable for the construction of the pipeline than the terrain from Kisumu to Kampala, in terms of the technical details?

Dr. Masakhalia: Mr. Speaker, Sir, the terrain between Kisumu and Kampala is characterised by swamps and hills. You just need to fly over that area in an aeroplane to realise that Lake Victoria is cut away from the hinterland by a chain of hills. So, it is the swamps and hills that surround the area before entering Kampala that have made the flat terrain between Eldoret and Malaba, on the Kenyan side, and from Malaba to Kampala, to be the preferred route.

Mr. Ndicho: Bw. Spika, hii ni njama ya watu fulani ya "kula" pesa kupitia mradi ule. Kuna barabara ambayo

inatoka Kisumu hadi Kampala. Wahandisi walipokuwa wakijenga ile barabara, hawakusema maneno ambayo Waziri amesema hapa. Je, kama barabara ilijengwa kutoka Kisumu hadi Kampala, Waziri anawezaje kuliambia Bunge hili kwamba bomba la mafuta haliwezi kujengwa kutoka Kisumu hadi Kampala, kama hii si njama ya watu fulani ya "kula" pesa? Sielewi ni kwa nini bomba lile ni lazima lianzie Eldoret.

Mr. Speaker: Mhe. Ndicho, watu "hula" pesa vipi?

Mr. Ndicho: Bw. Spika, ni kwa nini bomba lile la mafuta lilijengwa Eldoret hali linaweza kuanzia Kisumu, ambayo iko karibu na Kampala? Hii inaonyesha kwamba kuna njama ya "kula" pesa. Kwa hivyo, ningependa Waziri aubadilishe mpango ule ili bomba lile lijengwe Kisumu hadi Kampala badala ya kule Eldoret.

Dr. Masakhalia: Mr. Speaker, Sir, it is not right, to insinuate that there are hidden motives in determining the routing of the oil pipeline. The Eldoret-Malaba-Kampala route might be longer, but it is relatively flat and without swamps. If you develop another pipeline from Kisumu, you would have to have many pumping stations to pump petrol to Malaba or Busia and then to Kampala. There are technical grounds that made the Eldoret-Kampala route a preferred route.

Mr. Twaha: Thank you, Mr. Speaker, Sir. It appears that the Government is very interested in alleviating poverty in Rift Valley Province. There are certain goods which have been classified as sensitive and the importers, who import them through the Port of Mombasa are frustrated in order for the same goods to be imported through Eldoret Airport. Is the Minister aware of this situation?

Dr. Masakhalia: Mr. Speaker, Sir, we are talking about a pipeline and not about the entry port.

Dr. Ochuodho: Mr. Speaker, Sir, many engineers in this House, I included, would not agree with what the Minister has said. I would like to say that the Government has done many things for political expedience. For example, it allocated Kshs1.5 to Eldoret for the supply of water, but nothing for Kisumu and Kshs4 billion for the expansion of Eldoret Airport, while we could have only spent Kshs0.5 billion on Kisumu Airport to make it an international airport. However, could the Minister tell us now, if he had to construct a pipeline from Kisumu to Kampala, how much money it would cost? Could he also table the technical specifications?

Dr. Masakhalia: Mr. Speaker, Sir, as of now, I can table technical specifications for Eldoret-Kampala route. I would like to say that we have not undertaken an elaborate Kisumu-Kampala engineering study---

Mr. Shill: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead this House? He told us in the beginning that---

Mr. Speaker: Order! By the way, do not rise on a point of argument.

Mr. Shill: Mr. Speaker, Sir, my point of order is that, is he in order---

Mr. Speaker: Order! You must understand these things! When you rise on a point of order, you are bringing to the attention of the House the breach of a point of order. In fact, you should be in a position to point out the Standing Order which is being breached.

Mr. Shill: Mr. Speaker, Sir, my point of order was that the Minister is misleading the House by saying that he knows both of them, but he can only table one of them. That is misleading.

Mr. Speaker: Order! May I bring to the attention of the House that it has come to the attention of the Chair quite clearly when many hon. Members, are unable to "catch" the Speaker's eye, somehow invent a point of order to ask a question. This will cease now. I think hon. Members should point out the Standing Order that has been breached.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. As a matter of procedure, since I asked the Minister to table that estimate, could the Chair direct that he tables it?

Mr. Speaker: The Question does not say so, does it?

Dr. Ochuodho: Mr. Speaker, Sir, that was a supplementary question.

Mr. Speaker: Order! Read your Question. We have had Questions here where hon. Members want a Minister to do a specific thing like tabling a certain document, and it must show on the face of the Question that the Questioner wants that document to be tabled so that the Minister can bring that document and table it. It is too much of you to expect the Minister, while sitting in his office to read your mind that you intend, nevertheless without asking him to do so, to come and ask him to table a document.

It is not just enough that when you rise on a supplementary question, he should table the document.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Your point of order is overruled.

Question No.087

EXPENDITURE ON MEDICAL SUPPLIES

Mr. Anyona asked the Minister for Medical Services whether he could inform the House:-

(a) the amount of money spent by the Ministry on the purchase of drugs and medical supplies in 1993, 1994, 1995, 1996, 1997, 1998 and 1999; and,

(b) the names of manufacturers and suppliers of the drugs and medical supplies which have not been paid for since 1990 and the total amount of money including interest and penalty owed by the Ministry to each of, and all the manufacturers and suppliers.

The Minister for Medical Services (Dr. Anangwe): Mr. Speaker, Sir, I beg to reply.

(a) The following is the amount of money spent by the Ministry on the purchase of drugs and medical supplies for the years requested:-

<u>YEAR</u>	<u>Kshs</u>
1992/93	559,674,960.00
1993/94	708,046,620.00
1994/95	649,390,000.00
1995/96	1,136,737,433.00
1996/97	1,984,877,459.55
1997/98	1,765,172,560.00
1998/99	<u>697,133,827.40</u>
Total	<u>7,501,032,859.95</u>

(b) The following are the names of suppliers and the amount that they are owed for drugs supplied since 1990:-

<u>MANUFACTURERS/ SUPPLIERS</u>	<u>AMOUNT</u>
Faiz Pharmacy	36,661.00
C. Mehta and Co. Ltd.	15,262.00
Central Pharmacy	6,572.00
Onali Dawoodbhai	44,900.00
Already Stores	20,800.00
Sec and Barnet Ltd	33,544.00
Ben Lalang	4,900.00
Pfizer Laboratories	493,132.30
Munshiram International	1,358,500.00
Electro Sigma	232,464.00
Pechiga Auto Tech and Supp	16,000.00
Cosmos Ltd	321,854.50
Jensen Cilag Ltd	2,101,667.00
M/s Astrapin	1,224,222.70

Under the contract terms, the Ministry does not cater for interests and penalties.

Mr. Anyona: Mr. Speaker, Sir, I would like to ask the Minister if he is quite sure that, that is all the Ministry owes by way of supplies of drugs and other equipment? If he is so sure, I would like him to tell the House the amount of money, if at all, the Ministry owes Fulcan, Unipex, Smith and Nephew and Funelelia since you said that there is no much time, to assist him, I would like to table documents here which have the actual figures of the amount of money that the Ministry owes the suppliers, including a letter addressed to the Minister dated 20th April, 2000. I would like to table four documents in respect of each company, which show the amount of money the Ministry owes the suppliers to help him, but since he said that, could he answer that question?

Dr. Anangwe: The hon. Member asked a supplementary question in respect of two firms. I did not catch the other ones, but we can always revisit the issue. It is true that Fulcan was given an order to supply about 71,540 packets of Sodium Hypochlorite valued at Kshs24,974,127. They supplied 13,800 packets which were of good quality, valued at Kshs4,817,442. They were duly paid. Later on, they supplied 2,400 packets worth Kshs837,816 which were tested and found to be of poor quality and consequently rejected. They were requested to take back their consignment, but they refused to do so. The same is still lying at the stores. So, they cannot be paid for this particular consignment.

In respect of United Medical Supplies, according to the letter that he is making reference to, it was alleged that they were claiming Kshs1,224,227.70 for medical supplies which were tendered and awarded to a different firm called

M/S Astrapin. Then the supplied the goods worth that amount of money, but the United Medical Supplies surfaced when it came time for claiming payment.

Mr. Speaker, Sir, we are not under obligation to pay United Medical Supplies Limited, but we are under legal obligation to pay Astrapin Limited and we are duly processing the payment for M/s Astropin. M/s United Medical Supplies claims that the Ministry of Health owes it Kshs21,795,842.20. This is a bogus claim! May I say that we cannot pay this.

Mr. Kariuki: Mr. Speaker, Sir, from the figures that the Minister has given us, the cost of drugs went up three times, between 1993 and 1997. It was then reduced by the same magnitude between 1997 and 1999.

Mr. Speaker, Sir, could the Minister explain whether Kenyans are becoming more healthy by being supplied with those drugs? What is happening because the trend should be upwards throughout and not downwards?

Dr. Anangwe: We can only pay for what we can afford. If this is what was available in 1998, what do you expect me to do? Create money? This is what we could afford at that particular time.

Mr. Kariuki: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Minister to use unparliamentary language by saying that he "creates money"? We are aware that he has no ability to create or manufacture money.

Mr. Speaker: Can I ask you one question, Mr. Kariuki? Who ever ruled that the word "creating money" is unparliamentary? What is your authority for that proposition?

Mr. Mwakiringo: Mr. Speaker, Sir, I was working for an international organisation. The figures and names of the companies which the Minister has given us are all Asian-owned. Why can the Government not buy directly from the manufacturers other than passing through third parties? These are all Asian-owned companies and that is why there was a lot of inflation between 1995 and 1998.

Dr. Anangwe: Mr. Speaker, Sir, we procure drugs through open tendering system. If the said manufacturers are unable to tender and the said companies do so, what do you expect us to do? I am really hard put on the kind of answer to give. It is the nature of the system. The tendering system is open-tender and whoever wishes to supply can come forward. Whoever does not wish to do so; it is up to him.

Mr. Anyona: Mr. Speaker, Sir, the figures the Minister read out are totally different from the ones in the documents I have just submitted to him letters written to him by suppliers. The Minister said that he did not hear the names of the other two companies. One was Smith and Nephew and the other Funeralia. The figures are shown in those letters I have given to you. You are reading figures which I do not know what they are all about. Can the Minister go back and look at this issue. When he says for instance that--

Mr. Speaker: Order, Mr. Anyona! Ultimately, you will ask me to ask the Minister to go back. If these debts are disputed as to how much is owed, are we as a National Assembly going to sit here and adjudicate on whether they are valid or not?

Mr. Anyona: That is correct, Mr. Speaker, Sir. I thought our duty is to ensure that if there is a dispute - clearly there is one, according to the papers I have given and what he has said - then the fair position for Parliament to take is that the Minister should reconcile that position so that we know what the correct position is. I can give you an example. It is not correct for them to say that they are not under obligation to pay interest. I have a letter here from MSCU in which he is advising the Permanent Secretary that they should pay and that if they do not pay, interest is accumulating. I can also table this letter here. Can he reconcile this position because these people will go to court?

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

Dr. Anangwe: Mr. Speaker, Sir, I have records in my Ministry which I trust. They are authentic. I do not know which letters he is referring to. I have not read them. If it is from the tenderers, I have no obligation to go by what the tenderers have written.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I did not want to take time to read the letter because it can be read later. This is a letter written by one of his departments; the Medical Supplies Central Unit (MSCU).

Mr. Speaker, Sir, the officer in charge said that they got the supplies and raised the necessary vouchers for the Ministry to pay, but it has not done so. He says if you do not pay, the interest will continue accumulating. You are now saying the letter is from the manufacturer. It bears the Court of Arms!

Mr. Speaker: Order! As a matter of interest, may I ask you this: Whenever there is a dispute between a creditor and debtor and we bring it to Parliament to try and sort it out for them, what would Mr. Muite as an advocate do? What would the Chief Justice, his judges and magistrates do if we took over their jobs?

I think this is the wrong forum for such an issue. I do advise Members not to bring disputes of debts to Parliament to try and sort them out.

Next Question!

Question No.159

LAND CONTROL BOARDS FOR MASINGA

Col. Kiluta asked the Minister for Lands and Settlement:-

- (a) if he is aware that there are no Lands Control Boards in both Masinga and Ndithini Divisions of Masinga Constituency; and,
- (b) when he plans to introduce these boards.

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

(a) I am aware that the Land Control Boards for Masinga and Ndithini Divisions of Masinga Constituency have not been appointed.

(b) I have received recommendations from the provincial administration and the appropriate Gazette Notice is being prepared to effect the appointment of the members. The names of the members will be gazetted within the next one month.

Col. Kiluta: Thank you very much for that answer. If I were getting answers like that one, I think I would be a very happy man.

Mr. Speaker: Say "thank you" and go to the next question!

Col. Kiluta: Can the Minister make sure that this is done because we gave him the names about a year ago. Why has it taken him that long, only to gazette them after this Question was put before this House?

Mr. J. Nyagah: Mr. Speaker, Sir, we will make attempts to correct the situation. We have given appropriate instructions to the officers concerned that in the future, as soon as such information is received from the field, it should be promptly brought to my attention for gazette.

Mr. Munyao: Mr. Speaker, Sir, from what the hon. Minister has said we can see that he is a very committed Minister. The hon. Questioner talked about Land Control Boards and we know that there are quite a few in Masinga, Mbooni and elsewhere. Instead of doing this piecemeal, could the Minister perhaps look into most of the other related boards in those regions, and if possible gazette them immediately so that he clears this matter?

Mr. J. Nyagah: Mr. Speaker, Sir, this week we started an exercise of going through all our records and letters that we have received from the field over the last several months. The intention is to gazette the entire set as a block, including Mbooni.

Question No.109

RENT ARREARS FOR CANE FARMERS

Mr. Osundwa asked the Minister for Lands and Settlement:-

- (a) if he is aware that in 1968 the Commissioner of Lands entered into a lease agreement with farmers in Mumias at a yearly rent of Kshs267/66 per acre for a period of 33 years;
- (b) is he further aware that the Commissioner has since failed to revalue the land, defaulted in payment of rent, and that without notice or compensation to the farmers, has leased the said land to Mumias Sugar Company for a period of 99 years in total disregard to the previous agreement; and,
- (c) what action is he taking to ensure that these farmers are paid rent arrears and that the original lease agreement is adhered to.

The Minister for Lands and Settlement (Mr. J. Nyagah): Mr. Speaker, Sir, I beg to reply. This is the second time I am replying this particular Question since it came during the last Session.

Mr. Speaker: You are quite right, Mr. Minister!

The Minister for Lands and Settlement (Mr. J. Nyagah):

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Commissioner of Lands, on behalf of the Ministry of Agriculture and Rural Development, executed leases for a pilot scheme for the Mumias Sugar Company project in 1968. However, the lease agreements were terminated when the land owners opted for outright purchase of their parcels by the Government following a negotiated settlement.

(b) The issue of revaluation and default in payment does not, therefore, arise as full compensation was paid to the land owners and the land, subsequently, vested in the Government.

(c) The lease agreement was terminated when the farmers accepted outright purchase of the land by the Government. Their interest on the land was, therefore, extinguished or came to an end and no further action is required as acquisition was properly executed and concluded. The issue of rent arrears does not, therefore, arise, as there is no rent due to the farmers for the land. I hereby table, yet again, the Gazette Notice on the acquisition of the land by the Government and the list of those farmers whose farms were purchased.

*(Mr. J. Nyagah laid the document
on the Table)*

Mr. Speaker: Mr. Osundwa, I am not denying you the opportunity to ask a supplementary question, but as a matter of interest to the House, if you asked a question and nothing new has come out of it, do you think it is proper that we should go through the same thing again or you have got new facts?

Mr. Osundwa: Mr. Speaker, Sir, the reason why the Minister was called upon to answer this Question a second time is that he completely failed to answer it. He said the records of compensation were kept in Kisumu.

Mr. Speaker: Very well, if it is something new, then proceed.

