

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 28th August, 1997

The House met at 2.30 pm.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.541

ALLOCATION OF FUNDS TO TANA RIVER POLICE STATION

Mr. Speaker: Is Mr. Kofa not here? Let us move on to Mr. Mwavumo's Question.

Question No.581

SHOOTING OF MR. NGOWA

Mr. Mwavumo asked the Minister of State, Office of the President why the police shot Mr. Suleiman Salim Ngowa on 28.6.97 at Manyatta, Likoni Division in Mombasa District.

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

Mr. Suleiman Salim Ngowa was shot after he charged at the police with a machete. The police had challenged Mr. Ngowa to stop on suspicion that he was carrying stolen goods. But instead of stopping, he decided to charge at the police.

Mr. Mwavumo: Mr. Speaker, Sir, Mr. Ngowa was in his video kiosk and it was not possible for him to have stolen goods. Could the Assistant Minister tell the House who complained about stolen goods?

Mr. Awori: Mr. Speaker, Sir, what happened is normal when the police see someone acting suspiciously. In this case, this gentleman was carrying a television set and one or two other electronic items. He was not to be arrested but the police wanted him to identify himself and show that what he was carrying were not stolen goods.

Mr. Sifuna: Mr. Speaker, Sir, arising from the Assistant Minister's reply could he tell the House whether Mr. Ngowa was taken to court?

Mr. Awori: Yes, he was taken to court and the matter is still pending before the court.

Mr. Mwavumo: Mr. Speaker, Sir, was it necessary for the police to shoot this boy?

Mr. Awori: Mr. Speaker, Sir, that was not necessary at all. All that happened was that, as I have stated, Mr. Ngowa charged at the police and screamed to a big crowd which was around. The crowd, which comprised about 20 people, approached the police ready to mete out mob justice. In that turmoil, one of the constables discharged his rifle and shot this man. The man was taken to hospital and later on charged in a court of law.

Question No.598

CONSTRUCTION OF IGUHU HEALTH CENTRE

Mr. Magwaga asked the Minister for Health when construction of Iguhu Health Centre, which has stalled since 1986, will be completed.

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

Construction of Iguhu Health Centre, which had stalled due to lack of funding, will be completed in phases. This is due to escalation of costs of the project. The project has been identified as a high priority one in the forward budget. In the last financial year, 1996/97, Kshs400,000 was given to the project. The same amount has been given

in this financial year, 1997/98. The remaining works include completion of outpatient, inpatient and maternal child health blocks and 13 staff houses. The estimated cost of these works is Kshs12,375,000. So, the project will be completed when there will be adequate funds.

Mr. Magwaga: Mr. Speaker, Sir, that answer is very unfortunate. The people of Ikolomani have suffered very much because this project was supposed to assist them. From 1986 to today, it is 11 years. If the Government provides Kshs400,000 in every financial year it will take 30 financial years to complete the project. That simply means it will have taken 41 years to complete the project. This is unfair to the people who expected to benefit from this Government project. Can the Minister tell the House whether it is fair to plan to do a Government project for 41 years?

Mr. Mulinge: Mr. Speaker, Sir, I sympathise with the hon. Member but there is nothing much that I can do because, as I said, we have no funds. We have given the project the little we had. If we get adequate funds later on we will, of course, provide more money for the project.

Mr. Magwaga: On a point of order, Mr. Speaker, Sir. The Minister is not telling the House the whole truth! What does he mean by saying that they have given the little they had? The Government has a lot of money and it should complete on-going projects like this before before it starts new ones.

Mr. Speaker: That is not a point of order.

Mr. Ndicho: Mr. Speaker, Sir, one of the three "enemies" of humanity which the Government undertook, in 1963, to eradicate was disease. Can the Minister now admit to this House and all Kenyans that the Government has abdicated its duty to provide health services to all Kenyans, including those who are supposed to be served by Iguhu Health Centre in Ikolomani?

Gen. Mulinge: Mr. Speaker, Sir, the problem of diseases is found everywhere in the country and I wish we had enough money to build hospitals, not only in Ikolomani, but also in other parts of the country. As I have said here, the Government knows that the population is increasing and there is need to expand the existing hospitals but the funds do not allow.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. On several occasions the Government has been hiding under the guise that the population of Kenya is increasing; giving that as a reason why they are not providing services to Kenyans. Is the Minister in order to keep on misleading this House when we know that with an increasing population, there is an increased amount of money collected from people through taxation? It is balancing. You have enough money which you collect from the increasing population. Is he in order to keep misleading us every other time when we ask him about the provision of health services?

Gen. Mulinge: Mr. Speaker, Sir, I think the hon. Member agrees with what I said---

Mr. Ndicho: No!

Gen. Mulinge: I said that we do not have enough funds. If we had enough funds and we did not put them into use, what would we do with that money?

Ah hon. Member: Tell us!

Gen. Mulinge: The only reason why we cannot complete the construction of this Health Centre is because we do not have enough funds. That is all!

Question No.255

CONSTRUCTION OF JUA KALI SHEDS
IN MIGORI TOWN

Mr. Achola asked the Minister for Research, Technical Training and Technology:-

- (a) when the Jua Kali sheds in Migori Town were built and how much they cost; and,
- (b) when the sheds will be supplied with electricity.

The Assistant Minister for Research, Technical Training and Technology (Mr. Kagwima): Mr. Speaker, Sir, I wish to give the following reply.

(a) Construction of Migori Jua Kali sheds started in 1990 and was completed in 1993.

(b) The sheds will be supplied with electricity once the installation work going on is completed.

Mr. Achola: Mr. Speaker, Sir, I hope you heard that answer given by the Assistant Minister. Now, this work was started in 1990 and completed in 1993; at a cost of Kshs260,000. Now, such a small job took three years to complete. Is it not a shame that the Government could spend Kshs260,000 and up to now the sheds have not been put to use because of lack of electricity when the power lines are hardly 20 metres away from these sheds? Could the Assistant Minister, therefore, consider seriously supplying the Jua Kali sheds with electricity as soon as possible?