Mr. Osundwa: Mr. Speaker, Sir, the Minister has talked of a pilot scheme which covered an area of 100 hectares. The farmers opted for outside purchase. As a result of the success of that scheme, another 3,500 hectares of land were given by the farmers. This is the compensation that I am talking about. The Minister is talking about the compensation given to farmers who gave out their land in the pilot scheme.

Mr. Speaker, Sir, could he give us proof that from 1971 when the Government purportedly took the land it paid for it? We want proof because we know the Government released money, but it never reached the farmers? So, I ask the Minister to strictly prove to this House that actually, the money which was released by the Government was received by farmers owning the land? Otherwise---

Mr. Speaker: Mr. Osundwa, you are now debating. Let the Minister answer your questions.

Mr. J. Nyagah: Mr. Speaker, Sir, I wish to confirm that there were various methods that were used in acquiring this land. There was a section that was compulsorily acquired by the Government. In the set of documents that I have laid on the Table of the House, it is clearly stated whose land was acquired on that basis. There is a second category where we negotiated with the farmers and they agreed to be paid on an acre basis. They were paid Kshs400 per acre. As I said last time, that was a lot of money in those days.

Mr. Speaker, Sir, having said that, it would appear from the discussions I have had with the hon. Member that, there could be farmers who were compensated by mistake and they retained their leases. They did not return them to us which might have caused some of the problems the hon. Member is talking about.

Mr. Osundwa: Mr. Speaker, Sir, I am not satisfied with that answer. This is because I will take 100 buses full of farmers who have not been paid to the Minister's office, if he is not going to pay them. It appears to me, the Government is determined to "rob" those wananchi of their land.

Mr. Speaker: Very well! That is a statement. Next Question, Mr. N. Nyagah.

Question No.018

PROPERTY DISPOSAL BY
NAIROBI CITY COUNCIL

Mr. N. Nyagah asked the Minister for Local Government:

(a) if he could order the chief valuer of Nairobi City Council to reconcile the inventory of property held as at January, 1964 and separately indicate all surrender plots (acquired through sub-dividing of utilities), and those other purchased up to and including 1999 by the council;

(b) if he could give a breakdown of all property disposed of with reference to their authority for the same period as in "a" above;

(c) how many properties were disposed of without authority of the council; and,

(d) if he could repurchase those sold without the council's authority.

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

(a) The inventory of Nairobi City Council, as of January 1964 is attached. I wish to lay the list on the Table of

the House.

(b) The Nairobi City Council is compiling an inventory of all properties disposed of and authority for such disposal for the period between 1964 and 1999. The inventory will be provided to the House when the exercise is completed.

(c) I am aware that there are some council properties which have been disposed of without following the laid down procedures. The Ministry is still sifting through the council records to establish the number of properties involved. As soon as the exercise is completed, a full report will be tabled in this House.

(d) The Ministry will act in accordance with the law, where there is evidence of properties of the council having been disposed off without the authority of the council.

(Mr. Kiangoi laid the document on the Table)

Mr. N. Nyagah: Mr. Speaker, Sir, I would like to draw the attention of the Chair on this. There is no need of proceeding with any supplementary question. This is because I have asked four specific questions and none of them has been answered. Under part "a" of the Question, I asked for a list of a separate surrender plots acquired through a sub-division of utilities. The Assistant Minister says it will be brought to the House at a later stage. That is not an answer to my Question.

Secondly, I asked for a breakdown of all properties disposed of and authority for such disposal from 1964 to 1999. Under "b" of the Question is that, the City Council through the Ministry of Local Government, is determined to bring an inventory list from 1984 to 1999 and not 1964 and 1999. Under part "c" of the Question, the Assistant Minister is telling us that the Ministry is still sifting through the council records to establish the number of properties involved.

Mr. Speaker, Sir, I had asked specific questions. So, it is very difficult for me to proceed with my supplementary questions because the Assistant Minister is not ready to answer them.

Mr. Speaker: That is correct. Mr. Kiangoi, if you are not ready to answer the Question, why do you not say so, so that we give you time?

Mr. Kiangoi: Mr. Speaker, Sir, in the first place, I have laid before this House a list of the properties of Nairobi City Council, as at 1964. I have just said that some time back in 1964, which is the date of our Independence of our Republic--- From that time up to now, being a long period, we will reconcile those records and bring them before the House.

Mr. Speaker: How long do you require to carry out that exercise?

Hon. Members: One month!

Mr. Kiangoi: Mr. Speaker, Sir, I will ensure that, that is done within one month.

(Laughter)

Mr. Speaker: Order! That is fair. By the way, it is not a laughing matter. He could probably have said three months, because if you consider from 1964 and up to date, some of the records may even have been destroyed, closed, or whatever. So, what is your reaction Mr. N. Nyagah?

Mr. N. Nyagah: Mr. Speaker, Sir, I think one month is too short for the Assistant Minister. Nairobi City Council has a budget bigger than Malawi and, therefore, we can give them until when we come back from recess in June. I will be quite ready.

Mr. Speaker: I will defer that Question to July.

(Applause)

(Question deferred)

Mr. Gatabaki: Mr. Speaker, Sir, is the Assistant Minister not misleading the House that there is, indeed---

Mr. Speaker: Order! The Question has been deferred; it is not before the House any more!

Mr. Gatabaki: But Mr. Speaker, Sir, I would like to clarify---

Mr. Speaker: Order, hon. Mr. Gatabaki! The Question is no longer before the House. So, you are hanging in the air.

Mr. Gatabaki: Mr. Speaker, Sir, it is also proper to indicate that though it has been taken away--- So there will be nothing to---

Mr. Speaker: Order, Mr. Gatabaki! When you want to express an opinion, move a Motion. I know that you have strong opinions, but get them through the House through the right channel.

Next Question!

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

Mr. Speaker: I think we have deferred that Question.

Mr. Michuki: Mr. Speaker, Sir, is it in order for the Assistant Minister to undertake to reconcile a register - I have evidence that it has never been reconciled for the last 20 years - when nobody knows who owns what at the City Hall and it has been impossible for the Valuation and even the Rating Departments to make any sense to anybody?

Mr. Speaker: Mr. Michuki, which Standing Order refuses him to promise the House to do the impossible?

(Laughter)

Mr. Michuki: Mr. Speaker, Sir, all I am trying to say, if you will allow me, is that the Assistant Minister is misleading the House when he says that he will carry out the exercise in three months. Personally, I have the evidence that he will not be able to do it.

Mr. Speaker: Order!

(Mr. Murungi consulted with Mr. Muite)

Order, Mr. Murungi! If the House has noticed from yesterday, I am politely telling hon. Members for the time being to understand what a point of order is all about by reading the Standing Orders. You have to understand what constitutes a point of order. Therefore, for this week---

*(Mr. Murungi continued
to consult with Mr. Muite)*

Order, Mr. Murungi! Therefore, for this week and next week, we will go back to what is called "the penalties of rising on a frivolous point of order." So, we have a whole weekend and the three days of this week to understand all about that. We have deferred that Question until July. Do what you can. I would advise hon. Michuki that when the Question comes up in July, he could ask on a supplementary question and give information that will help the Assistant Minister to answer the Question correctly. So, I will recognise you next time.

If the Assistant Minister promises to do the impossible, and you know how impossible it is, I will let you tell him how impossible it is.

QUESTIONS BY PRIVATE NOTICE

ACTION ON MATHARE CHIEF'S CAMP INSPECTOR

Mr. Kiunjuri: 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 an Administration Police Inspector of Mathare Chief's Camp assaulted the Member for Starehe on April 17th, 2000?

(b) What disciplinary action has the Minister taken against the said officer?

(c) Could the Minister give assurance that such embarrassing action on Members of Parliament will not recur?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I beg to reply.

(a) I am aware of an incident which took place on 7th April, 2000 at Mathare's Chief Camp where the Member for Mathare went to the chief's camp, looking for the chief. He missed the chief and when---

Mr. Kiunjuri: On a point of order, Mr. Speaker, Sir. The Minister is not answering my Question, because I have already got an answer from him which is contrary to what he is telling us.

Mr. Speaker: Order! Please, have patience. Let him read out his written reply first.

Mr. Gitonga: Mr. Speaker, Sir, is the Minister in order to refer to the Member for Starehe as the Member for Mathare?

Mr. Speaker: You see Mr. Gitonga, I do not know whether there is a new Member in this House whom I have not sworn. So, could I first of all be told whether I have a new Member? Maj. Madoka, do I have a new Member for Mathare whom I have not sworn in?

Maj. Madoka: Mr. Speaker, Sir, I apologise. He is the Member for Starehe. As I was [**Maj. Madoka**] saying, the Member went to Mathare Chief's Camp, looking for the chief. When he missed the chief in his office, he wanted to force his way into the administration police quarters with his followers in order to look for the chief. He suspected that the APs were hiding the chief in their quarters. So, when he tried to move in, he was restrained by the APs and that is why there was a bit of scuffle. In view of that, no action has been taken on the officer, and we will not take any further action. Also, I would like to give assurances to Members that they will not unnecessarily be harassed if they follow the law.

Mr. Kiunjuri: Mr. Speaker, Sir, I would like to get your guidance. We are supposed to get written answers from Ministers before they answer our Questions. I have got a written answer from the Minister which is contrary to what he has just read out.

Mr. Speaker: Order! I think Mr. Kiunjuri you are not doing justice to this Question. If I were you I would read an extract from that answer you were given and put it to the Minister whether it is true or false.

Mr. Kiunjuri: Mr. Speaker, Sir, the answers he has given me in his written reply are as follows:-

(a) I am not aware.

(b) None.

(c) No Member of Parliament will be exposed to embarrassment if they carry themselves with dignity and operate within the law.

Mr. Speaker, Sir, I was prepared to ask supplementary questions, as per this answer, but now that he has ambushed me, I would like to ask him when he became aware.

Maj. Madoka: Mr. Speaker, Sir, I said that I am not aware of any assault, but when I was answering, I said that I am aware of an incident which took place on 17th April, 2000.

Mr. Muchiri: Mr. Speaker, Sir, the Minister is misleading the House.

On Sunday, I spoke to the OCS, Muthaiga Police Station who confirmed that the hon. Member for Starehe Constituency was assaulted and that he had taken a P3 form and the case is going to be taken to court. Is he telling this House that if a person is assaulted by the Provincial Administration in the police lines no prosecution takes place, when this is a crime punishable by law?

Maj. Madoka: Mr. Speaker, Sir, at the moment, I am not aware whether the Member of Parliament took any P3 form, because this incident has not been reported to any police station. If he has, we will certainly follow it up.

Mr. Kamanda: Mr. Speaker, Sir, the Minister is misleading this House, because, on that day, I was slapped by that Administration Policeman. This incident was covered in the newspapers and television. At the time of this incident, the officer was totally drunk. The officer has even told many people that he is going to be promoted for slapping an MP and more so, an Opposition Member of Parliament. Could the Minister tell us what action he is going to take?

Maj. Madoka: Mr. Speaker, Sir, we have no evidence that the constable was drunk, and certainly, I do not know about his promotion.

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister of State, Office of the President to actually intimidate and blackmail hon. Members of this House? In his written answer, he stated that hon. Members of Parliament will not be subjected to embarrassment, including being slapped in public, if they behave themselves. Is that not intimidation and blackmail?

Mr. Speaker: I think the only thing I can say as the Speaker is that, it is actually an obligation and not a request on the part of every hon. Member of this House to hold one-self with dignity. I have always said that.

I would like to repeat, that it is the duty of every hon. Member, at all times to act honourably. But that does not bestow upon the Minister or his servants the right to assault either a disorderly Member of Parliament or a member of the public. Everybody, including hon. Members and the public must be treated in a civilised manner.

Mr. Murungi: Mr. Speaker, Sir, this is not the first time that hon. Members have found themselves being humiliated at the hands of Administration Policemen. I recall a case when the bodyguard of hon. Wamalwa was shot while trying to protect him by an Administration Police Officer.

Could the Minister issue a circular to all police officers and APs in this country, informing them that Members of Parliament are national leaders who should be treated with dignity, and none of them should dare touch them?

Maj. Madoka: Mr. Speaker, Sir, I do not think I will do that, because as you have rightly said, all of us are expected to behave honourably and with dignity. We have had cases where hon. Members force themselves into these scuffles.

Mr. Maore: On a point of order, Mr. Speaker, Sir. The Minister is contradicting even your own advice and ruling, that there is no time when a man or woman in uniform should humiliate, whether a Member of Parliament or a member of the public. That is a barbaric act that should not be carried out by somebody who is purporting to enforce the law. The Minister is just repeating the same thing.

Mr. Twaha: Mr. Speaker, Sir, first, are there specific laws against the assault of police officers? Secondly, the Minister stated that hon. Members will not be slapped as long as they behave with dignity. Does that give us the right to assault police officers if they do not behave with dignity?

Maj. Madoka: Mr. Speaker, Sir, it does not give hon. Members a right to slap police officers.

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. Is the Minister in order to imply, that even when an hon. Member or any citizen misbehaves, the police have a right to physically assault them?

Maj. Madoka: Mr. Speaker, Sir, I did not imply that. But like in this particular case, the hon. Member for Starehe Constituency was trying to force his way into the chief's office and in the process he was restrained by the Administration Policemen.

Mr. Wamae: Mr. Speaker, Sir, is the Minister aware that because of the bad behaviour of APs, the IPPG, 1997 recommended that the Administration Police force be disbanded and put under the Commissioner of Police? When is he going to implement that decision?

Maj. Madoka: Mr. Speaker, Sir, no decision has been made about that at the moment.

Mr. Kiunjuri: Mr. Speaker, Sir, the reply I have received from the Minister clearly shows that the Minister's attitude towards the dignity of hon. Members of this House is regrettable. Secondly, he has answered the Question in a very negligent and arrogant manner. However, which immediate action is he going to take on the inspector who assaulted hon. Kamande?

Maj. Madoka: Mr. Speaker, Sir, unless I get any other evidence to the information I already have, no action will be taken.

Mr. Kathangu: Jambo la nidhamu, Bw. Spika. Juzi, kulikuwa na kisa kingine cha wananchi kuvamia kituo cha polisi ili kuwawachilia watu wengine ambao walikuwa wameshikwa na kuteswa zaidi na polisi. Kule Ng'arua, upande wa Nyahururu, watu 3,000 waliingia katika kituo cha polisi kufanya vivyo hivyo.

Bw. Spika, tunaweza kuendelea kujibu Maswali hapa kama kicheko wakati nchi inaendelea kudhoofika. Ni kweli Bw. Waziri anakubali kwamba askari wataendelea kupiga na kuwatesa wananchi mpaka wananchi wanakasirika na kuwapiga polisi?

Mr. Speaker: Order! Order! From the Chair, I will say the following: As much as you are concerned about this new trend of invasions of police stations, I am not so sure whether Mr. Kathangu, you are advocating it or you are opposed to it. But, I think the best thing that I would now do is to generally say that the Minister has a duty, of course, to protect the general public and hon. Members also have a duty also, to themselves and to this House, also not to do anything untoward that may force the law to make their dignity otherwise than it should be. I do request that both sides show respect. I am sure that the Minister has a lot of respect for the House.

An. Hon. Member: He is very arrogant!

Mr. Speaker: You see, you reap what you sow. Hon. Members, I am saying this in the interests of the House. Let the police officers respect the hon. Members, but let the hon. Members also respect the law. That way, we can have mutual respect to each other. I think that is the best we can do.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Yesterday we had a case where a police officer cocked his gun against an hon. Member in this honourable House. Today, we have been told of another case where an hon. Member was slapped before the public. Are we saying that hon. Member was behaving discourteously for the officer to have slapped him? Can we allow this?

Mr. Speaker: Order! May I say that this should have been directed to the Minister and not to the Chair. Certainly, I do not answer for the police and I was not there either. So, if you raise on a point of order, you ask me to make a ruling. First of all, I cannot ever rule that the Minister unleashes the police on hon. Members. I will be against that. I will certainly tell the Minister to never unleash the police to the hon. Members. In the same vein---

(Dr. Ochuodho murmured something)

Order, Dr. Ochuodho! Dr. Ochuodho, if you cannot keep quiet and let the proceedings of this House continue, I will make sure that we will continue without you.