Mr. Kagwima: Mr. Speaker, Sir, as I said, the initial work on the construction of the sheds was completed and the same sheds were allocated to artisans in the same year, 1993. We have so far spent about Kshs86,000 on electrical installation works and we need a further Kshs545,310 to complete the remaining bit. I want to assure the hon. Member that we will ensure that these installation works are completed for the artisans to continue enjoying whatever they require in the sheds.

Prof. Ouma: Mr. Speaker, Sir, some of our investments are not cost-effective. Here is money spent to promote the artisans and yet, a little supply of electricity will make it cost-ineffective. Could the Assistant Minister tell us when he is likely to bring electricity so that it may be cost-effective?

Mr. Kagwima: Mr. Speaker, Sir, I have said that part of that installation is already done and we are waiting for some more money from the Treasury; to the tune of Kshs545,000.

Prof. Ouma: When?

Mr. Kagwima: Mr. Speaker, Sir, our aim is to complete the work during this Financial Year.

Mr. Achola: Mr. Speaker, Sir, it is so hard to believe him but they always say the same thing and do nothing. In any case, if we took Mr. Pattni to court and retrieved Kshs4 billion that had been taken by this gentlemen and his other collaborators, we would have finished this problem many, many years ago. Could he, nevertheless, confirm to the House that, this money has actually being catered for in this year's Budget? He has just said that there is Kshs500,000 and that he has planned it for this year. Could he say it again so that the House hears? I want you to commit yourself!

Mr. Speaker: Mr. Achola, repetition is not accepted in this House!

Mr. Achola: No, Mr. Speaker, Sir. I am just asking him to confirm that, as he has just said, there will be Kshs500,000 available for the wiring of these Jua Kali sheds this year.

Mr. Speaker: Would you like to repeat yourself?

Mr. Kagwima: Mr. Speaker, Sir, what I do not know is that-- He talked of somebody having embezzled some money which I am not aware of. But my statements can be read in the HANSARD; that we will try to complete the remaining bit during this Financial Year. In any case, if he can remember, the Minister, who is sitting here, issued a statement two weeks ago to the effect that we are going to spend about Kshs150 million this Financial Year to finance the Jua Kali artisans.

Question No.465

GOVERNMENT GRANTS TO SECONDARY
SCHOOLS IN GATUNDU

Mr. Gitau asked the Minister for Education:-

(a) how much money has been provided as Government grants to all secondary schools in Gatundu by the Ministry since 1993; and,

(b) what the criteria of giving grants to secondary schools, is.

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

(a) From 1993 to 1997, the Government, through my Ministry, has disbursed a total of Kshs6,064,658.80 as grants in the form of bursaries to secondary schools in Gatundu Division of Thika District.

Mr. Speaker, Sir, this can be indicated for each year as follows:

<u>Year</u>	<u>Amount in Kshs</u>
1993	190,166.00
1994	886,116.00
1995	964,610.00
1996	1,118,955.45
<u>1997</u>	<u>2,904,811.35</u>
TOTAL	<u>6,064,658.80</u>

(b) The criteria for awarding bursary grants to secondary schools is a follows:

At National Level;

Total Budget Allocation x Number of Classes in the District

Total Number of Classes Nationally

At District Level;

Total District Allocation x Number of Classes in School

Total Number of Classes in the District

Mr. Gitau: Mr. Speaker, Sir, arising from the reply given by the Assistant Minister, it shows that she does not understand the difference between a bursary and a grant because the grant is supposed to cater for the maintenance of the schools buildings and for the non-teaching staff. As a result of the Government failing to give grants to schools, the schools have been run down and the parents have been strained seriously in maintaining the school buildings and also maintaining the non-teaching staff. On the issue of the bursaries, they cannot be called grants---

Mr. Speaker: Can you ask your question, Mr. Gitau?

Mr. Gitau: Could the Assistant Minister be more specific and tell us about the grants and not the bursaries, which, in any case, are given to the politically correct people by the headmasters and KANU supporters, chiefs and assistant chiefs?

Mrs. Ndetei: Mr. Speaker, Sir, I am not aware of the last comment made by the hon. Member. But I would like to mention here that under Item 311 in the budget, there is also a grant given from the Ministry. But this depends on whether the school has applied for it or not. But even so, it cannot afford to cover gratuity for the former Government maintained schools, insurance for public schools, vehicles maintenance and other incidentals. If the school applies and we have the money in the allocation, we normally give whatever the Ministry can afford to give. Otherwise, even a bursary grant is also categorised as a grant under the Ministry of Education. I understand the meaning of the word "grant".

Mr. Ndicho: Mr. Speaker, Sir, now that the Assistant Minister says that a bursary is also a form of grant - and we have asked this Question several times in this House. Can the Ministry consider reverting to the old system where the local people, including the sub-chiefs, the chief and village elders used to determine which child comes from a poor family right at the village level? It is that group that used to determine who would be granted a bursary. This old system is the opposite of what is happening today where the beneficiaries of this money are determined by the headmasters and the Board of Governors. In that process, the deserving cases, more often than not, end up not getting this bursary money. So, can the Ministry revert to the old system so that the deserving cases can get that money instead of the non-deserving cases?

Mrs. Ndetei: Mr. Speaker, the arrangement in the Ministry is such that there are bursary forms to be filled by all the students who want to apply for the bursary once it is in the school. The form provides that the Assistant Chief or the Chief has to sign somewhere to show the deservedness of this particular child. If they are not doing it, maybe they are just by-passing the procedure. That has to be done and then it comes to be Board of Governors and the headmaster, after which a decision is made. That is how it should be happening because we have to identify the neediest children.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. We are surprised that hon. Mrs. Ndetei, the Assistant Minister for Education, does not know what happens at the disbursement of bursary funds. I am a member of the Board of Governors in various schools in my constituency, and when we are disbursing this money, there is nowhere where the chief or the sub-chief is involved. Is she in order to tell us now that there is a proviso for the chief or assistant chief to sign when, indeed, that is not the case?