In the same vein, I cannot tell the hon. Members here to go forth and assault all the policemen and overrun all the police stations as if there was no law. As I have said, there must be mutual respect on both sides. That is the best that

I can do.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Are you aware that the Minister was a military officer and he is behaving similarly like the Administration Policemen (APs)?

Mr. Speaker: Order! To the best of my knowledge, since I knew this hon. Minister as an hon. Member of this House, he has been a really dignified Member of the House. Next Question!

LIST OF KCB BAD/DOUBTFUL DEBTS

(Mr. Obwocha) to ask the Minister for Finance:-

(a) Why did Kenya Commercial Bank find it necessary to make provisions for bad and doubtful debts amounting to Kshs5.1 billion for the year 1999?

(b) Could the Minister lay on the Table of this House the list of the above bad and doubtful debts?

Mr. Speaker: Mr. Obwocha, as far as I am concerned, this Question apparently was deferred so that the Chair could make a ruling. If I may quote the Temporary Deputy Speaker:-

"I am of the opinion that the Question has generated a lot of interest. I need to have a look at the interpretation of that Banking Act and come back to it later, because it also means that "the person" as defined there may need to be understood. I think we are also going to look at that. The Question is deferred".

Unfortunately, this matter has not been brought to my attention before this time. Therefore, I am unable to give any particular ruling. I will, therefore, undertake to make the ruling next week, on Tuesday, as to the interpretation of the Banking Act, as far as it relates to this Question and similar Questions in the future. I will, therefore, not deal with this Question now.

(Question deferred)

Mr. Angwenyi: On point of information, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Angwenyi! You cannot inform the Chair. Can you?

POINTS OF ORDER

TABLING A CIRCULAR

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. The Minister of State, Office of the President undertook to today lay on the Table a copy of the circular because as you will realise is of immense interest to the House. Could he now table that circular with regard to the meetings?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I will table it before the end of the Sitting this afternoon.

Mr. Speaker: Order! At what stage will you table it? I suppose that this was the correct stage to table it because once we begin debate, we cannot interrupt debate for you to table a document. So, what you will do, Maj. Madoka, if you are not in the possession of the document here now, I will allow you to table it tomorrow. But please, make sure that once you have made an undertaking to this House, you stand by it. Hon. Members of this House will judge you in accordance with your pronouncement.

ALLEGED ABDUCTION OF KENYAN SOLDIERS IN SIERRA LEONE

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I am rising on a point of order directed to the same Minister of State, Office of the President concerning reports reaching Nairobi this afternoon from West Africa, Sierra Leone, that 15 soldiers from the Kenya Army were abducted and their security is at stake. Their families are very concerned about their security and we demand that this Government gives the position of those 15 soldiers. Was it in

order for the Kenyan Government to send soldiers to Siera Leone to bring back a President who had already been deposed by his own people? The people who have abducted the soldiers are angry citizens of that country.

Mr. Speaker: Mr. Minister, would like to respond?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I will get my colleague in the Office of the President, who is in charge of defence, to make the appropriate statement.

AUTHORITY FOR SHOOT TO KILL ORDER

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. I rose on a point of order this morning and then the Temporary Deputy Speaker asked me to repeat it this afternoon following the absence of the hon. Minister of State, Office of the President, in charge of internal security in the morning.

Mr. Speaker: What was it about?

Dr. Kituyi: Three weeks ago, this Minister promised to give a Ministerial Statement explaining under what authority he had issued a shoot to kill order to the policemen contrary to the provisions of Section 71 of the Constitution of Kenya. Three weeks later, he has not made any attempt to make that statement. Could he explain to the House why he has not done that?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I would like to seek the indulgence of this House. I have got three Ministerial Statements which I wanted to make this afternoon, but I have been let down by my officers because all the statements that they prepared lacked substance. In fact, that is why I was a bit late in coming to the House.

Mr. Speaker, Sir, I was trying to make sure that those statements were proper. So, I would really like to seek the indulgence of this House in this matter.

Mr. Speaker: Next Order.

DISAGREEMENT WITH THE CHAIR

Mr. Munyao: On a point of order, Mr. Speaker, Sir. Yesterday, when I rose on a point of order, and I threw some doubts as to whether I am likely to get a statement which was promised to be issued yesterday or Tuesday, the Chair almost threw me out. You were saying that I had no right to suspect the Minister or even what he tells us. Does the Chair now agree with me that I was not going to get the statement from the Minister however much I wait? This is because yesterday I was about to get it and the Chair directed me. I am happy that in broad daylight you have now agreed with me that we are not likely to get the statement which we were promised.

Mr. Speaker: Can I say this, Mr. Munyao?

Mr. Munyao: Yes, Mr. Speaker, Sir. And you said it also.

Mr. Speaker: Order! First of all, I am always with the House and not with any individual Member because that would be favouritism. So, I am not with you to that extent. Secondly, I do sympathise with the Minister if his officers are letting him down. Put your foot down and let the work be done.

Next Order. Mr. Mudavadi!

MINISTERIAL STATEMENT

CAUSE OF FLIGHT KQ 431 CRASH

The Minister for Information, Transport and Communications (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I wish to give a Ministerial Statement on the accident to Flight KQ 431 which occurred on 30th January, 2000. I would like to plead with the House to give me some time because it is a fairly lengthy statement. However, I think the issue at hand is extremely important and I would like to be able to respond as carefully as possible.

Mr. Speaker, Sir, in my response to the Question---

(Loud consultations)

Mr. Speaker: Order! Order, Members! I am sure that this House is anxiously waiting for this statement that is

being given by the Minister at the request of the House, and so is the nation. So, can we give him audience? Can we give those Members who want to listen the chance to do so? Can we give the Minister the chance to give the statement? Those Members who are not interested, please, I will not hold it against you if you took a little leave.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. In my response to the Question by hon. Sifuna on the 20th of April, I stated that investigations into the accident of KQ 431 were continuing and that I would be informing the House at a later stage of future developments. In my Ministerial Statement today, I intend to cover all the essential aspects of the KQ 431 accident starting from the humanitarian efforts through the accident investigations as well as the question of liability and claims settlement.

At the outset, I would like to state that unlike accidents in land-based transport modes, aircraft accidents are covered by international law, more specifically, the Chicago Convention of 1944 on International Civil Aviation under Annex 13 thereto. I would also like to point out to the hon. Members that the purpose of aircraft accident investigation is not to apportion blame, but rather to establish the cause so that all necessary measures may be taken to prevent future recurrence. I want to appeal to hon. Members to keep this consideration in mind as I go through my statement on the accident to KQ 431.

Kenya Airways Flight KQ 431, an Airbus, A310-300 registered 5Y BEN crashed on take-off in Abidjan on 30th January, 2000. The aircraft had initially been scheduled to fly to Lagos, but overflew due to bad weather. Of the 179 passengers on board, 169 perished including 11 members of the crew. There were ten survivors. A crisis team of Kenya Airways and DCA experts was dispatched to Abidjan within hours to undertake the recovery efforts and help with the investigation as to the cause of the accident.

The team did an excellent job thus doing both the airline and this country proud.

Mr. Speaker, Sir, Kenya acceded to the Chicago Convention at Independence. The Convention entrusts the responsibility for investigation of aircraft accidents to the state of occurrence. In the case of KQ 431, the Government of Cote D'Ivoire is responsible.

Mr. Speaker, Sir, Kenya being the state of registry as well as the state of the operator, is entitled to participate in the investigations under the provisions of Annex 13 as accredited to representatives. Annex 13 of the above Convention covers aircraft accident investigations and Clause 613 specifically prohibits contracting states from circulating, publishing or giving access to a draft report or any part thereof or any documents obtained during an investigation of an accident or incident without the express consent of the state which conducts the investigation, unless such reports or documents have been published or released by the latter state.

I would like to confirm that the report I am now giving to the House is fully consistent with the above stipulations as well as the obligations of Kenya under the Chicago Convention and Annex 13 thereto. First, on the humanitarian assistance, this effort was undertaken at various locations, particularly by the Kenyan and Ivorian armies. The progress of the search and rescue is fully documented, but I can confidently state that all concerned expended considerable efforts to ensure the success of the operation. I was in Abidjan in person and witnessed some of the recovery activities at sea. In my opinion and from what I witnessed both in Abidjan and in Kenya, the efforts of Kenya Airways in particular were very commendable. The airline went to great lengths to retrieve bodies and to provide support to the accident family victims and survivors, transport to and from Abidjan, accommodation and hardship payments were availed to all affected by the tragedy. Kenya Airways also contracted experts to provide assistance and counselling.

As of now, the only remaining issue is the question of death certificates for passengers whose bodies were not recovered or identified. The Kenya Government is working with the Cote D'Ivoire authorities to have a special law enacted to reduce the period of presumption of death from seven years to three months. This will facilitate the issuance of death certificates and expedite the settlement of claims and the administration of the estates of those affected.

On the accident investigation, I now wish to present a preliminary technical report about the accident. At the outset, I want to confirm that all public transport, category aircraft registered in Kenya are maintained to a strict schedule approved by their manufacturers and the Directorate of Civil Aviation. Kenya Airways is not an exception to this. The maintenance records of the aircraft have been studied and found to fully comply with the above requirements, with the last inspection completed just two days prior to the fateful accident.

Mr. Speaker, Sir, I will be attaching a copy of the maintenance schedule.

*(Mr. Mudavadi attached the copy
of the maintenance schedule)*

The decoded transcripts of both recorders contained no adverse information. The initial analysis of the cockpit voice recorder commonly known as the "CVR" had indicated possible engine malfunctioning. However, on further analysis which included a spectral examination of the engine noises, it has been established that the performance of both engines

was consistent with the thrust set by the crew and remained uniform until impact with the sea. The flight data recorder commonly known as the "Black Box" was transcribed, examined and found to have no flight parameters recorded. As a consequence, this recorder could not assist the investigation team to determine the cause of the accident. In so far as the operation of the aircraft is concerned, this has been extensively studied and found to be in order. Kenya Airways operated in accordance with the operations procedures manual approved by the Director of Civil Aviation. Flight KQ 431 fully met the requirements of this manual. The crew training records have also been examined by the investigators. It has been established that the crew were fully qualified and licensed in accordance with the legal requirements and that all the required training was up-to-date. The crew medical records have also been carefully examined and found to be in order. The relevant records pertaining to these issues are with the investigating authorities. The investigating team is continuing to work at the crash site with a view to examining the debris on the ocean floor and if possible recover the engines and other key parts of the wreckage. At this stage of the investigation, no immediate actions have been recommended on the A310 fleet of aircraft worldwide.

The summary of the technical findings is therefore as follows: First, the standard pre-flight checklist items were called and confirmed by the crew. In addition, the flight conditions appeared both routine and normal during the take-off roll rotation and the positive rate gear-up call. The aircraft was airborne and achieved a height of at least 300 feet. The aircraft started to lose height and continued to do so until it impacted the water. The engines were operating normally. The cause of the loss of height has not been established and is still being investigated. On the basis of my earlier comments, the aircraft operation and air worthiness are not a factor in the investigation so far.

Lastly, on the issue of liability and claims settlement, airlines are fully insured for aircraft haul, deaths or injuries to passengers, damage to baggage and cargo and for third-party risks. The Kenya Airways Aircraft 5Y-BEN was comprehensively insured for a value of US\$40 million by a consortium of underwriters in London. I am pleased to confirm that, full indemnity payments for the total loss of the aircraft have been paid. As regards passenger and cargo liability, Kenya is a party to the Warsaw/Hague regime, incorporated into the Kenyan law, and carried by the Air Act of 1993, which stipulates maximum compensation for passenger injury or fatality of US\$20,000. However, Kenya Airways participates in a more superior IATA Compensation Scheme along with other major international airlines, which provides for enhanced compensation. The scheme provides for a maximum compensation without proof of fault on the part of the airline of US\$130,000 per passenger, subject to proof of actual loss suffered. To date, 179 claims have been received of which four have already been amicably settled. The rest are in various stages of processing. So far, no third party claims have been lodged.

On the cause of the accident and investigations: Accidents investigations are normally very expensive. To date, Kenya Airways has spent close to Kshs1 billion in providing assistance to the next of kin, survivors, search and recovery efforts and by the time the investigations hopefully concludes, the Kenya Government on its part will have spent more than Kshs10 million. Furthermore, Kenya Airways and the Government have extended financial support to the Government of Cote D'Ivoire to support the investigations. The amount involved here is US\$20,000.

Mr. Speaker, Sir, I am sure that hon. Members appreciate that for a small country like Kenya, and for a small airline such as our flag carrier, those expenses are sacrificed all in the humanitarian course.

In closing, I wish to state that, while the speed of the investigation may appear to be slow, but in actual fact, it has made fairly good progress by comparison with other recent and similar aircraft accident investigations. For instance, investigations to the Swiss Air Flight 111 accident in September, 1998, are still to be concluded. The cost to the Canadian authority to-date is in the region of US\$75 million. Egypt Air 900 accident in October, 1999, and Air Alaska on 2nd February, 2000, are also not finalised, despite the enormous resources expended by the United States of America Government, who are the investigating authority for both accidents.

The tragic accident was a shock to this nation, all Kenyans and the world at large. The Kenya Government and my Ministry wish to recognise and acknowledge the many expressions of sympathy and support, which we received from numerous quarters, and reiterate our commitment and support to all efforts which should bring this sad episode to a conclusive end.

I would also like to take this opportunity to thank the President for his personal involvement and exceptional support in all those efforts. With your permission, I now would like to table this Ministerial Statement, along with the following pertinent documents: Annex 13 to the Convention on International Civil Aviation Organisation; the Accident Information Telex issued by the Airbus Industry to all airbus operators dated 28th April, 2000, regarding the aircraft, and a log of the maintenance checks carried out on 5Y-BEN in the last one year prior to the accident.

Thank you.

Dr. Kituyi: Mr. Speaker, Sir, I first wish to congratulate the hon. Minister for a very sober and comprehensive statement to the House. But since the accident happened while the House was on recess, we have not, as Members of this House, collectively expressed our condolences commiserated with the victims, which I wish to do now would like to thank the people and the Government of Cote D'Ivoire and the Airbus Industry for the assistance and

back-up that they gave rapidly to Kenya, and raise two little things.

First, the very extensively demonstrated insufficiency in disaster response in our country. You know how many families tried to get as early information as possible. They needed communication facilities at the airport, Kenya Airways Offices and at the hotels which were announced through the media, as centres where they could turn to. There was slow mobilisation of professionals to offer counselling. I hope that in the life of this accident, and very many bus accidents that we have in this country, the Government will move quickly to expand its capacity for disaster response and management.

Thank you.

Mr. Wamalwa: Mr. Speaker, Sir, I also wish to associate myself with those sentiments expressed by Dr. Kituyi, about the efficiency of the investigations that are being carried out by Kenya Airways, and the help that our Government rendered in the exercise.

I would like to raise one doubt. According to the Minister's Statement, the question of the "black box" rules out any malfunctioning of the aircraft, engine fatigue and any human error on the part of the pilot and his crew. If that is the case, I wonder which direction the investigations will now take. The aircraft was okay and the crew were sober and efficient. Which direction will the investigations take?

Col. Kiluta: Mr. Speaker, Sir, while I appreciate the comprehensive report given by the Minister, a lot of people are left in doubt because the reason why investigations are done is not to apportion blame, but to prevent such occurrences in future.

As we leave this House this afternoon, we are not sure whether we know what caused the accident. The possibilities are there, having been in that field for 27 years. An aircraft will lose height if it loses the lift. That is if it is over-loaded. The Minister did not touch on that area. The Minister did not touch on the performance of the engine. What caused the aircraft to lose height? What caused the under-carriage not to go up? Those are the things that we expected the Minister to come up with. But since he did not do so, he can look at that direction in future so that we can know what went wrong on that flight.

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, first of all, I would like to state that as regards the "Black Box", I said that unfortunately, it did not have any recording. I did not say that it generated all the issues. I just said that there was no recording that was transcribed from the "Black Box".

We have therefore, gone further than that and now, forwarded the "Black Box" to the manufacturers as a component, so that together with the Transport Safety Board of Canada, they can assist us on what could have caused the lack of recording from the "Black Box".

Now, the aspect that would follow is that, it now behooves the investigating authority and the Kenya Airways to go further and retrieve the wreckage, including the engines from the bed of the sea. This can, perhaps, shed light on what could have caused the plane to have a problem. So, the wreckage that is still below the sea will be retrieved to assist the investigators to get to the root cause of the accident.

Mr. Speaker, Sir, with regard to Col. Kiluta's question, I would like to say that I want to avoid any speculation because I have given documents which have a technical attachment as to what they have discovered from a technical view point up to this point in time. The question he is raising has still not been adequately answered, but there is some very key technical information that is attached to my Official Statement.

Lastly, I can only agree with the hon. Dr. Kituyi that our disaster response is extremely limited. Definitely, it requires the collective effort of all Kenyans to ensure that we can prepare ourselves more appropriately for such eventualities in future. I think that is why the support that we gave to hon. Oloo-Aringo's Motion, on establishing a proper disaster management agency for this country, is extremely vital.

Mr. Speaker: Very well. Next Order!

MOTION

ADOPTION OF SESSIONAL PAPER NO.1 OF 2000
ON NATIONAL POPULATION POLICY FOR
SUSTAINABLE DEVELOPMENT

THAT, this House adopts Sessional Paper No.1 of 2000 on National Population Policy for Sustainable Development laid on the Table of the House on 27th April, 2000.

(The Minister for Finance on 2.5.2000)

*(Resumption of debate interrupted
on 2.5.2000)*

Mr. Speaker: Mr. Kibaki, you were on the Floor and you have 15 minutes. Do you wish to continue?

Mr. Kibaki: Mr. Speaker, Sir, I had virtually finished my contribution on Population Policy for Sustainable Development.

Mr. Speaker: Very well. Any other hon. Member interested to contribute?

(Mr. Mwenje stood up in his place)

Yes, Mr. Mwenje? Or you are just walking away?

Mr. Mwenje: No, Mr. Speaker, Sir. I was coming to contribute!

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

Mr. Speaker: What is the matter, Mr. Michuki?

Mr. Michuki: Mr. Speaker, Sir, I thought he had decided not to speak?

Mr. Speaker: You see, he is trying to speak but he is taking too long.

[Mr. Speaker left the Chair]

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

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, before I take too long, I would like to say that this document on population is not well prepared. This document does not satisfy what any Kenyan would expect because if you look at page 2 of this document, the principles themselves are completely out of order. The principles which are mentioned here----

Mr. Temporary Deputy Speaker, Sir, in the first one, we are told that, "The overall aim of this policy is to attain a balance between Kenya's population growth rate on the one hand, and sustained economic growth rate for sustainable development on the other hand."

Mr. Temporary Deputy Speaker, Sir, this document does not show clearly how that balance will be attained. This is because the question of the balance being attained is not caused by the population; it is caused by the fact that a lot of money which is collected by the Government is either misappropriated or not collected, as has been said by the Leader of the Official Opposition. It is uncollected and even what is collected is badly spent. So, how do you expect to attain this balance when that situation has not been rectified?

Mr. Temporary Deputy Speaker, Sir, it goes on to say that: "The policy recognises the regional variation with regard to population issues and development." At the moment there is no development which is taking place in this country. There is no development at all! If there is no development, what are these variations that the Sessional Paper is taking into consideration? If anything, we are going back or reversing. So, there is no development. Whoever prepared this document was just preparing it without taking into consideration the actual situation in the country.

Mr. Temporary Deputy Speaker, Sir, if you look at principle (iii), it states that: "The policy respects the fundamental human rights and freedom relating to socio-cultural, religious beliefs and practices." This Government must be serious when talking about this document. If it respects religious beliefs and cultural freedom and the rights of every organisation, it is fine. We know that religious beliefs have been respected in some areas. But why is it then that, groups of religious beliefs, like the original traditional Kikuyus who offer their prayers facing Mt. Kenya; the Mungiki Group, are being frustrated? Why are they being arrested every other day just because of their beliefs and just because they are praying facing Mt. Kenya and because they say that, women must be circumcised? This may be their belief! So, if the Government respects the religious beliefs and the cultural rights of every organisation, I do not know why it continues to harass the Mungiki Group because they simply say they are religious, cultural, they do exist, they are known and yet every time these people are harassed and arrested wherever they are seen; in Nyahururu, Nyeri, Nairobi.

Mr. Temporary Deputy Speaker, Sir, if we have to respect freedom of worship, as the Government is saying in this document, then I must now tell the Government that it is time they stopped harassing Mungiki Group. They are there, they are existing and they are known. They should not be harassed because of their beliefs. If they are doing anything criminal, it is only the criminal element that should be dealt with. But when they are found going to pray at Mt. Kenya or Nyahururu, then they are arrested and taken to court, they are being provoked to fight with the police. What the Government is simply doing is to provoke these people to go "underground" and become an underground movement. We must be careful!

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

Mr. Mwenje: Yes, accepted.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, what the Government has done is breach of religion! Since Mungiki is a religious sect, the Government which protects even devil worshippers--- The Government is bound by the Constitution to protect the freedom of worship. Any sect has the freedom of worship. Therefore, the Mungiki Group should be protected by the Constitution and their freedom should not be violated by the Government of Kenya.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, that is a very valid point of information because this freedom is not only mentioned in this document---

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Speaker, Sir. Is it in order for hon. Members to open debate on the Mungiki? Let them either confirm or deny that, that is not a DP arm of Government!

Hon. Members: Aha! Ahaai!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I think I will just dismiss him with the contempt he deserves. We do not need to argue with small minds!

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Mwenje to say that I have a "small mind", when I know that he is just a councillor, who is not even fit to be in this Houses?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, when I was a councillor he was a nobody, so I have always been ahead of him.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mwenje! Order! Mr. Mwenje, there is a point of order!

Mr. N. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am a Member of the Democratic Party. Could the Assistant Minister substantiate the allegation that Mungiki is a private arm of the Democratic Party? If not, could he be made to withdraw the allegation and apologize?

The Temporary Deputy Speaker (Mr. Imanyara): I think, Mr. Assistant Minister, you are under an obligation to substantiate or withdraw your allegation?

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Could he confirm or deny that fact first of all?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Sankori! When an hon. Member demands a substantiation, you cannot shift it back to him to confirm or deny. You must substantiate or withdraw and apologise.

The Assistant Minister of Tourism, Trade and Industry (Mr. Sankori): Then why are the Democratic Party of Kenya Members of Parliament [**The Assistant Minister for Tourism, Trade and Industry**] supporting the activities of the Mungiki sect?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Sankori! You must either substantiate or withdraw. The choice is yours.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, for the sake of the Chair, I withdraw and apologise.

An hon. Member: Shame on you!

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Previously, these sort of exchanges have resulted into brawls within Parliament. Could the Chair take upon itself to warn the persons concerned that, if they fight as a result of this minor argument, they may face very serious consequences.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am not deterred at all by the politics of a former guard at the Housing Finance Company of Kenya (HFCK). So, what I was saying is---

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have withdrawn and apologised, but hon. Mwenje has continued to discuss my past! Could he substantiate that I was a guard at HFCK?

(Laughter)

Mr. Mwenje: Mr. Temporary Deputy Speaker, hon. Sankori knows that he was a guard at HFCK before he came to this House.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Mr. Temporary Deputy Speaker, Sir, I will not be intimidated by the trash from hon. Mwenje. I have never been a guard and I will never be a guard!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I beg to continue--

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mwenje should withdraw and apologise about that insinuation.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Sankori, are you demanding a substantiation from Mr. Mwenje?

The Assistant Minister for Tourism, Trade and Industry (Mr. Mwenje): Yes, I am!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I can prove that my hon. friend here was a guard at HFCK before he came here! That is the job he was doing and he knows it!

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Mwenje, you have undertaken to substantiate an allegation that Mr. Sankori was a guard at HFCK. When will you do that?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I will bring some of the documents by Tuesday. That is something which I know and even the level he was in before he came here!

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): Mr. Temporary Deputy Speaker, I will not---

Mr. Mwenje: What I was therefore, saying---

The Temporary Deputy Speaker (Mr. Imanyara): Order, both of you! I am not going to entertain an exchange between the two of you. First, you must address each other through the Chair. Secondly, I have made a ruling that Mr. Mwenje will have to substantiate that allegation on Tuesday and I am not going to accept any more interjections on that.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, what I was saying is that cultural and religious rights of every organisation must be respected, irrespective of the persons who are involved. This document here says it will respect the fundamental human rights and freedom relating to social, cultural, religious beliefs and practices. So, if any group has its own way of praying, then it should be respected. Those rights are not only contained in this document but also in the Constitution of this country. Until that particular section is amended, the Government must respect the rights of the Mungiki sect.

The Assistant Minister, Office of the President (Mr. Haji): On a point of order, Mr. Temporary Deputy Speaker, Sir. We would like to know from the hon. Member whether Mungiki believes in Islam or something else? The other day, there was a placard in the newspapers saying 95 per cent of them are Muslims.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, that is a religion just like Islam. So, the policy here should also recognize the family as the basic unit of every society and it should be strengthened. When we talk about strengthening a family, it is to make sure that each and every family does have some income and that a number of their children go to school.

It has been said here before that unless this basic right is respected and the Government shows concern by making sure that every family is able to earn some income, we will continue having families who live below the poverty line. I do not even know how these people survive. If somebody is earning less than Kshs50 a day and he is expected to take his children to school, eat and commute, then it is a pity.

Mr. Temporary Deputy Speaker, Sir, we know that in the developed countries governments come in to give some assistance to those families that do not earn anything. The Kenya Government does not have that system and yet, it cannot provide employment for everyone. The reason why we have a lot of crimes being committed is because there are so many people who are idle. They have no jobs to do but in the evening, they are expected to eat. The biggest problem that we have in this country today is unemployment and idle labour. Many people are unemployed despite the fact that they are educated. It is for this reason that crime continues to escalate. When the Government is discussing the National Population Policy, it has got to concern itself on how to generate employment for our young people. It is ironical that police officers arrest and charge people for being idle and disorderly. In the first place, you cannot be idle and disorderly, but we have seen people being charged for being idle and disorderly. These people are not idle because they want to be idle. They are idle because they have nothing else to do! There is no investment coming to this country. There are no new industries being started because of several factors. There must be enough security for investors to come in. If we continue to have this level of uncertainty in the country, in terms of politics and security, then nobody will want to invest in the country. Therefore, we will continue having unemployment. So, the Government must try to find out what is causing all these problems and come up with a solution but to tell us that the basis of this will be the family is not enough. For any family to be stable, one person in that family must have some income. But we know that 50 per cent of Kenyan families have no income at all. So, how does the Government intend to solve this problem? To bring a document into this House which mentions the situation as it is and telling us the obvious without tackling the more pressing issues, for instance, security does not make matters any better. It is for that reason that we now have so many parking boys in this City. Soon or later, we will not be able to drive in this town and many other towns because the parking boys, commonly referred to as *chokoras* are too many. In my constituency alone, in Dandora dumping site, there are more than 30,000 parking boys. These boys are also becoming dangerous and the Government must come up with a programme on how to assist them.

The Government should look for land where these street children can be settled, like in Eastern, North Eastern or Rift Valley, or even Central provinces, if there is any land there. We have a few NGOs which are trying to rehabilitate some of these street boys, like Father Grol. We need to thank people like that. The Catholic Church has also tried to help these boys, but the Government does not reciprocate. It does not give them assistance. It needs to come out and assist these boys. They are going to be dangerous. You will soon find this City very dangerous to drive in, as long as the situation continues like this. Today, you have seen them and sometimes, they have been striking. I know of certain times when they have collided with some other organisations. That is why we expect the Government to solve this problem because already, we in Nairobi have seen a big threat from these boys. Unless this is addressed immediately, then we will have a lot of problems.

Mr. Temporary Deputy Speaker, Sir, equally so, if you drive at night in this City, along Koinange Street, City Hall Way and other streets; you find young girls dressed indecently. This is a national shame. When we continue having this kind of situation; it is not that they are willing to do so; but they have nothing else to do. The Government of the day needs to come up with a solution. If currently the Government cannot find a solution, they should seek for ideas from others.

An hon. Member: The Democratic Party has a solution!

Mr. Mwenje: Yes, the Democratic Party of Kenya has a solution to this problem. It is true that DP will definitely bring a solution to this problem, but the current Government is not bothered at all of what is happening today. The situation is escalating and needs to be addressed to immediately. We are getting worried because anything can happen. They can strike any time now. Those who prepared this Sessional Paper did not think about the plight of these street children and other unemployed youths. What is the solution? When we are talking about the census, we must look for a solution to this problem. These are our people and we cannot pretend that we do not see them; we have been seeing them, we know them and we know how they live. We also know the situation on the ground. We expect the Government, as matter of urgency, to tell us what they are planning to do about this situation.

Mr. Temporary Deputy Speaker, Sir, on the economic set-up referred to here, affects all the areas. Until we are able to create employment opportunities in the countryside, so that those people who migrate to the towns to look for jobs can employ themselves---I have never known why the Government has never come up with a policy on irrigation. Are we going to continue ever depending on the rains? Again, the rains have failed and the situation is going to be very serious in the next one month or two. We knew it. There was a lot of water here during the *El Nino* rains, but nobody harvested it. It just went to waste and again, we have no water now. Who was planning for this? If somebody is planning about population to determine how many children we are supposed to have and children we already have, why is he not planning how we are going to eat? Why are nations like China with millions and millions of people able to feed their people and yet, we cannot feed our people here? We have a lot of water. Egypt is depending on our water from Lake Victoria; why are we not able to harvest that water and make use of it within our country? We are short-sighted; we only see very near on what will happen tomorrow and the day after. We just look at our situation on what will happen. But this nation needs planners who will see 100 years ahead on what will happen and what should be done. Neither are we satisfied even with the census, which we are told now that it has been "concocted". I believe it is true because I was a witness. There are a number of houses within my own constituency which were not counted. Even the 28.7 million people we are told about is not true. Certainly, Kenya has got more than 30 million people!

The Minister for Planning (Mr. Ndambuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that some of the houses were not counted, when we asked those people who had not been counted to come forward? Secondly, is he in order to allege that we "doctored" the census? I think this is the most accurate census we have done since Independence.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, it is common knowledge that a lot of houses were not counted and the Minister knows that. The fact that they asked those people to come forward to be counted does not mean that they actually responded. In any case, some newspapers also came out with some other reports on the census different from what the Minister had. Even as of now, some of these counting clerks have not been paid their dues. The other day, they were demonstrating outside Parliament. If the Minister cannot even pay those counting clerks, how can he be sure that everybody was counted? They were not counted!

The Minister for Planning (Mr. Ndambuki): On a point of order, Mr. Temporary Deputy Speaker, Sir. The Motion before us does not deal with the census. I wish to inform the hon. Member that there is nobody who has not been paid so far.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is extremely contributing to the Motion before the House. Can he not wait for hon. Mwenje to finish his contribution, instead of rising under the guise of a point of order?

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir. This document has a lot to do with the census. After all, what is population? Census is the counting of people and therefore it is population. That is why I am

asking the Minister to tell us why he has not paid those counting clerks who demonstrated outside here last week. They were all shouting: "Ndambuki! Ndambuki! I heard it myself because I met them on the way. So, has he paid them their dues? They need to be paid because they are the ones who did the census. They have not been paid even now and they did not complete the census. He knows it and I hope he will reply to that and tell us whether the money was misappropriated or where it went, because those clerks have not been paid to-date.