Mrs. Ndetei: Mr. Speaker, Sir, the actual practice on the ground may be varied in the country. Perhaps the Ministry might have to check on this. But as a Member of Parliament, I am aware that in my own constituency, there is a form which the students get and I have seen it myself. Sometimes it has come to me and I have had to pass it to the chief. As a Ministry, we will investigate to make sure that the practice is uniform, and that the local leader, that is either the chief or the assistant chief, has to recommend somewhere. This is the only way the Board of Governors can know the needy cases among the students.

Mr. Gitau: Mr. Speaker, Sir, having been convinced by the gracious lady that a bursary is part of a grant, may I request the Ministry, through her, that this money has not been enough at all. Could the Ministry consider giving more money for bursaries because the amount so far allocated is not enough for the needy children of Gatundu? In fact, it had been considered as an insult and ought not to have been given at all because it was insufficient. Could

the Assistant Minister consider increasing the grant in the form of bursaries?

Mrs. Ndetei: Mr. Speaker, Sir, I would request the hon. Member not to look at this as an insult. I think the Government is doing its best. In fact, this bursary fund has been going up every financial year, and when more money is made available in the Government, obviously, the Ministry of Education will also increase the grants to cover more needy children.

Mr. Speaker: Mr. Kofa's Question for the second time.

Mr. Kofa: Mr. Speaker, Sir, first, I beg to apologise for coming late, and secondly, I have not got a written reply.

Question No. 541

ALLOCATION OF FUNDS TO TANA
RIVER POLICE STATION

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

(a) what use the Kshs600,000 allocated to Tana River Police Station vide AIE Nos.POL/AS/REC/01252/96-97 of 20th March, 1997, consisting of Kshs300,000 POL/AS/REC/01197/96-97 of 25th February, 1997, totalling Kshs100,000 and POL/AS/DEV/01052/96-97 of 5th February, 1997, totalling Kshs200,000 was put;

(b) whether he is aware that the vehicles for which the money was purportedly used to repair are still grounded, and that the police post that was supposed to be built with part of that money is yet to be built; and,

(c) if he could table a breakdown of the total expenditure to which this money was put and inform the House when the Police Post will be built.

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

(a) The Kshs600,000 was used as follows:-

(i) Rehabilitation of police stations and police lines - Kshs200,000

(ii) Security operations - Kshs100,000

(iii) Overhaul of motor vehicles - Kshs50,000

(iv) Fuel expenses - Kshs150,000

(v) Travelling and accommodation expenses - Kshs100,000

(b) All the vehicles that were repaired using the money are still on the road. However, the money that was meant to build a police station was used to rehabilitate Garsen and Bangale police posts, which had been destroyed very heavily by rain and wind.

(c) I cannot inform the hon. Member as to when the police station will be built.

Mr. Kofa: Mr. Speaker, Sir, from the time the money was issued, about ten vehicles were and are still grounded. What plans does the Office of the President have to get these vehicles repaired and when? He says that they have been repaired, but those vehicles are still not repaired.

Mr. Awori: Mr. Speaker, Sir, I have the list of vehicles that have been repaired and are already on the road. I am happy to table herewith that list. These vehicles include six Land Rovers and one Nissan lorry which are on the road. The remaining three vehicles cannot be repaired because they are very heavily damaged and require much more money than we have got.

(Mr. Awori tabled the list)

Mr. Kofa: Mr. Speaker, Sir, the Assistant Minister says that "they are being repaired" so, the statement that "they were repaired" is not correct. He talks of three vehicles which cannot be repaired, but they are more than that. Could he send some feelers to find out the truth about these vehicles? This is a banditry infested area and the police forces need those vehicles for their operation.

Mr. Awori: Mr. Speaker, Sir, I do appreciate what the hon. Member is stating, that the area is infested with banditry. We are doing everything we can to ensure that the police are mobile. We expect to have more vehicles repaired as soon as we have got adequate funds.

Mr. Speaker: Questions by Private Notice.

(Prof. Anyang'-Nyong'o stood up in his place)

What is it, Prof. Anyang'-Nyong'o?

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I have a supplementary question.

Mr. Speaker: Very well, but never overrule the Chair.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, arising from the Assistant Minister's reply to the supplementary question, what is the policy of the Ministry regarding the repair of vehicles in Government Departments? Police stations are full of broken-down vehicles. In every police station I have gone to, there is a "cemetery" for vehicles. This means that the Government is losing a lot of money. What is the government policy for ensuring that vehicles are maintained and they do not rest as "cemeteries" in police stations?

Mr. Awori: Mr. Speaker, Sir, the policy of the Government is to ensure that as many vehicles as possible are on the road. Indeed, it depends entirely on the amount of money this Ministry gets to maintain all the vehicles. I agree with the hon. Member that most of the police stations have got a "cemetery" for vehicles. I can only hope that we will have sufficient money to ensure that most of them are on the road.

QUESTIONS BY PRIVATE NOTICE

ARREST OF MASTER MUTUGI'S Killers

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

Why has the police failed to arrest the culprit(s) alleged to have shot to death Master David Mutugi, a former student of Kairi High School, on 7th July, 1997, despite the evidence and statements that police in Thika have received from witnesses?

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

The death of this young boy is very much regretted. Investigations are still continuing to find out the circumstances under which this young man was shot. As soon as the investigations are complete and the person responsible for the shooting identified, he or she will be taken to court.

Mr. Ndicho: Mr. Speaker, Sir, I have a lot of respect for hon. Awori because he has always answered my questions very satisfactorily. This is the first Question whereby he has deviated from the position that I have always held him in. The truth of the matter is that the police in Thika have completed investigations. The lady who shot this boy is called Fatuma Gedi, Force No.51961. When we insisted that the police should take her to court, the OCPD ordered her to proceed on forced leave pending transfer, and now I have been told that she cannot go to Moyale where she came from because she also killed another person while attached to Moyale Police Station, and now---

Mr. Speaker: Mr. Ndicho, ask your question!