Mr. Temporary Deputy Speaker, Sir, on the issue of decline in fertility rate; it is common knowledge that when somebody is hungry, he becomes a bit infertile! You do not expect somebody who is not feeding well to be fertile. When they refer to this on page 6, that the fertility rate has declined since 1990-1999; this is the period when people were not feeding well. It is true!

Mr. Temporary Deputy Speaker, Sir, if you look at the period, 1985-1990, the fertility rate was very high because people were well fed. If you look at the period, 1948, people were also well fed and the rate was high. But all over a sudden, in 1990, the fertility rate declined. They are attributing this to politics and so forth. But the truth is that when somebody has not fed well, certainly, he will not be fertile. It is because of this poverty which we already have. That is why the Government was trying to come up with the Poverty Eradication Plan which means nothing. There is nothing like that which is taking place. That is why the rate will continue declining until the Government changes its approach and understanding of the situation in this country. They know it, but they pretend and bring other reasons, like multiparty, politics and so on. That is not true.

Mr. Temporary Deputy Speaker, Sir, the truth is that people are not getting the right food, they are not being well-taken care of, they are not getting jobs and, therefore, they are not comfortable at all. For those of us who have shanties in the City, we are living in fear. How do you expect one to be productive when he is already insecure wherever he is? So, if we were to compare ourselves with other countries, as this document is trying to do, we must not only compare the rate of increase in population, but also the kind of treatment that we are giving our people. We should also consider the way our Government is behaving rather than look for scapegoats in terms of politics, multi-partyism, and many other things.

With those few remarks, I beg to support very reluctantly, hoping that this document will be amended.

Mr. Murathe: Mr. Temporary Deputy Speaker, Sir, I am very surprised that this Government always focuses on the wrong things. Family planning as a concept is in itself defeatist for a population of 20 million when they tell us that the real objectives or reasons, is to promote awareness among Kenyans of the population problems and the impact of high population growth on development. This policy document is a rich man's document. Family planning principles are that if you can afford to take care of 15 children because you are rich, you can go ahead and give birth to 15 children; if you cannot afford them, you are being asked not to get children. In this case, you will not be getting children because you are poor.

This Government is focusing on family planning programmes because this country's Growth Domestic Product (GDP) is lower than the population growth rate. The population growth rate, which now stands at 2.8, is higher than what we are able to achieve at 1.5 per cent GDP growth rate. There is nowhere, where numbers of people have, really, been an issue. Our strength lies in numbers. The Peoples' Republic of China has more than one billion people, while India has more than 700 million people, but those countries are applying their human resources correctly. Here, because we cannot provide the basic services in education, health, food production, and others, the Government wants to cut down the population. The Government may as well "shoot down" some people, so that it may have fewer people to deal with.

Mr. Temporary Deputy Speaker, Sir, this country's challenge is not in cutting down the number of people, but rather how to mobilise the available human resource to achieve a higher economic growth rate. This Government is using its failure to achieve meaningful levels of growth as an excuse for bringing this policy document to this House. In the 1970s, this country managed to achieve an economic growth rate of 7 per cent. Today, we are talking about negative growth. Does the Government intend to tell us to stop reproduction? This policy document is part of the programmes being imposed onto this country by the World Bank and the International Monetary Fund (IMF).

This Government and the two Bretton Woods Institutions can be compared to a student and a headmaster. The two institutions give this Government some homework and come here after every few days to see how well the Government has done that homework; the two institutions give this Government conditions and come back to see whether the latter has fulfilled them. Do people in Great Britain plan their families? Some European countries are even attracting people to go and live there. In the United States of America (USA), there are lotteries for free visas, so that people can migrate to that country. The same is true for Canada and Australia. What is wrong with us? What is happening in this country?

Mr. Temporary Deputy Speaker, Sir, we need to address the real issues affecting our people. As hon. Mwenje said, if you have poor people, there is nothing you can do about them. They have to go to bed early. They have nothing else they can do except to reproduce; that is the poor man's burden. The challenge for this Government, particularly, the

Ministry of Planning, is to take us back to those days when we used to formulate five year development plans, which used to be followed up. We used to study those plans in the universities. We would be tested on those plans, because the Government in those days would act on them. Today, this country works without planning. I do not even know why we have the Ministry of Planning, if the best it can come up with is to tell us to focus on population reduction because the Government cannot sustain the current population.

It is a shame to compare Kenya's 28 million people with Great Britain's population of about 100 million, when we talk about a per capita of one US Dollar, or subsistence on one US Dollar per day, and 200 US Dollars per year. So, we should go back to the drawing board. I do not believe that this country's problem is population; this country's problems is that our growth rate is far outstripping our economic growth capacity. That squarely lies on the Government.

If this Government is not up to the mark, perhaps, it is now high time that it resigned, so that other economic managers could take over and turn around this country's economy to enable the economic growth rate to exceed the population growth rate. I do not think that we have any problem with that. Some of the action programmes the Minister for Planning wants carried out by the various agencies, are expected to be carried out with the support of political parties. The Minister has asked political parties to fully support the Government's population issues in its social development agenda.

Mr. Temporary Deputy Speaker, Sir, this is the Minister's document and he is the one who will implement it. He knows that it is not workable, but he went ahead and asked religious institutions to also get involved in this process and provide services in the field of reproductive health. He very well knows the stand of many religious denominations on the issue of family planning. For example, the Catholic Church will never agree with him when he starts talking about family planning, having smaller families, and the use of contraceptives as methods of family planning. These are the sort of things contained in this Paper; he must be joking.

Some of the Government Ministries he has asked to get involved in this effort have nothing to do with population control. For example, he has asked the Ministry of Agriculture to develop programmes, highlight the impact of population on provision of transport and communications facilities. I am referring to page 48, Item 1.7. What does the Ministry of Agriculture have to do with the provision of transport and communications facilities? Also, the Minister wants the Ministry of Information, Transport and Communications to deal with housing and other facilities; he is talking about involving several other agencies in implementing these policies.

Mr. Minister, please, be honest with this House and tell us why - and why now - you are coming up with a population policy that requires Kenyans to start talking about smaller families when we know that the potential for economic growth in this country has not been fully exploited? Why is it that at this stage in this country's efforts to eradicate poverty, this Government cannot commit the sort of resources that you want to use on this programme for meaningful improvement in food production, infrastructural development, and for the creation of an enabling environment for people to do business? It is only by doing business by those in both the formal and informal sectors that we can create employment. If you create employment, people will earn, there will be demand for goods and services, the economy will become vibrant and start to grow, and we will have a higher economic growth rate.

The real issue that this Government wants to tackle is that of economy and its growth rate, and not that of the population growth rate. We used to have our own cultural ways of managing our populations. Traditionally, perhaps, because of the extended family and cultural practices, people would have more than one wife with so many children; those numbers used to help in the production process; they were productive people. It was very depressing to see workers walk away from the Labour Day Celebrations on 1st May, when the Minister for Labour announced an increment of six per cent on minimum wage earners; all this was because this country's economy and businessmen cannot sustain a reasonable wage rate for the people.

There is nothing that we can show, as a Parliament, that we are doing to improve the lot of these people. What you are telling them to do is to cut down on the mouths that they feed. In Brazil, the rich people organised to shoot the street children that hon. Mwenje was talking about. I hope we will never have to get to that in this country just because of the failures of this Government. We shall support you, if you focus on economic growth, but you shall not use population as an excuse to hide under the cover of being unable to deliver on the economic programmes.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Khamasi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this Motion. I have got very little to say about the Motion and I will be very brief.

One thing that I would like to point out is that we have had very many Sessional Papers which come here and, more often than not, we know that the Government is assisted to produce them. I believe that this is a clear case where the Government has been helped to produce a Sessional Paper on National Population Policy, and our main concern is how it will be implemented. Reading through the Sessional Paper, there is quite a lot that you can admire about what has been said, but we want to be sure that it will be implemented to the letter.

There are a few issues which I would like to point out and make a few suggestions. Indeed, the rate of population growth is quite high and we need to do something about it, if it has got to be contained. One thing I would like to suggest is women education. We need to educate our women. As we are here today, the level of education amongst our women is very low. If we educate our women effectively, we will have proper control in our birth rate. We need to emphasise on the girl-child education, which is not happening at the moment.

In our schools, the drop-out rate for girls is still very high. The girls who go to standard one in any one given year are many, but by the time they finish their primary school education, the drop-out rate is quite high. We need to curb that. We need to make sure that the girl-child gets proper education so that she is knowledgeable on her rights.

The problem with the education of the girl-child has been made worse by the primitive customary beliefs that we have, for example, the question of early marriage. In some of our societies, we have got children being married at a very early age. We also have got children being married by very old people so that you find some children giving birth to children. These primitive customs must be discouraged by all means. We would like this Government to put some mechanism in place to outlaw this custom, because we have been talking about it every other time. We have been singing about the primitive cultures, where people of 60 years marry 15 year old girls. There does not seem to be any effort on the part of the Government to try and make sure that these primitive and outdated customs are brought to a halt.

We would like to ask the Government to bring a Bill in this House to make it illegal for a person of 50 years old to marry a 15 year old girl. We would like to see this being put in place. We should not come here every other time and go on condemning outdated customs, when in actual fact we do not put any legal framework in place to prevent the same.

Mr. Temporary Deputy Speaker, Sir, we know what is going on with the birth control business. We know that it is the woman of Kenya who bears the blunt. I would like to say that men are least involved in birth control. That is for a fact and we know it. It is only through giving education to our women that they will stand up and say: "We cannot have this any more." So, we are saying that the Government should come up with some legal framework to make sure that our girls go to school and some of the old men in the Front Bench, who marry 12 or 13 years old girls, are put in jail so that we can have our girls going to school.

When we talk about our girls going to school, we are talking about eradicating cost-sharing in schools. Most of these girls drop out of school because their parents do not have enough funds to pay for their maintenance and school fees. We are saying that parents of children who are unable to pay school fees, should be allowed to have their children attend school. Again, we cannot just go on saying that. We are talking about free education. I would like to say that there is no free education in Kenya. The ordinary Kenyan, as we speak here, is so poor. Some of them cannot afford the building and development funds. They have baptised them all sorts of names these days to the extent that unless a parent has got money, the child will not go to school.

Again, we need to have some policy framework in place with regard to our education. What is happening to the girls who are being sent away from school? What is happening to the children who are being sent away from school because they cannot pay school fees? We need some form of policy from this Government to tell us how we will tackle that problem. When we send these children to school, we are only saying one thing; we are condemning them to oblivion. We are condemning them to an extent where they will never be of any use to this country. All they can do is to be a liability to this country. We must look at that issue very seriously and make sure that we make it possible for all our children to go to school.

Mr. Temporary Deputy Speaker, Sir, I want to propose that what has been an issue of controversy in this country has now got to be resolved, and that is sex education in schools. The churches have got their own feelings about introduction of sex education in primary and high schools. I believe if we have got to make any mileage with regard to population control or management, we need to introduce sex education in our schools. Most modern parents now live in cities. It is not like the old times when majority of our population lived in the villages and the children were taught sex education by the grandparents and aunts. That is no longer in existence these days and consequently, our children have got very little access to sex education. All they get is probably negative information from their peers. It is necessary that we introduce sex education in our schools. I have read in this Sessional Paper and I agree entirely that in 1974 the Bucharest Population Conference concluded that development is the best contraceptive.

What hon. Murathe said here is quite true because we need to have our people to develop. Unless people are developed, all you can get is the negative. We need to make sure that we introduce programmes which will put money into the pockets of our people. Once they have got the money in their pockets, they are likely to put in place programmes which will go a long way in helping them improve their lifestyle. They will be able to take their children to school, bring entertainment in the home and so forth. Unless we do that, there is no point in us singing about population control without putting any specific programmes in place.

For example, we are told by the same statisticians that 50 per cent of our population lives below the poverty

line. This means that over 14 million Kenyans live below the poverty line and that they are dependent on others. If 14 million people are dependent on others, how long are we going to take to get those 14 million to rise above the poverty line? It speaks volumes by itself. One problem we have in this country which makes these people live below the poverty line is that the available resources are not channelled in the right direction. It is a few individuals who have got access to the resources of this country. That is why we have a few billionaires in this country at the expense of over 14 million people living below the poverty line. Let us get our people educated properly, particularly the girl child, and we will see a lot of improvement in population control.

I beg to support.

Mr. Michuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for affording me the opportunity to contribute to this Motion. I came this afternoon to do exactly that because having read the Sessional Paper, I cannot help but conclude that, in brief, it states that since the Government is unable to produce development sufficient to sustain the population of this country, let us reduce it because we have failed in development. That is what this paper is telling us and the reasons are contained here. They include the point that has been quoted by the previous speaker, namely, about the Bucharest Conference which concluded that development is the best form of birth control. Looking at the parameters of what constitutes the woes of this country as listed in this Sessional Paper, I am led to believe that the Government has given up on development which should be the contraceptive to prevent more population and has gone into other forms of population control. There is no hope, therefore, that we can expect any development.

The figures speak for themselves. On page two, paragraph two, the issue of growth rate in GDP has been discussed. In fact, there is even more analysis from the time of independence of the trends of this development. Development has dwindled every year, right up to the last year when this paper was analyzed, that is in 1999. We have gone down to 1.4 per cent and yet there are no plans as stipulated in this paper as to how that growth rate is going to be promoted except in paragraph 4.2.1, where only hope is expressed.

It says:-

"If population growth rate is to stabilise at 2.1 per cent per annum by the year 2010 a more concerted pragmatic effort is needed with greater emphasis on the inter-linkages between population and sustainable development."

Maybe God or devil knows whether that is achievable. This is because there are no concrete proposals that back up that kind of development. From what I consider to be vague figures of growth, and I am doubtful even above 1.4 per cent, to say that the Kenyan economy will grow at six per cent, is highly wishful thinking. This is because if you take the current GDP of this country, which is roughly US\$10 billion, you know what investment you have to do within the economy, in order to achieve the economic growth rate of six per cent. Nobody says how that money will be raised. After all, if you compare what is involved to invest and the amount of allocation in the Development Budget and particularly towards capital formation, it is at a very decimal provision. Therefore, as I said, this paper is telling us that we are unable to produce sufficient development to sustain the population growth which is taking place in Kenya now. Since we cannot produce that development, let us control the population growth rate..

Mr. Temporary Deputy Speaker, Sir, I would have been much happier, if we had used our resources more productively and produced an economic growth rate of six per cent which is aimed at in this paper and many others. We should also find out whether by promoting development, we would not provide the opportunity for the population to control itself through education. It is through exposure to better standards of life and education which will make our people aware of the parameters required in order to keep a family which is praised in this paper; a family living in much better conditions than many families are today.

Mr. Temporary Deputy Speaker, Sir, we are also talking about saving in this paper. We say the rate of savings in Kenya is now 20 per cent as opposed to the level of savings in countries that talk about development of 30 per cent or more. If you look for the opportunity to increase savings from 20 per cent to 30 per cent--- In this Republic of Kenya, as things stand now, whoever thinks along those lines must be day-dreaming. He is day-dreaming because fiscal and monetary measures discourage savings in this country. We are taxing interest and we have withholding taxes on the dividends. We have all sorts of things that really "eat" away the savings which are necessary in order to create development. In addition, this paper is actually opting to control the population growth rate rather than to pursue development. We only hope and wish that things will happen.

Mr. Temporary Deputy Speaker, Sir, as it has been stated here before, this country has become very good in production of papers. The other day, we had the Presidential Address; a catalogue of words. We have Sessional Papers like this; a catalogue of words. But there are no concrete measures to back them up. I would have expected a paper like this one would say that in order to achieve the level of population control, we have resources of this magnitude and the other arms of the Government within the budgetary provisions, set aside so much money in order to produce the level of development that we desire according to this paper. Where are those proposals? So, we come up with very big statements. But we do not provide the means by which to accomplish them. This is the greatest weakness of this KANU

Government. If all the words that this KANU Government has uttered either in this House or in public meetings were to be converted into money, we would be very rich in this country. But it must be realised that words alone or words without action, are dead words. That is exactly what this Government is; it is "dead" because it has no action.