Mr. Ndicho: Mr. Speaker, Sir, I am informing the Assistant Minister because he exhibited ignorance about the whole matter. My question is: This is a killer policewoman who is on the loose and who goes killing people in every police station where she is posted. Now, she is on leave pending transfer. Given the facts and the information that I have given the Assistant Minister and also given that all the evidence has been collected by the Deputy PC 10 (?), Nyeri and other CID officers from the headquarters, what will the Government do about arresting this lady and charging her with the murder of this boy?

Mr. Awori: Mr. Speaker, Sir, on return to the office, if I, indeed, find that a police officer was identified as being responsible for the death of this young man, no stone will remain unturned until she is prosecuted and brought to justice.

Mr. Wamae: Mr. Speaker, Sir, this case is well known and it appears as if the hon. Assistant Minister has been misled by his office that the suspect is not known. This is because it is common knowledge since everybody in Thika knows about this case. So, would the Assistant Minister be serious and say that action will be taken immediately because there is nothing to be investigated?

Mr. Awori: Mr. Speaker, Sir, I have just answered hon. Ndicho that as soon as I return to the office, I am going to check this issue and action will be taken. How much more can I say?

Mr. I. Ndwiga: Mr. Speaker, Sir, since the Assistant Minister is undertaking to go and do more research and investigate what the file contains, can he give an undertaking as to when he will give this House a reply? When is he going to give us his findings?

Mr. Awori: Mr. Speaker, Sir, since it only requires me to make a telephone call, I can give an undertaking to do that on Tuesday next week, I will have the information required by that day.

Mr. Nyagah: Mr. Speaker, Sir, the grandfather of this boy was a famous chief in this country. The assailant

is Fatuma Gedi. Many people in Thika have written statements. I was at the funeral of this slain young man who hailed from my constituency. The women of Thika are looking for her children so that they can kill them, but they have been transferred to Tigoni. She is the girlfriend of the OCPD, Thika. With that information---

An Hon. Member: Who told you that?

Mr. Nyagah: He told us!

Mr. Speaker: Order! Order there! I think the hon. Members will appreciate the fact that according to the rules of natural justice, you cannot convict one unless one is tried. So, can we generally ask the questions without finding any person guilty until tried? Hon. Nyagah can you be fair?

Mr. Nyagah: Mr. Speaker, Sir, the reason why I say so, and I do not need to engage myself in this, is because when we petitioned the OCPD, Thika, this is what he told us. He said: "I cannot carry out investigations for obvious reasons". But bearing that in mind, why did the Government find it necessary to prosecute people who murdered one askari on *Nane Nane* Day, and yet they have not found it necessary to arrest this woman, although very many people in Thika have recorded statements as having seen this woman murder this young man? She even dared many other people to come forward and be shot on that day.

Mr. Awori: Mr. Speaker, Sir, having given an undertaking as I have, I do not see any purpose that will be served by me answering hon. Nyagah's question.

NUMBER OF ARRESTED ALIENS

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I would like to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Could he inform the House how many aliens have been rounded up for expulsion from Kenya within the past one month?

(b) To what extent has this exercise victimised innocent foreign residents in Kenya?

(c) Given the fact that some of these people may have been wanted criminals in Rwanda, does the Government support the creation of an International Criminal Court to prosecute any individual for genocide, aggression, war crimes and other crimes against humanity?

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

(a) The Government rounded up a total of 838 aliens in an operation aimed at flushing out illegal aliens and criminals. Out of the 838 aliens rounded up, 230 were released, 193 were sent to Kakuma Refugee Camp, 322 have cases pending before courts while 93 are still in custody.

(b) No innocent foreign resident has been victimised.

(c) The Government supports the existing International Criminal Tribunal on Rwanda established by the United Nations.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I am grateful to the Assistant Minister for having given a breakdown of the number of aliens that were rounded up and their various destinies. But certain issues do arise which the Assistant Minister should clarify. One, what evidence did the Government have before rounding up aliens because the Government did state that aliens were responsible for criminal activities connecting aliens with their local warlords who have actually been using them for criminal activities? For example, we have a Masumbuko whose real name is Ali Mulungi. To what extent are these aliens under the patronage of local warlords who benefit from the criminal activities of these aliens, particularly in drug trafficking and false use of police uniforms?

Mr. Awori: I am not aware about the existence of aliens.

Mr. Busolo: Mr. Speaker, Sir, I have an interest in this Question in the sense that one of my constituents, a person resident in Webuye was also rounded up and arrested. And so far, he is still in. Could the Assistant Minister undertake to do a thorough check regarding the people who were arrested so that Kenyans arrested can be released? I have a resident from Webuye who is there.

Mr. Awori: Mr. Speaker, Sir, this exercise was aimed entirely at aliens. If it happened that there was a Kenyan from Webuye who happened to be netted in the same net, investigations will be carried out and, so long as he is an innocent party, he will be released. However, I can state here and now that that is very unlikely that there is an innocent Kenyan who was rounded up among the 838 aliens.

Mr. Imana: Mr. Speaker, Sir, these aliens who were arrested here in Nairobi, some are said to have criminal records and the tradition now is that most of them are taken to Kakuma. So, Kakuma has also become a dumping ground for all criminal activities. At the same time, it is already shown that they are coming with some weapons and causing a lot of illegal activities there. Can the Assistant Minister stop the "dumping" of these aliens at Kakuma?

Mr. Awori: Mr. Speaker, Sir, regrettably, Kakuma is one of the refuge camps. The hon. Member will have

to bear with the situation. However, we will make absolutely sure that they do not infect the local populace.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, while I do not share the Assistant Minister's view that these aliens operate entirely autonomously and I am convinced that they have local "warlords" whom the Assistant Minister is not revealing, and I hope the Government will reveal who those "warlords" are, I will concentrate on the last question regarding the international criminal court.