Mr. Temporary Deputy Speaker, Sir, we are told about the state of our children. It is as if it is a very good statement to say that 34 per cent of children under five years in this country are already stunted. Their physical growth is already interfered with by a variety of acts and omissions. The same paper says that 60 per cent of the Kenyan population are young people of 15 years and below and that the children under five years are within this group. It means, therefore, if you work your figures properly, you will realise that six million Kenyan children are stunted mainly because of malnutrition. We have seen some of these children die. It is a pity that a Minister of Government stands up and says nobody is about to die in North Eastern Province and Turkana District. When foodstuffs like vegetables and potatoes are rotting in Kinangop, and milk is being used to feed dogs, the Government cannot transport them to drought-stricken areas because of bad roads. In these areas children have developed abnormal bodies; they are stunted, and there are no measures to correct that situation.

Mr. Temporary Deputy Speaker, Sir, therefore, this paper, as I see it, is a catalogue of woes which the Government accepts, because it has no solution for them; it cannot provide development. The excuse given here is that since Independence and up to whatever year they have quoted in the paper, there was a growth rate of between 6.5 per cent and 5.9 per cent. If you look at the resources we had in those days in order to produce that rate of growth, they were far less than what we have today. Admittedly, the population has gone up, but it should have been accompanied by a growth rate that could sustain it. However, as it turned out to be, the growth rate went down because the resources, which are many times more than we had in those days, have been misused through corruption.

Mr. Temporary Deputy Speaker, Sir, every Minister of the Government is now crying. The money in the Fuel Levy Fund has been taken up by the contractors and the money allocated to buy medicine has been misappropriated. Even the money to control the spread of HIV/AIDS has been used by KANU during its national meeting at Moi International Sports Centre at Kasarani under the pretext that it was meant to inform KANU members about how HIV/AIDS would be controlled. However, it was a convention of all KANU delegates in the country and the money given to them was donated by international organisations in order to control the spread of HIV/AIDS in Kenya.

The Minister for Planning (Mr. Ndambuki): On a point of order, Sir.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, could you defend me because he has all the time to respond to all the speeches by hon. Members? Let me expound on my arguments and he will come up with his.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ndambuki, if you want to raise a point of order, obviously, I will allow you.

Mr. Michuki: It had better be a point of order!

The Minister for Planning (Mr. Ndambuki): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to say that HIV/AIDS' money was used by KANU to pay its delegates? Could he substantiate that?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, that is an issue you can deal with when replying to the Motion. Proceed, Mr. Michuki.

Mr. Michuki: Mr. Temporary Deputy Speaker, Sir, that is a very good example of how even Ministers of this Government are not disciplined enough to think before they talk. Who does not know about this money which was used at Kasarani? It is common knowledge. Do I have to physically bring people to this Parliament and repeat what they have told me about how this money was used?

Therefore, I was saying that we have more resources now. I remember that the first Budget after the Independence of this country was K£60 million, and it was able to produce growth. Irrespective of whatever population there was, at least, it did produce growth. Today, our Budget is between US\$3.5 billion and US\$4 billion. If you want to convert that into pounds, just divide it by one and a half. So, the resources are there, but the misuse is so much that there is no way this KANU Government can give anybody any hope, even in terms of the challenges that have been listed here, although they are a catalogue of woes which provide challenges.

Mr. Temporary Deputy Speaker, Sir, therefore, could this Government, whenever they come up with a paper like this, accompany it with the information relating to the resources they intend to spend, or set aside in order to meet the challenges they have elaborated in the paper? Otherwise, that will be just another Sessional Paper. Do you know what they will do next? They will appoint a Commission and a board to deal with the population issue, because the Government has been unable to do so; that is responsibilities and criticisms are removed from the Government to other institutions. The Government creates this and that commission to manage what is the work of a Minister. For example, the Government creates a Board to look after roads, because the problems of roads are so big for the Government that the criticisms must now shift from the Government to some other people. This is also because the Government has been unable to cope up with them. If we continue creating commissions and boards, what will the Ministers do? Every Board we create here is said to be "independent." There are so many Ministers in the Office of the President to make sure that

the Electoral Commission of Kenya, the Judiciary and Parliament are not independent.

So, this paper, like many others, has been produced for the consumption of donors and not Kenyans, because it does not represent the reality which we know exists within Kenya. For example, talking about the financial problems, like the high interest rates and so on, that is the problem faced by this Government. The Government wishes that drought continues so that they can get an excuse to do their own business. So, the explanations given in the paper for the economic downturn includes poor weather and uncertainties caused by the introduction of multiparty democracy, which this Government, including its own President, has never supported up to now. So, they must give an excuse, but it is not found in the Government.

So, they must give an excuse. The explanation is not found within the Government, and then they talk about these adverse circumstances, considered with financial imbalances, which led to a widening fiscal deficit, inflation and high interest rates. Who does not know what caused all these things? In 1992, the Government raided the Central Bank without even the authority of this Parliament and flooded this country with money, because they had to remain in power. There was so much money in circulation that there had to be some kind of mopping up of this money. This money had to be borrowed, and now it is standing at Kshs160 billion. At that time, Mr. Duncan Ndegwa warned that the situation in which we are would occur.

Now, instead of this Government admitting that they are the cause of this financial instability, they are now throwing it to the emergence of multiparty democracy. Therefore, they will never be able to solve their problems because, in the first place, they are not accepting the mistakes they have made, so that they can correct them. That is why in some churches, people go for confession to admit that they have erred and to seek forgiveness, so that they can start their lives afresh. This Government has not accepted that. They continue to cheat the population, and that is why I said that this Sessional Paper has been written for foreigners and not Kenyans, because we know the causes of all this. It is not even because of the drought. It is because the agricultural sector has been neglected. Where can farmers get credit, and where are the extension services of the Government in order to make it possible for production to go up in agriculture? If drought is so persistent, as you want us to believe, why is it that in good years, when there is food, like they did in Egypt, you could not keep something aside for that drought year? As it is, we have to import.

Mr. Temporary Deputy Speaker, Sir, in fact, it is as if Ministers of this Government want shortage of food like sugar, so that they can import it and sell it. Despite the fact that we produce so much rice in Mwea and Ahero, they want a shortage to occur so that they can import and sell. They have ceased to be public servants and instead, they have become dukawallas. Ministers of this Government have become dukawallas. Therefore, who is going to solve all these problems we have? The best thing is for this Government to resign and the Opposition side will show them how it is done.

With those few words, like Mr. Mwenje, very reluctantly, I do not think I can support this Sessional Paper.

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, we are talking about the population growth in this country. I know population in this country is growing drastically, and what we need is to channel it into working systems.

QUORUM

Mr. Kamande: On a point of order, Mr. Temporary Deputy Speaker, Sir. We have no quorum in the House.

The Temporary Deputy Speaker (Mr. Imanyara): You are quite right. There is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! We now have a quorum. Hon. Kimetto proceed!

Mr. Kimetto: Thank you very much, Mr. Temporary Deputy Speaker, Sir. Our population in this country is growing very fast. Population is an asset of a country. A country without enough population is poor because human resources are not available. So, I am of the opinion that our population should grow. The only thing that I would want the leaders of this country to do is to use this population in a proper manner for production of goods and services.

We have the fuel levy. The fuel levy should be used on the population of this country. We have very poor roads and we do not have enough food production. Why do we not use the fuel levy as well as with the population of this country to make roads? If the Ministry of Roads and Public Works could employ people to do the manual work in this country, they could produce a lot if we could pay them something little instead of leaving our youth idle in this country. If we can employ them and give them a little money to enable them to live, then this country will have good roads. We should use this population, which is growing very fast, to construct barrier lakes and dams and use their water

through the Ministry of Agriculture for irrigation.

Mr. Temporary Deputy Speaker, Sir, in our country, we are running short of production of tea which brings a lot of foreign exchange earnings to this country. We cannot use these people; in fact, we have not channelled their manpower into the production of tea. We cannot use this manpower in the production of coffee and other industrial items. Why do we not use the funds in the Fuel Levy Fund to enable people to work? If we can use this human labour in the Ministry of Agriculture, in conjunction with the resources in the Ministry of Water Development, then this country will not have the problem of unemployment. In one way, we, the leaders of this country, are not enabling our people to produce wealth. If we can channel the thinking capacity to these people, nobody will be idle. People are idle because we are not using them. If we could use them and pay them something small, then we can have a country with industrious people.

We have a lot of dropouts from primary and secondary schools and none of us has ever thought of what to do with these dropouts. The Ministry of Finance prepares Budgets every year, but do we make provisions for these dropouts in the Budget? What will the primary and secondary schools dropouts be given? How will they be made useful members of this nation if we cannot think of giving them jobs to enable them to live to the best of their abilities? We have sugar industries in this country.

*(Mr. Michuki consulted with officers
on the Civil Service Bench)*

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Michuki, I want to caution that people on the Civil Service Bench do not have an automatic right to communicate to the hon. Members. If you should do so, then you must do it in a way that you will not disturb the proceedings of the House.

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, we have sugar production in this country where we do not produce enough for the country. We could use these primary school dropouts in preparing the farms and planting sugar-cane, then after getting the sugar proceeds, we could pay them. This could involve everybody in production. We have thousands of people getting old without having done any job in this country. This Government is not coming up with what is to be done for the people. We are here to do the planning part to make the people of this country industrious. If we cannot do that in one way or another, the Government might be ambushed by the idle people because they also need something to eat.

Mr. Temporary Deputy Speaker, Sir, I am telling this nation to create an enabling environment for everybody to work. We have the arid and semi-arid zones. These zones could be used for the production of so many things. We have a lot of people in the western part of Kenya, and there are arid and semi-arid zones in the North Eastern Province. Why can we not channel the manpower of these idle people in Nairobi to the North Eastern Province and produce something which can be produced in the arid areas? For example, Egyptians live in arid and semi-arid zones, but they are producing a lot of food, just because their Government has created an enabling environment for them to produce. Why do we not make these arid and semi-arid zones production zones? Why do we not use the Ministry of Agriculture to produce food instead of importing some foodstuffs from South Africa or from the United States of America? Why do we not use the human resources here to produce foodstuffs?

It has also been said that sex should be taught in primary schools. I am of the opinion that because there is a subject in primary school called biology, teaching sex education will be duplicating this subject. We should not teach sex---

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that we want to teach sex in schools. Could he substantiate what he has said? We want to teach sex education and not sex in primary schools.

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, that was what I meant. I meant sex education. I meant that sex education should not be taught in primary and secondary schools. This is because there are subjects called biology and human biology which are being taught in primary and secondary schools. If we will teach sex education, students will need experiments. The way we do experiments will not be all that good for school children. There are some pupils who are very much indisciplined, and they may ask the teachers to experiment for them to see. This will be very difficult for a teacher to do. There are some inquisitive boys and girls, and they might ask the teacher to give them the practical sex education. This should not be done completely.

Mr. Temporary Deputy Speaker, Sir, I request this House to leave sex education out of the primary school syllabus because teaching it will be duplicating biology and human biology. The teachers should know how this should be done. So, introducing sex education in primary schools will be a straightforward exposure of teachers who will be teaching it to doing something which is very awkward.

I also have an argument here that it has been said that all men of about 60 years old should not be allowed to

marry. I am of the opinion, and I must be understood by everybody, that all men marrying at the age of 60 in our own tribes is a straightforward way of giving gifts to the young girls. If these old men have land and property, then how will they distribute their wealth other than by marrying these young girls? It is one way of disposing of the property to the young. These young girls are told that they belong to that family.

Mr. Temporary Deputy Speaker, Sir, I want to tell everybody that people at the age of 60 who never married at their youthful age can be given an allowance to marry even at the age of 90. That is my understanding.

An hon. Member: Can they deliver?

Mr. Kimetto: In the event of customary marriages and what we call bringing the level of customary marriage to one unit, I would request this House not to---

Mr. Ngure: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House? We only talked about

16 years as the minimum marriage age of a girl, but there is no upper age limit for the men.

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, I was saying that I must be understood. The old men of 60 years and above should continue to give their "gifts" to the youthful ladies in terms of farms. That is my understanding, and let the Member be informed.

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we need your guidance. Do we really need to listen to the misleading information the hon. Member is giving?

The Temporary Deputy Speaker (Mr. Imanyara): What misleading information did he give the House?

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, I was just telling these people that they should not be---

Hon. Members: We are not people!

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, I was just telling the hon. Members of Parliament in this House that if one lives up to the age of 60 years and above, then he should be allowed to continue marrying girls as young as 16, as long as one's customary laws allow it. This is because there are customary laws for each of the 42 tribes we have in this country. We should not have one "tape measure" to measure all the marriages in different tribes. We should go by the customs of each tribe, which consolidate the existence of each tribe. Each tribe has its own practices as far as customary marriages are concerned, and they should be respected. There are some customs which allow people to marry at a certain age.

There are also some customs which allow some people to inherit certain properties. So, if we discard our traditional customs, then we ought not to be part of our own communities. In other words, we are consolidating the customs of the entire 42 tribes of this country, so that they can all be one.

Mr. Temporary Deputy Speaker, Sir, leaving alone the issue of customary inheritance, the land laws are very important. If we bring these land issues to this House without consulting the customs, we shall find that sooner or later, our lawyers will face problems in settling cases. Let these land issues go first to the customs and know how they are developed. Then from there, these land issues can go to the national level.

Mr. Temporary Deputy Speaker, Sir, coming to the international level, there is importation of every type of car in Kenya here.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Kimetto, Standing Order No.87 requires you to be relevant, and so I caution you.

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, I was talking in relation to the population of Kenya. I was saying that what we are importing now should be "dismantled" by part of our population. Our scholars and researchers in the universities should come up with their own indigenous cars in the near future. We have the engines and part of the population should come up with their own cars through reassembling and dismantling these imported cars, so that sooner or later, we should be fully industrialised. If this is not done, then unemployment rates will continue soaring. If this is done, then we will create employment opportunities.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Kimetto, I just have to read to you what the Motion is:

"THAT, this House adopts Sessional Paper No.1 of 2000 on National Population Policy for Sustainable Development laid on the Table of the House on 27th April, 2000".

Please, be relevant to the Motion.

Mr. Kimetto: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I was singling out development. Why should we be importing cars? Why should Kenyan scholars and researchers not dismantle and reassemble the parts of these imported cars and come up with their own cars?

An. hon. Member: And if the population is low---

Mr. Kimetto: If the population is low, without development, then how is it going to be done?

(Laughter)

It is one way in which I am trying to give you my ideas.

Mr. Ngure: It is negative!

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, it is positive to the population and development. How can Kenyans import commodities, and yet they do not know how to use them? Some of us are using ten-year old vehicles and yet the law allows a company that has been in existence for ten years to dismantle and reassemble such a car. This is development for posterity purposes. Why do we not have the engineers to do the job? They should work on them.

Mr. Kibicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Member on the Floor is still being irrelevant after you have ruled him out of order.

The Temporary Deputy Speaker (Mr. Imanyara): I have cautioned him. Mr. Kimetto, continue.

Mr. Munyao: On a point of information, Mr. Temporary Deputy Speaker, Sir. Recently we read in the Press that the hon. Member on the Floor wants to be a contender for the Presidency. I think it might be in order for him to go round the point instead of being irrelevant. He is also getting acquainted to using that particular post which he intends to stand for.

(Laughter)

Mr. Kimetto: Mr. Temporary Deputy Speaker, Sir, I was just explaining how we can develop our population scientifically, socially and materially, so that Kenya can be brought on its two feet. This is in terms of running this country with machines.

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

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I would like to record my support for this Policy Paper. Having gone through it, at the level of analysis, the Paper actually captures the problems and obstacles, and correctly analyses what is to be done. So, purely at the level of analysis, it is a good Paper, and I would like to support it.

Having said that, there is greater dichotomy between analysis and---

The Assistant Minister for Tourism, Trade and Industry (Mr. Ekirapa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Kitui Central in order to carry an offensive weapon in the House?

Mr. Munyao: You wanted her to leave it here? Do you want to take it or what?

An hon. Member: Do you want her to come back?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Proceed, hon. Muite!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, anyway, I was saying that, there is greater dichotomy in this country, particularly with regard to this Government, when it comes to excellent Papers and analysis. There is great dichotomy between the analysis and the implementation. Excellent Papers are worked out by the Government, but they are never implemented. So, even when those policy Papers actually anticipate the difficulties and problems that will be encountered in the implementation correctly, one does not get comfort that there is appreciation on how those obstacles will be resolved, in order to have them implemented.

Through you, Mr. Temporary Deputy Speaker, Sir, this is what I would like to tell the Minister incharge of the Ministry; that, in terms of the analytical level and capacity to anticipate difficulties, the Paper is good. But where are the proposals of how those difficulties will be overcome in order to implement the Paper? When I said the Paper is good in terms of analysing the difficulties, when one looks at the very beginning, on page one, one sees that the problems addressed in this document are issues of environment, poverty and others. So, the Paper does appreciate that poverty is one of the major obstacles that have got to be overcome before you can have a true implementation that will bring fruits in terms of implementing the recommendations of this policy. One does not see the proposals on how the issue of poverty will be resolved.

I would like to say that it is true, when people are poor and they are living in abject poverty, each day is a struggle to live. To persuade those people even to adopt sensible family planning methods is like talking to stones. It does not mean anything because it is not their priority. It is like trying to tell people who are very poor in slum areas not to indulge in unprotected sex because they will catch AIDS. In any event, some of those women will die of hunger! The attitude is: "Let me eat today by selling my body rather than wait and die of hunger, anyway." So, it is true, as many speakers have demonstrated here, that the most effective family planning method is education and raising the socio-economic situation of a population of a given country. That, in the long run, should be the ultimate objective that we should seek to achieve. I agree it is an interim measure as we work towards the economic empowerment of our

people, there are certain short and medium measures that need to be taken to protect our people. But in the long run, the implementation of an effective family planning method should be towards achieving a situation where a majority of the Kenyan people live in dignity and free from want. It is a fundamental and human right for every Kenyan to live in dignity and free from want. Living in dignity and free from want means that it is the right of every Kenyan to have a decent owner-occupied house. About 98 per cent of our people should own permanent stone houses with water and electricity. They should have adequate food and income that is sufficient to educate their children. They should be able to afford health services. Those who cannot afford health services should have access to health services. We should have an economy that absorbs our young men and women when they finish school.

When we talk about economic development, those should be the objectives. The nature of the economic development is the socio-economic situation in which a majority of the people live. We must have an infrastructure in terms of roads and railways, which is able to transport people and goods from one place to another. If you go to any developed economy, the first thing to notice is the railway network that makes it possible for people to move, within a very short period, from point (A) to point (B). Public transport, roads and energy are some of the issues that are not sufficiently appreciated in the Paper. When we talk about poverty, how will we eradicate it? You cannot eradicate poverty without economic growth. You must come up with policies that actually bring about economic development. We must have growth in the economy. How can you have growth in the economy in Kenya today, with taxation running up to 26 per cent? That is one of the highest rates anywhere in the world. Certainly, it is the highest rate of taxation in the region. If you want to have economic growth, you have got to reduce that level of taxation. This is because the economic growth cannot form savings. It is when people are able to pay for education, food and everything else; and their incomes are such that they are able to save and invest, that the economy can grow. We are not going to have any savings in this country as long as we have got the high rate of taxation and interest rates. One does not see economic policies being developed by the Government that would encourage economic growth.

Therefore, without economic growth, you will not be able to realise implementation of the policies that are correctly captured in this Paper. So, I would say that economic development underpins any successful implementation of this policy. Without that economic policy, which is integrated and would result in economic growth, this will amount only to a Paper that will gather dust. It will not be implemented, and will not help anybody in achieving the objectives that the Paper seeks to achieve.

Mr. Temporary Deputy Speaker, Sir, on pages one and two, one sees an appreciation that during the implementation of this policy, mechanisms will be put in place; in the country's action plan to address envisioned setbacks in regard to this policy. Again, one would have preferred to see, instead of a promise that mechanisms will be put in place, and for the Paper to be credible, the proposed mechanisms which the Minister has in mind, to address the envisioned setbacks in regard to the policy. Where is the schedule and proposals of those mechanisms so that we can know the Ministry is serious, and it has correctly addressed the setbacks, roadblocks and obstacles that would be faced, and the suggested solutions to those obstacles? When the Minister rises to respond, we would like to see elaboration of the mechanism that his Ministry has in mind for addressing the obstacles.

Mr. Temporary Deputy Speaker, Sir, some of the obstacles that are set out again in this Paper are the setbacks to development, which include poor planning, poor investment priorities, misappropriation of public funds, resource mismanagement, inappropriate land policies, nepotism and the displacement of people due to ethnic disturbances. Actually, they were not ethnic disturbances; it was ethnic cleansing being pursued as a policy. So, when they say that this is one of the obstacles, and they have got policies which will be put in place to address some of these setbacks--- Now, where are the policies relating to the resettlement of those who were deprived of their land everywhere in the country; payment of compensation, and the resettlement of those people? Those policies should accompany this Paper.

Again, the Paper correctly talks about inappropriate land policies. It is actually not "inappropriate land policies". I would like to say this to the Minister, through the Chair, that it is not inappropriate land policies! In fact, this Government has no policy on land and land use. I am glad that, at least, there is an appreciation that, correct policies on land--- I would urge the Minister to include also the use of land; that the development by the Government of land and its use is critical to economic development. That policy needs to be evolved, debated in this House and be disseminated to all Kenyans. We have never developed a policy on land.

Today, people are talking about what is happening in Zimbabwe, but the genesis of what is happening in Zimbabwe, of course, goes back many years. Our situation may not be identical to that of Zimbabwe, first of all, because very many White farms were bought out on willing-seller, willing-buyer basis back in 1963. But at that point in time, we failed to evolve a comprehensive policy on land and land use. Up to now, we have not developed one. If the policies being set out in this Policy Paper are going to be implemented, one of the necessary pre-conditions is that, we must now develop a policy on land and land use. These are issues that need to be addressed. In order to develop that policy on land, I would probably urge that the Government considers the appointment of a tribunal to go back to 1963, and look into the ownership of land and use of land. We need a comprehensive policy on land.

Mr. Temporary Deputy Speaker, Sir, for example, we have said many times that, public land is held on trust for the Kenyan people. That has to be the starting point! That, the Government of the day holds public land--- What you call Government or public land has no distinction. The Government holds that land as trustee for the people of Kenya. There is a trust here, and it cannot be right that the Government of the day has the right to behave in an arbitrary manner in the allocation of public land, simply because it is Government land.

Mr. Temporary Deputy Speaker, Sir, today, we have many situations where two Kenyans will wake up in the morning, both poor, but in evening one of those two Kenyans has got a letter of allotment for a public land which he will then proceed to sell to a rich Indian for Kshs30 million, and he or she puts the money into his or her pocket. That, as I am submitting, is a breach of the trust on which the Government of the day holds that land on behalf of the Kenyan public.

Mr. Temporary Deputy Speaker, Sir, we have seen the whole of Upper Hill here in Nairobi, and in all urban centres; valuable urban properties like houses, being condemned. Because the property is said to be Government land, it is allocated to an individual. An acre of land in Upper Hill, with a house, which is condemned, is allocated to an individual who is even paid money for its demolition and the following day, that land is sold for Kshs40 million, to Kshs50 million and the money goes to an individual's pocket. This is a breach of the trust on which the Government holds land on behalf of the Kenyan public because, if there is any public land which the Government, for whatever reason, does not need, the correct way of going about it in order to discharge the obligations of the trust which is vested in the Government of the day, is to advertise that land and sell it to the highest bidder so that the proceeds of sale can go into the Consolidated Fund in order for each and every Kenyan to benefit equitably.

Mr. Temporary Deputy Speaker, Sir, where is the justification, and what right would I have as a Kenyan to be allocated a piece of land today, and I sell it tomorrow and pocket Kshs40 million to Kshs50 million? Where is the equitable distribution of resources, and what right do I have, more than the next Kenyan? So, when I say that this Government has not developed a policy on land, these are some of the issues that we are talking about. Forest land is being allocated to individuals.

Mr. Temporary Deputy Speaker, Sir, we have a forest at Kinale where an Asian has a sawmill; I am not being a racist. Recently, this Asian was allocated 120 acres of virgin forest land. On these 120 acres, there are workers who have been working for him on this sawmill since 1957. They stay with their families there; some of their grandfathers and ancestors died, and they were buried there, and the Asian is allocated this land for free. Why? What justification does he have? The next thing, he is asking these squatters to pack up and go. Where is the justification? Having done that, he then advertises the land in the papers inviting people to come and buy it. The land in that area is next to the main road, at Uplands, and one acre is going for Kshs1 million. So, he will collect, at least, Kshs100 million, put it in his pocket and get out of the country. This lack of policy on land and land use is a major constraint to economic growth, and to any possible implementation of the policies that are set out here in this Paper. So, I would urge the Minister in charge of land to tell his Cabinet colleagues that, in order for the objectives that are set out in this Paper to be achieved, a comprehensive policy on land ownership and use has to be developed and become the law in Kenya.

Mr. Temporary Deputy Speaker, Sir, are we going to put a ceiling on the amount of land one individual should own? That is an issue that has got to be addressed. We need to address the issue whether every Kenyan has the right to buy land in any area of this country on willing-buyer, willing-seller basis? Or are we saying that the land in the Coast Province can only change hands between people in Coast Province? These are issues that we need to address! If we are going to have economic growth, we must debate and agree that, it is the right of every Kenyan to buy land in any corner of Kenya and to live there, and that the individual property rights are going to be respected.

We must then talk about land dues. Why do we not introduce taxation and declare that if one owns land, then one must exploit that land? These are issues which we must address. We have got so many people who do not own even a square foot of land. We have got many squatters in this country, and yet we have got chunks of land owned by individuals and companies. All these issues have got to be addressed and resolved, if we have to realise economic development and economic recovery. If we are going to resuscitate the economy, then we need a comprehensive approach to the management of our economy and public affairs. We are talking about poverty reduction, provision of education and creating employment, but how are we going to experience economic development with the insecurity that is prevalent in this country? Nobody is going to invest money in this country as long as insecurity remains at the level at which it is. It does not matter how much we are going to preach to people to invest in our country; they are not going to invest here merely because we have sent representatives to Europe to hold seminars and conferences, inviting them to come and invest in our country. They do not respond to those sort of oral representations. They have not made money because they are careless, but because they are very shrewd business people. They send people here to listen through the grapevine because they want to know how the situation is. When they wake up and read that so many Kenyans from Pokot were killed when they were coming back from Uganda on a cattle rustling mission, they are not going to invest in this country. Who is going to invest in this country when insecurity has reached the levels it has reached? When we hear

of pitched gun battles going on in Isiolo for four days, one begins to wonder how anyone can come and invest in this country. So, if we are going to have economic development, then we must take a holistic approach to the management of our affairs and, in particular, the management of the economy.

Mr. Temporary Deputy Speaker, Sir, there are people today who are jubilant that the International Monetary Fund (IMF) is here, and that it is likely to recommend resumption of aid. I have no objection to the resumption of aid to this country, but that aid is utterly irrelevant to economic recovery in this country. It is not going to make any difference to the resuscitation of the economy. It is by embracing the correct economic policies that we are going to regain confidence in this country and hence create savings and investment. Without this, nothing is going to happen! Those who are naively saying we can delink economic reforms - by having retrenchment in order to experience economic growth - from constitutional and political reforms are day-dreamers. A constitutional political stake settlement which enjoys the widest possible consensus from a majority of the Kenyan people is a condition to the resuscitation of the economy. Constitutional and political reforms must go hand-in-hand with economic reforms, retrenchment and the reforms that are being proposed here. So, failure to see this necessary nexus---Some people believe that since we are going to receive aid, economic development will be experienced. That is not going to happen. That money will end up not assisting the poor Kenyans, which it is intended for.

The correct indices of an economy that is developing is a condition in which a majority of people are living in. The measure of economic growth is not that we are holding inflation to a single-digit level; that does not mean anything to anybody. We want to see job creation, working infrastructure and a people who are able to live within the salaries they are getting. We want to see actual benefits to the ordinary man and woman in the village. These are the correct indices as to whether there is economic development or not. The underpinning condition for the implementation of this is the economic situation. If that is not there, then we are indulging in an exercise in futility.

Mr. Temporary Deputy, Speaker, Sir, if we are going to take the Government seriously, then it must not pass the buck by claiming that part of the reasons why the economy took a nose dive was the introduction of multipartyism. In fact, the Government must genuinely embrace democratic culture. It must accept the facts of multipartyism, instead of saying it gave in to the demands for multipartyism because of donor pressure. We have heard the Chairman of the ruling party, KANU, saying that he allowed multipartyism in 1992, but he wants 99 per cent of the people to be in KANU and that those other parties should be marginalised. So, effectively, what he is saying is that he has not accepted multipartyism. He wants to continue with all the structures of the one-party totalitarianism and, at the same time, create a perception for the purposes of the donors and the World Bank, that Kenya is a multiparty State. But in practice, he has made it completely impossible for multipartyism to take root in this country. If we continue with that trend, then we are not assisting in the creation of a foundation that is going to bring confidence and economic development in this country. So, all the other policies will, in fact, result in giving us the worst of both worlds. At the end of the day, we need to come up with a balanced and combined approach of both the political and constitutional reforms and economic reforms in order to achieve the objective. The objective should be economic growth. If that is not there, then all the other efforts will be futile and the poverty affecting our people will increase. Poverty increases as we continue to close the doors for a fair competition for political power in the market place.

The Temporary Deputy Speaker (Mr. Imanyara): I must point out that the Speaker has allowed this Motion arising out of the Question by Private Notice No.3 of 19th April, 2000, and not 19th March, 2000, as indicated on today's Order Paper.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.18(1)

SECRET SESSION OF MAKUENI
DISTRICT EDUCATION BOARD

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that this House do now adjourn in accordance with Standing Order No.18(1), read in conjunction with Standing Order No.17(4).

The Temporary Deputy Speaker (Mr. Imanyara): Every Member contributing to this Motion has 10 minutes. Proceed, Mr. Munyao.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, I will be very brief so that I may allow several other Members to contribute to this Motion.

Mr. Temporary Deputy Speaker, Sir, the reason why I sought this Motion of Adjournment was because of the unsatisfactory answer we received on that day. I must tell the Minister who answered at that time, and whom I respect very much, that I have got no other reasons for bringing up this issue. We are friendly to his officers in the field and we want a good working environment in that area because we are talking about parents and children. We are proud of the

success which we have so far got in Makueni District. That is the reason why we want the District Education Board (DEB) meeting with the officials.

Mr. Temporary Deputy Speaker, Sir, on 27th March, we had a DDC meeting from 10.00 a.m. to 5.30 p.m. Just half-an-hour before rising, I stood up and told the DC, who is the Chairman of both the DDC and the DEB, that our district had not held any DEB meeting for the previous three years, and yet, we had seen a lot of activities related to the DEB. I asked him to fix a date for the next DEB meeting because that was a DDC meeting and we could not hold the same. At that time, the DC stood up and told us that the DEB meeting was scheduled for the following day; that is, on 28th March. Hon. Mboko, Member for Kibwezi, stood up and informed the DC that the following day was going to be the State Opening of Parliament and it was going to be opened by His Excellency the President, and that all Members of Parliament were required to be there, while they were also members of the DEB. He asked him to postpone the DEB meeting to another day. In any case, every event affecting Members of Parliament should either be held on Monday or Friday. The DC stood up and said that he was not aware that Parliament was going to be opened the following day, and he postponed the DEB meeting up to Monday, 3rd April, 2000, and we all left very happy.