Mr. Speaker, Sir, there was a meeting recently in New York urging member states of the United Nations Organisation (UNO) to accede to the agreement establishing an international criminal court to try war criminals and also individuals engaging in genocide aggression and other crimes. Could the Minister state in this House for certain whether the Kenya Government has acceded to this agreement and extent to which the Kenya Government will commit itself to expatriating those criminals associated with Habyarimana regime in Rwanda to Arusha so that they can face justice?

Mr. Awori: Mr. Speaker, Sir, I gave confirmation that this country subscribed to that particular law under the UNO. May I once again reiterate that we have no local "warlords". This country should be grateful that the Government is under KANU Party which gives freedom to everybody and a person is not found guilty until charged as such.

Mr. Speaker: Mr. Kinyua Mbui, have you agreed to defer the Question to Tuesday?

Mr. Mbui: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well, the Question is deferred to Tuesday, next Week.

PAYMENT OF RETIREMENT BENEFITS
TO MR. KARIUKI

(Mr. Mbui) to ask the Minister for Education:-

(a) Is the Minister aware that due to non payment of Mr. Philip G. Kariuki's, P/No.74039615, salary and voluntary retirement benefits, since 1st July, 1995, his family land is up for auction due to unpaid loan?

(b) When will the complainant be paid his dues to enable him redeem the said land?

(Question deferred)

Mr. Speaker: Next Question, Mr. Murungi.

ALLOCATION OF LAND TO WIDOWS
OF FIELD MARSHAL BAIMUNGI

(Mr. Murungi) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that the piece of land in Timau allocated by the Government to Muthoni Baimungi and Susan Kagwiria Baimungi, who are widows of the late Mau Mau Field-Marshal Baimungi, has been irregularly allocated to other person(s)?

(b) Is he further aware that the said widows and their children are living in abject squalor and poverty?

(c) What urgent steps is the Minister taking to allocate alternative land to them?

Mr. Speaker: Is hon. Murungi not here? The Question is dropped.

(Question dropped)

Next Question, Mr. Githiomi.

PAYMENT TO BRUSH ENGINEERING COMPANY

Mr. Githiomi: Mr. Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice.

(a) Is the Minister aware that Brush Engineering Company of P.O. Box 60047, Nairobi, subcontracted for electrical works at Kanyatta International Conference Centre - Contract No.0888AJ - awarded in 1994, and that Messrs Ongata Works Limited, P.O. Box 58160, Nairobi, gave irrevocable authority to the Ministry authorising the same to

pay Brush Engineering Co. directly?

(b) If the answer to "a" is in the affirmative, why has the Ministry not paid the subcontractor a sum of Kshs3,582,568.10?

Mr. Speaker: Is anyone here from the Ministry of Public Works and Housing?

Mr. Githiomi: On a point of order, Mr. Speaker, Sir. The Minister for Public Works and Housing is seated over there!

Mr. Speaker: Where?

Mr. Githiomi: Mr. Speaker, Sir, Prof. Ng'eno is here and this Question was on the Order Paper yesterday. It was not answered and they said they should be given more time to answer the Question today.

Mr. Speaker: Is anyone here from the Ministry of Public Works and Housing?

Mr. Githiomi: Yes, he is right there!

An hon. Member: Answer the Question!

Mr. Busolo: On a point of order, Mr. Speaker, Sir. Is it in order that when you call on a Minister to come up and answer a Question, instead of doing that, he goes to consult the Clerk?

Mr. Speaker: Order, hon. Members! The Clerks are here for that very reason. They are here to be consulted by hon. Members. It is perfectly in order! Proceed, Prof. Ng'eno.

The Minister for Public Works and Housing (Prof. Ng'eno): Mr. Speaker, Sir, this Question has just "ambushed" me because I have just been in Mombasa and I have just come back. I was not, in fact, aware that there was this Question. So, I beg the indulgence of the House to answer this Question on Tuesday, next week.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I thought these days we have weekly schedules---

Mr. Speaker: It is for the ordinary Questions.

Mr. Shikuku: I am sorry, Mr. Speaker, Sir.

Mr. Speaker: What is your reaction, Mr. Githiomi?

Mr. Githiomi: Mr. Speaker, Sir, the Minister has not been "ambushed" because this Question was on the Order Paper yesterday and his Assistant Minister promised that he would come today with an adequate answer. I am wondering why the Minister is saying that he has been "ambushed" and yet the Question was on the Order Paper yesterday.

Mr. Speaker: Order! I suppose the best thing we can do in the circumstances is to get the Question answered on Tuesday, next week. But I do not think the question of the Minister being "ambushed" by the Question arises at all because I believe the Question must have gone to his officers. It is the duty of his officers to alert the Minister that there is a Question, so that next time he should not be "ambushed".

Very well, the Question is deferred to Tuesday, next week.

(Question deferred)

Next Question, Dr. Lwali-Oyondi.

NON-PAYMENT OF SALARIES TO KFA WORKERS

Dr. Lwali-Oyondi: Mr. Speaker, Sir, for the second day running, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) Is the Minister aware that the workers of Kenya Farmers Association (KFA) have not been paid their salaries for the last two months i.e. June and July, 1997 thereby putting them in great hardship?

(b) Is he further aware that some union officials have physically closed the offices of the Manager, Personnel Manager and Auditor?

(c) If the answers to "a" and "b" above are in the affirmative, what urgent steps is the Minister taking to pay the workers and to save Kenya Farmers Association from collapsing?

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, I want to tell the hon. Member that yesterday I had actually given a message through the Clerk that I was to deal with this Question today. The hon. Member was with me yesterday when I was moving the Bill. However, I beg to answer---

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that he was with me when moving the Bill while I was in the conference out there and I was not here?

Mr. Speaker: By the way, hon. Lwali-Oyondi, that is not part of the "attire" of the House! Proceed.

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the workers of the Kenya Farmers Association (KFA) have not been paid for the last two months.

(b) Yes, I am aware that some union officials and workers have physically closed the offices of the Managing Director, Personnel Manager and the Auditor.

(c) So, far, the KFA has managed to pay Kshs5 million out of the outstanding amount of Kshs17 million which was to be paid. We are taking action because the workers have not been paid and I have already admitted that.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I wish to thank the Minister for that honesty. But I would like to ask him this: What powers do trade unionists, who are outsiders as far as this organisation is concerned, have, to close KFA offices? Where did they derive their powers from?

Mr. Munyi: Mr. Speaker, Sir, they did not have any powers and the Member agrees with me that they did something illegal. We do not want anything to be done in an illegal way.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I once asked a Question here on KFA and the Minister for Co-operative Development read a long list of prominent people owing money to this organisation, including some in this House. Has that money been recovered? If not, what is the Minister doing to recover the monies so that KFA can survive?

Mr. Munyi: Mr. Speaker, Sir, if I had some supernatural powers, I would have used them. It is up to the farmer to be honest whenever they take money from KFA. Honesty is very important.

Mr. Nyanja: Mr. Speaker, Sir, is the Minister aware that KFA was destroyed and KGGCU created by President Moi and that is why we are in these problems? What urgent concrete steps is the Minister taking to solve this problem? You created the KGGCU, demolished it and now you are in a financial crisis. Can you tell this House and the nation at large what steps you are going to take to solve this problem.

Mr. Munyi: Mr. Speaker, Sir, the hon. Member should know that he has been leading some organisations which have failed and, therefore, he cannot come and make malicious allegations here.

Mr. Mbui: On a point of order, Mr. Speaker, Sir. Is the hon. Minister in order to speak while pointing at hon. Nyanja instead of addressing the Chair?

Dr. Lwali-Oyondi: Mr. Speaker, Sir, apart from the fact that the hon. Member is asking for supernatural powers to recover monies owed to KFA, I wish to remind him that he should get that power from the laws that are used for recovery. Be that as it may, and having been informed by hon. Nyanja that the original KFA was destroyed by the powers that be and transformed into KGGCU and they bled the KGGCU white and they have now, reverted to KFA, which is now completely anaemic and in the Intensive Care Unit (ICU), could he do something by transfusing some money into this organisation for the time being so that it can survive and recover the money owed to it to make it self-reliant?

Mr. Munyi: Mr. Speaker, Sir, I wish to thank the hon. Member for the suggestion which he has given me. I will study it and act accordingly.

Mr. Speaker: Very well, that marks the end of Question Time.

MINISTERIAL STATEMENT

REFUTAL OF SACKING CLAIMS

The Vice-President and the Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I rise on a point of order to make the following statement:

On Tuesday afternoon, 26th August, 1997, while I was deliberating with the church and the religious leaders to explore the best means of promoting dialogue between KANU and the Opposition in order to facilitate acceptable and peaceful reforms, hon. Obwocha did make an outrageous and categorical statement to the effect that the IMF and the World Bank have the mandate that I should be sacked as Vice-President and be prosecuted in a court of law as a pre-condition for the resumption of aid between the Government of Kenya and the two important institutions. I wish to state that this is a very serious allegation and I wish to challenge hon. Obwocha to substantiate the same.

The Minister for Finance is the Chief negotiator on behalf of the Government with these two Bretton Wood institutions. It is only him who knows whether such conditionalities have been made. In this respect, I would like to request him to inform this House categorically and unequivocally whether such an ultimatum as claimed by hon. Obwocha has been made to the Government of Kenya by the IMF and the World Bank. I view hon. Obwocha's statement as callous, vindictive, futile and sinister. It is a political gimmick calculated to besmirch my character. I would like to remind this House again, that this has been done in the past without any success.

Finally, let it be understood that I shall continue to diligently discharge my duties and responsibilities as the

Vice-President of the Republic of Kenya under the President of this nation. My loyalty and commitment to the President of this nation and the Government remains unshakable and it will not be derailed by vicious and malicious stories perpetrated by individuals with hidden agenda.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Having listened to the hon. Member, it appears as if he was not in the House. He should have stood on a point of order, under Standing Order, No.69 to make a personal statement.

Mr. Speaker: I assumed that he stood on a point of order, under Standing Order No.69.

Mr. Shikuku: If that is the case, then there will be no debate as stipulated by Standing Order No.69.

Mr. Speaker: Yes, there will be no debate. My only advice to Members, as I have done in the past is that you have to be honourable, truthful and humble to your colleagues. Hon. Obwocha, you made that statement honourably but there was also a time when hon. Raila came to see me about what you referred to as "Raila's thugs." I do not think that is what you should be doing to hon. Members. I think it does pay the House a great deal if we are all civil to each other and stop being personal. Parliament was not really made for personal attacks. So, that is the least I can say. So, there shall be no debate on this.

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

Mr. Speaker: Order, Mr. Obwocha! I will not allow Members to debate each other, unless you bring a substantive Motion here. I have said that it will not happen and it will not happen now. So, that is final.

POINT OF ORDER

COLLECTION OF RENT BY SHAURI MOYO HEAD-TENANTS

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. I rise to seek information on what happened to a Ministerial Statement which I requested the Minister for Local Government to make in this House in response to a Question which arose in this House on 5th July, 1995, regarding the collection of rent by head-tenants of Shauri Moyo Estate from the ordinary tenants much more than they remitted to the City Council. The Ministry agreed that the procedure would be changed. They communicated with the City Council which also resolved accordingly that all the Shauri Moyo tenants should pay their rents directly to the City Council. This resolution was communicated to the tenants by the Town Clerk and it was effected. But recently, the matter was changed to the effect that the Shauri Moyo tenants should pay their rents through the head-tenants and not directly to the City Council. At the moment, they are being thrown out of their houses. This is an urgent matter.

Mr. Speaker, Sir, when I made this request, the Minister for Local Government promised to make a Ministerial Statement to this House, but he is yet to make one. What is happening? Do they remember this promise or have they given up?