On 3rd April, 2000, I accompanied hon. Mboko and a few other Members to the DC's office, Makueni. We waited for the meeting at the boardroom, but it was never to be. Then, we went to the Chairman of the DEB and he told us that the meeting had been held on 28th March. I asked him why he did that despite the fact that he had confirmed to all the members of the DEB that the meeting had been postponed. He told us that there were burning issues to be discussed. In fact, even the Minister had sent the Provincial Director of Education (PDE) to collect that information because it was urgently wanted in Nairobi. We have got no other reason for bringing up this Motion, and we are going to follow up this matter if we are not satisfied today with the answer given by the Minister, in accordance with the Standing Orders. We can bring it even during the Finance Bill.

Mr. Temporary Deputy Speaker, Sir, the intention of this is that the DEB has not been held for the last three years. We know Makueni District performs very well and we are very happy as leaders and parents in that area. But we wonder what would have been the reason for the DEB meeting to be held in secret, in the absence of the other members.

We do not want to wash our linen in public, but we only want the Minister to direct that the DEB meeting be held in Makueni in the next two weeks, properly composed and notice given. We want to go there and say all that we want. We know there are some resolutions which were arrived at in that secret meeting of 28th March. We also want the Minister to suspend those resolutions because most of them affect collection of money from parents.

In Makueni District, children are always sent away every morning to bring money, ranging from Kshs1.00 to Kshs10.00.

Mr. Temporary Deputy Speaker, Sir, even if those students are sent home to collect Kshs10 only each, the about 250,000 pupils Makueni District has will collect a total of Kshs2.5 million from their parents. We do not want to go into all these details. As leaders, we would like to be called to a meeting, so that we may decide what to do. Depending on the need for that money, we might even decide that every parent pays Kshs100 instead of the Kshs10 each pupil is being required to pay, knowing well that it would be for the benefit of our children. All that we are asking for is our involvement in making such decisions as the political leaders of that area. So, I would like to ask the Minister for Education to be very sober as he replies, and consider directing the Makueni District Education Board (DEB) to meet in the next two weeks. That meeting will be safe and things will be okay. We, the political leaders of that area, will co-operate with all other members of the DEB.

I would like to take this opportunity to congratulate the teachers of Makueni District, and those within Ukambani area generally and in other parts of Kenya, for their good performance over the years; we appreciate their commitment. We would not like to criticise them. However, we would like leaders - and particularly Members of Parliament - to be involved in decisions taken by the DEB. I do not see why Members of Parliament should be excluded from such meetings, yet their support may be required in other areas. We want to support teachers, but parents should also be involved in the decision-making process.

Mr. Temporary Deputy Speaker, Sir, as I said, I would like as many hon. Members as possible to have a chance to discuss this issue. So, I would like the Minister to consider suspending the decision taken by that particular DEB meeting, and also direct the circulation of copies of that meeting's minutes to all DEB members, including Members of Parliament, so that we may know what was discussed at that meeting before we attend the next one. As of now, there is no record of any DEB meeting held in that district for the last three years, yet parents are still being taxed. This is a very genuine request. As you may have noticed, I am very humble, unlike in previous days. So, I would like the Minister to be in a similar spirit; that is what all of us need.

With those remarks, I beg to move.

(Question proposed)

Col. Kiluta: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion, which is very dear to the hearts of most hon. Members who are in this House right now.

Education is one of the things that I support. If you go to my constituency and check, you will find that I am a very strong supporter of educational activities, and that I hardly miss any DEB meeting. I stand here to support the sentiments expressed by hon. Munyao because, it appears to us as if there was an ulterior motive in that particular DEB meeting, which was held in the absence of area Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, Mr. Munyao did not tell this House that the District Education Officer (DEO), Makueni, has been transferred to Machakos District, and that his Machakos District counterpart has been moved to Makueni District. This happened because those two officers have got godfathers here. The Minister must understand what I am saying and take action. Those two officers are being over-protected. Their records, in fact, show that they do not even qualify to be DEOs.

At the moment, this is what we are suffering from in Ukambani; people who are not qualified are promoted. To be promoted to be a headmaster of a secondary school, you only need to have Kshs60,000. That is why the education standard in Machakos district has gone down. Education standard in Machakos District has declined to the lowest level it has ever been because of "godfathering". It is time - I think the Minister will agree with us - that if you are not qualified, you do not deserve to be a DEO or a headmaster. You should go back to your rightful place.

Secondly, I would like to say that when you transfer the same officer from Makueni District to Machakos District, you have not solved the problem. You know him. We were complaining about the DEO, Machakos District, who was transferred to Makueni District, and the people there know him. What problem have you solved?

Mr. Temporary Deputy Speaker, Sir, we authorised Kshs15 to be charged per child in Machakos District, which totals to over Kshs5 million. It is shocking that after collecting the money, the DEO was transferred. Where do we get our money from, which was collected for the whole of last year? I hope that somebody will not collect money from parents in Makueni District and move away with it. I would like to inform this House that this money was meant to run the examinations and supervision of schools. We do not know how we will account for it.

I think the Minister should take this issue seriously and find ways and means of reversing some of these things. He should also make sure that we get the right DEOs. When we went round, we were told by the Ministry of Education, Science and Technology that the money which was collected from the parents must be used to settle electricity bill, water bills, telephone bills and repair vehicles. Surely, if the Government cannot pay for these facilities, then we should scale down the Ministry of Education, Science and Technology and end up with a manageable Ministry. This is because I do not see why parents should contribute money which is, in turn, used to run the Ministry of Education, Science and Technology. I hope that he did not just pay those bills, leaving us without money to do the things which we wanted to do.

The other thing that the District Education Board (DEB) has let us down on is the standard of education. I know that Makueni District has been doing very well in the Kenya Certificate of Primary Education (KCPE) examinations. I would like to inform this House that we, in Machakos District, were doing very well after scooping position two in the Republic of Kenya. I wish the people of Makueni District the best of luck with the same DEO who has been transferred there. We moved from position two the previous year, to position seven last year, and this year, we are supposed to move from that position to below position 10. Now that he has been transferred to Makueni District, we wish them the best of luck. Our standards of education in our secondary schools have gone down simply because we got a DEO who could not supervise a secondary school headmaster who is a graduate. We have raised this issue time and again. We have always said that a DEO who is subordinate to a headmaster should not supervise him because the headmaster will never respect him. So, because of this problem, headmasters in our secondary schools have decided to do whatever they want.

Mr. Temporary Deputy Speaker, Sir, we held a heated meeting last time, where we invited headmasters of secondary schools in Machakos District, and one of the issues that they raised was that they did not want those people to visit their schools to inspect them because every time they went there they asked to be provided with lunch and fare. They asked us: "Where do we get the money from?" So, if a DEO goes to inspect a school and he does not have money, then he can as well stay where he is. We will not fund the DEOs. We will also not end up with some unqualified teachers and DEOs running this system.

Mr. Temporary Deputy Speaker, Sir, let the Ministry come up and give policy guidelines on this issue. I am sure that once that is done, we will put education back to where it was.

Mr. Temporary Deputy Speaker, Sir, in order to give everybody a chance to contribute to this Motion, because we have got only one hour, I will give Mr. Maundu a bit of my time so that he can contribute.

An hon. Member: Unafikiri hii ni mali ya Ukambani?

Col. Kiluta: Mr. Temporary Deputy Speaker, Sir, with those few words, I support the Motion.

Mr. Mboko: Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion. The purpose of

supporting this Motion is not because we are trying to be seen to be fighting the education system in Makueni District; far from that. The idea is that as leaders of Makueni District, we must be part of the DEB composition in that district. What has been happening is not known to anybody. Even my colleague from that side, the Minister, can support me on that issue; that, since 1999, no hon. Member has been invited for the DEB meeting. What is that secrecy in the DEB? It is very simple; that is the only way for those officers on the ground who want to use the DEB to raise funds for their private use. You may not understand that the last DEB was held in secret while we had been promised that it would be postponed. A lot of issues were discussed, like raising money for school buses. They are raising money for school buses without the involvement of the leaders. What is more important in a DEB; to raise money for buses, or money for school laboratories? Is it really important to raise money to maintain the DEO's vehicle, his office and those of his officers in the district?

Time and again we have said that if - by creation of jobs and this department - the Government is not in a position to maintain the officers, let them be sacked. We cannot pay tax to the Paymaster General, and pay the tax again to the DEO at the grassroots level. This is impossible. We pay for the development of our schools, books and any other infrastructure in the school, and yet the DEO wants money to line up his pocket. There is no fight here. We are talking on behalf of the parents. When we charge Kshs20 per child for evaluation tests from standard one to eight, and that money is paid in January; how much is it per year? Why should it be paid in January and not in the third term, and yet these evaluation tests are done in November? When we pay this money it is never accounted for. We are never called to be given an explanation on how the money was spent.

Mr. Temporary Deputy Speaker, Sir, we appreciate that Makueni has been doing very well and we shall continue doing very well if the leaders are properly involved. We do not want to be seen to be fighting anybody. Let them come clean, and we will support them. We will even conduct a Harambee for them, but they should not overtax the parents. Any resolution made on 28th March, 2000, at this DEB should be rescinded, and let the Minister take note of that. If it is not rescinded here in this House, we shall incite the parents not to pay. That should be taken seriously because we are the ones who give them the green light on which direction to take in the district, and not a few civil servants who come to make themselves rich in our district. We are not going to take that. What was so urgent that since the PDE was present in Makueni that day, nothing could be postponed?

Since 1998, not a single minute of the DEB has been given to us. Nothing has been given to us. What is so secretive about these meetings? When we are called to give money for Harambees, we go there and contribute generously, but those who want to collect our money do not come. When these meetings are held, we go and support the educational projects. I am talking with a lot of bitterness because our Makueni people are poor; they live on relief food, and yet they are being told to finance luxuries like buses.

How can you ask a parent who is not even able to feed his children to contribute money to buy a school bus? Some of these projects were started a long time ago and they have never been completed. We shall never see their completion, and yet, a lot of money is being allocated for them.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I support this Motion.

The Temporary Deputy Speaker (Mr. Imanyara): It is now time for Mr. Karauri to respond, but you may give Mr. Maundu some of your time, if you so wish.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, let him take three minutes of my time, so that I can respond properly.

Mr. Maundu: Thank you, Mr. Temporary Deputy Speaker, Sir, for pleading for my case. I think this is a very important matter. It has created controversies within Makueni and Machakos districts. This is because, as members of the DEB, when a meeting was supposed to be convened, and we agreed with the DC during a DDC meeting, it appeared like the DC himself overwhelmed the DEO and a meeting was held secretly. This matter is regrettable.

Mr. Temporary Deputy Speaker, Sir, as far as Makueni District is concerned, and for the last seven or nine years I have been an hon. Member, the standards of education have been very high. We have done very well because of the co-operation between the DEO, teachers and parents. They have worked together to achieve very high standards of education in the district. That is why we are the pride of our region and the country. Therefore, this particular mistake should never be repeated. I think the DC, being the chairman of the DEB, should not influence the DEO to do things that will continue to compromise the standards of education we have set, particularly for our region and the country.

Mr. Temporary Deputy Speaker, Sir, the transfer of the DEO from Makueni District should not be used as an excuse or an apology. The service of that particular DEO in Makueni District is not required anywhere else. He had started certain programmes that he thought were useful for the people of Makueni District. We plead with the Ministry of Education, Science and Technology to take him back to Makueni District. This is because, if he had collected some amount of money for the purpose of implementing certain programmes, we, as the leaders of Makueni District, would

like to see that the money is properly accounted for, and not to the detrimental of poor parents who have made serious contribution for the purposes of education in the district.

Secondly, we have had problems with our zone. The Ministry of Education, Science and Technology is a little haphazard in the manner in which they tell DEOs and other education officers to consolidate zones. I am asking the Minister to consider that fact.

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

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, in response, I wish to agree with what hon. Members have said. But on the question of the DEB meeting having been held secretly, it is not true. Hon. Munyao would agree with me that he asked for postponement in the meeting of the DDC which was held on 27th April, 2000.

Mr. Mboko: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to imply that hon. Munyao asked for the postponement of the meeting when, in the first place, we were not invited for that meeting?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, hon. Munyao himself has said that he asked for a postponement in the DDC meeting, and he said hon. Mboko was in that meeting. I am surprised if he was not there.

Mr. Temporary Deputy Speaker, Sir, so, what transpired is that the DC appeared not to have accepted the postponement of the meeting. He has denied that he accepted it. On the resolutions that were made by the DEB meeting that met on 28th April, 2000, I will table a copy of the minutes here, so that hon. Members of Parliament will peruse them if the DEO did not give these to them.

(Mr. Karauri laid the document on the Table)

Mr. Temporary Deputy Speaker, Sir, what was resolved in that meeting is legal because all members of the DEB, except hon. Members of Parliament, attended. I am not saying that I am not going to order a DEB meeting. I will do so within two weeks, but before the end of this month. I would urge all hon. Members of Parliament from the district to attend. I will ask the DEO to always write letters to hon. Members because they must participate in the development of education in the district. We need them and their support. However, hon. Members should go to the DEB meeting with an open mind. The DEB meeting is also attended by other leaders and the views of hon. Members may be rejected.

Mr. Temporary Deputy Speaker, Sir, regarding the resolutions reached at the DEB meeting, when hon. Members attend, they present their views and if the majority of the members reject them after voting, I am sure hon. Members would agree with me that they are finally adopted as resolutions and they would be the views of the DEB.

Mr. Temporary Deputy Speaker, Sir, hon. Kiluta talked of the DEOs, both in Machakos and Makueni, being unqualified. Even without being in the Ministry of Education, Science and Technology, I am sure you would not agree with that because Makueni District is currently the best in KCPE results in the country. It has been the best for a number of years.

Machakos District has also been among the best in the country, and if those officers are not qualified and doing well, then, how do they get those trophies for being the best in the country? So, there could be some misunderstanding between Members and the DEOs. It is good that we know exactly what is happening on the ground, but the final performance of children in their exams is what finally matters.

I agree that we had transferred--- We thought that hon. Munyao and other Members were complaining about the DEO in Makueni not inviting them to DEB meetings, or consulting other leaders when making decisions about the levies to be collected in that district. So, the DEOs for Makueni and Machakos swapped places. We thought that, that was the best solution, so that when they call for this other meeting, there would be a new officer with whom they can discuss these matters.

Mr. Temporary Deputy Speaker, Sir, when a DEO is transferred, it is a person who is transferred. If any money has been collected, it remains in the office and is accounted for. Hon. Members belong to the DEBs of their respective districts. If they are questioning the manner in which money has been spent, they should be given a breakdown.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. There was no request whatsoever from the leaders of Makueni for the DEO for Makueni to be transferred to any other station, nor was there any complaint, other than the fact the DEB meeting was not held as per the request of the Members.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, Sir, he should have asked me to allow him to rise on a point of information, which I would have refused because he would just be taking my time. Regarding the levy that has been collected, because Members have alleged

that it could run up to Kshs5 million, it was recommended in the DEB meeting that each child in primary and secondary school pays a levy of Kshs10, and that would amount to about Kshs2,300,000. I have given Members from that area--- There are six hon. Members from Makeni District, including "hon. Makau", who is a Nominated Member of Parliament, and I am surprised that they are not all in the House.

Mr. Munyao: Mr. Makau is dead! The Nominated Member of Parliament is Mr. Munyao!

(Laughter)

The Assistant Minister for Education, Science and Technology (Mr. Karuri): Mr. Temporary Deputy Speaker, Sir, I mentioned Mr. Munyao.

Mr. Temporary Deputy Speaker, Sir, I am sorry if I said otherwise.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. What has that to do with the matter at hand? The fact is that we have sufficient quorum from Ukambani to canvass for this matter properly.

The Assistant Minister for Education, Science and Technology (Mr. Karuri): Mr. Temporary Deputy Speaker, Sir, I have conceded and recommended that the DEB meeting should be held within 30 days, and not two weeks, because notices of such meeting have to be sent out and Members would sit in the DEB meeting and resolutions adopted would belong to the DEB.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Hon. Members, it is now time for the interruption of business.

The House is, therefore, adjourned until tomorrow, Thursday 4th May, 2000 at 2.30 p.m.

The House rose at 7.00 p.m.