Mr. Speaker: Order! Order, Members! We cannot communicate with hon. Dr. Wameyo. Dr. Wameyo, would you like to respond now or would you need more time?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, the Ministerial Statement is being prepared and will be ready next week.

Mr. Speaker: Very well. Next order.

BILLS

First Reading

THE APPROPRIATION BILL

*(Order for First Reading read - Read the
First Time - Ordered to be read the
Second Time today by leave
of the House)*

Second Reading

THE APPROPRIATION BILL

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I beg to move that The Appropriation Bill be now read a Second Time.

Mr. Speaker, Sir, before I go to the quantum of the Bill, the Minister for Finance has been mentioned, and, indeed, he is the official within the Government of Kenya who negotiates with the International Monetary Fund (IMF) and the World Bank on matters relating to Enhanced Structural Adjustment Facility (ESAF). I would like categorically and unequivocally to state here that the IMF and the World Bank have not named anybody, not even the Vice-President and the Minister for Planning and National Development, Prof. Saitoti, nor any other person for that matter, as a conditionality for either the resumption of ESAF nor for any discussions relating to the stalled loan funds from the IMF and the World Bank. Therefore, in the absence of any name having been mentioned anywhere, I am afraid, I can only confirm here that the statements made by hon. Obwocha are, indeed, outrageous.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I do not know whether you were in the Chair yesterday when I rose to ask a supplementary question. My supplementary question was very precise for the Minister to confirm or deny whether the following people were actually issues in the letter from the IMF to the Government. That was my precise question during that time, and the HANSARD can bear me out. The hon. Musalia Mudavadi denied it. I do not know why I am being dragged into this issue right now, although I have hefty evidence about the originality of the Goldenberg scandal which the Vice-President and Minister for Planning and National Development himself signed and said, "The proposal is accepted safe for monopoly".

Mr. Speaker: Mr. Obwocha, are you not a Member of the Public Accounts Committee?

Mr. Obwocha: I was, Mr. Speaker, Sir.

Mr. Speaker: Is that not before you?

Mr. Obwocha: No! No! I am not a Member of that Committee.

Mr. Speaker: It was at that time, you were a member of PAC. Can you do this--- Order, Mr. Obwocha! Please, I think this matter now should be left to rest there. Now, concentrate on the Bill.

Mr. Obwocha: Mr. Speaker, Sir, I will have a chance to contribute to the Bill.

Mr. Gatabaki: Mr. Speaker, Sir, I am seeking clarification---

(Laughter)

Mr. Speaker: Sorry, there is a Bill going on. There is no room for clarification. Would you sit down, Mr. Gatabaki?

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, the Appropriation Bill---

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

Mr. Speaker: Order! Order, Mr. Gatabaki! To the best of my knowledge, there is no Standing Order allowing you to interrupt an hon. Member on the Floor contributing to seek clarification. There is no such rule in our books.

Proceed, Mr. Keah.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, the Appropriation Bill---

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. (inaudible)

Mr. Speaker: Order! Order, Mr. Gatabaki! I hope you are not trying to revisit what I have already said that the matter should rest there. If you are not doing what I have already ruled, to the best of my knowledge, I think Mr. Keah has not said a word to warrant a point of order. Can we hear whether he breaches any Standing Order?

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. I am a Member of Parliament and I am entitled to a point of order---

Mr. Speaker: Order! Order, Mr. Gatabaki! You are, indeed, a Member of this House, but you are subject to the rules of the House. Are you not? So, once a ruling has been made, you have to follow it.

Proceed, Mr. Keah.

Mr. Gatabaki: Mr. Speaker, Sir, I insist that the Chair has been hostile to me time and again. I cannot be able to raise a point. I demand that the Chair---

Mr. Speaker: Order! Order, Mr. Gatabaki! Mr. Gatabaki, you may have a very "fertile imagination", but there are 200 Members, I have no reason to be hostile to you. I have 200 Members here who are entitled to speak, but you will not commandeer the Chair to break the rules just because you think you need to have your way, even outside the rules, you will not have it.

Proceed, Mr. Keah.

Mr. Gatabaki: Mr. Speaker, Sir, why are you hostile to me?

Mr. Speaker: Order! Order! Mr. Gatabaki, if you insist on misbehaving, you will be guilty of disorder.

So, will you now be orderly? Proceed, Mr. Keah.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, the Appropriation Bill has been circulated to hon. Members and I am sure they have had an opportunity to look at it. This Bill seeks statutory sanctions for funds to be withdrawn from the Consolidated Fund and---

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Is the Vice-President of the Republic of Kenya in order to deny his role in the "infamous" Goldenberg saga of which he is the author, the executioner and the judge?

(Applause)

Mr. Speaker: Order! Order! Mr. Gatabaki, the House can see that you really had nothing to say. You just wanted to distract the House. You will be forgiven, nevertheless! Proceed, Mr. Keah.

(Laughter)

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, the Appropriation Bill seeks statutory sanctions for funds to be withdrawn from the Consolidated Fund and their Appropriation towards the various services and purposes as specified in the Bill. Hon. Members are aware that the Ministries and departments have been operating on a Vote on Account as authorised by this House on the 25th August, 1997, in accordance with Section 101 of the Constitution of Kenya.

Mr. Speaker, Sir, with the enactment of this Bill, it will enable me to release the total sum contained in the Estimates of both Recurrent and Development expenditures for 1997/98 to Ministries as well as to departments in order to carry out the services of the Government as stipulated in the Bill.

Mr. Speaker, Sir, Clause 2 of the Bill provides for the issue out of the Consolidated Fund a sum amounting to K£5,923,661,508 required to meet public expenditure during the financial year ending 30th of June, 1998. In addition, Clause 3 makes provision for some to be applied as Appropriations-in-Aid (A-in-A) to those services and purposes.

Mr. Speaker, Sir, the set up as enumerated in this Bill follows the established practice and I would like, therefore, to urge hon. Members to pass this procedural Bill so that I can release the total voted provision from the Consolidated Fund to Ministries and departments, so that they can continue rendering vital services for the continued development of our nation.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. It is not my wish to interrupt the Assistant Minister who is moving the Bill, but if I heard him correctly, he said that we passed the Vote on Account on 25th August, 1997. Did we meet on 25th August, 1997?

Mr. Speaker: Do you know what you are talking about, hon. Sambu? You must know when we passed the Vote on Account since you were here! It is in the Bill.

Mr. Sambu: It is!

Mr. Speaker: Proceed, hon. Keah!

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, it may be a slip of the tongue, but the month was June.

(Mr. Sambu stood up in his place)

Mr. Speaker: What is it, hon. Sambu?

Mr. Sambu: You asked me if I knew what I was saying. I heard him say 25th August, 1997. You challenged me whether I knew what I was saying. I would like to state that I think I know what I am saying.

Mr. Speaker: Hon. Sambu, it is very easy really. I said that you know when we passed the Vote on Account. If he said it was passed in August, he is wrong.

Proceed, hon. Keah!

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, the Bill itself is short, and the schedules have already been seen through the estimates, and I do not have much to add, except to urge the House to pass this Bill.

With those few remarks, I beg to move.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I rise to second the Appropriations Bill.

Let me, on the outset, commend this House for having arrived at the stage where we are now. It will be recalled that the Financial Statement was presented to this House on the 19th of June, 1997, and although we do not

want to remember, the occasion in question was a sorry state of affairs. But never-the-less, I am glad that since that time, we have so far been able to deliberate on the matters related to the Vote on Account. The Vote on Account which we had deliberated on before the 26th of June, 1997, is the one that usually allows this House to give the authority to the Government, to spend up to 50 per cent of the printed estimates. That again, was done in an atmosphere that was conducive and friendly for fruitful debate.

We have also deliberated at very great length in the Committee of Supply, and for the first time in the life of this House, we were able to deliberate on eight Ministries. There is no doubt at all that the eight Ministries which were deliberated on and their votes approved, do constitute more than 80 per cent of the total budget. They are the key and main economic Ministries. For that reason, it can be said without doubt any at all, that the hon. Members have had the opportunity to air their views on matters that are pressing, as far as their constituencies are concerned.

These are difficult days and we have just emerged out of a drought and substantial resources of the Government have been diverted to ensure that Kenyans were fed and to do other issues. But at the same time, there is also no doubt that, this also being an election year, a substantial amount of money, as shown in the Appropriations Bill, have been set aside to ensure that, that important constitutional obligation is met. This will ensure Kenyans have the opportunity to elect leaders of their choice.

So to that extent, and also taking into account that it has become necessary to take stringent measures so that the whole economy, in terms of micro-economic stability, remains on track, the over-spending or the spending for that matter, has to be done in a most prudent way. There cannot be all that much resources. Those are the hard facts that we are faced with today. The important thing, as we deliberate on the Appropriations Bill, as the final act of the whole budgeting process, which is an important constitutional obligation, the state of affairs in the country is absolutely important. This Parliament needs to consider this matter. I prefix the remarks that I continue to make by lauding the hon. Members of both sides of this House, and from all political parties represented here, who met this morning at County Hall to say: "Let us pull down our partisan positions and put our own beloved nation forward, and discuss where we go from here". What can we do as elected leaders of the people? All of us here represent every corner of the country. We have members of the constituencies who look upon us as their leaders. They elected us here to come and argue for their cases. They elected us to come and prepare the path for our future leaders and they gave us the mandate to come to this august House to deliberate on legislation. They gave us the mandate to even discuss matters related to the Constitution. In a nutshell, it is our duty to chart the destiny of the people of Kenya. There is no other Parliament. There is only one Parliament; the Seventh Parliament, elected by the people of Kenya in accordance with their Constitution. We have been given the mandate by the people to represent them for five years. I want to say that it will be a betrayal to the people of Kenya if anyone of us or all of us abdicated that noble role given to us and handed it over to some other body that labels itself the umbrella of all of us and say that it has got more people than all the elected people here. I want to state that this is not an affair of one party, but a question of parliamentarians as enshrined in the Constitution. That is what we have to say. We cannot abdicate that role. I am greatly encouraged that at least leaders met this morning. I was not in that meeting, but I am with them spiritually. I have said that, that is not a question of partisan politics.

Mr. Speaker: May I just raise this point. I think we must now return to the Bill. You have migrated too far.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you, Mr. Speaker, Sir. It is only that the Budget in itself allows us to cover all these matters of security. I am sure my colleagues on the other hand have heard me. This is something I feel that we have to say. The issue of reforms is inter-related with the elections and the issue of elections is in this Bill. So, with your indulgence, I want to touch on that very important area called reforms.

I think we will all come out clearly and agree that we are for reforms. We have Bills and we look at them. If we want to expand them, we can do that so that we can come out with a programme of reforms acceptable to the people of this nation. This is what really matters. Let us not be seen by the people who brought us to have let them down. We should not be seen as if we are incapable of leading them because we do not have the brains to do so. Looking at the opposite side, I can see my good friend for many years called Michael Kijana Wamalwa. I met him many years ago in the streets of London as a young man. He was a bright man at Kings College, London. I believe the same brains are still there. I believe we are capable of coming out with a package acceptable to our people. We should chart the future of this nation. The future of this nation is much more important by the standards of a few people who want to say they are right and we must follow them. Let them go and face the people and see whether they will be elected and then that day, we will say that these are the leaders.

With those few remarks, I beg to second.

(Question proposed)

Mr. Obwocha: Thank you, Mr. Speaker, Sir. I would like to be very brief so that my colleagues can get a chance to contribute on this Bill.

I would like to talk about the Ministry of Finance in reference to an issue that has been touched here. They are requesting money through the Appropriation Bill. The events of yesterday were very clear about the World Bank's stand. The Government needs to address the two areas rather than throw mud at us.

In the energy sector, there are certain projects that are going on and it is felt that the money that has been lent to the Government has been misused. Instead of the Government blaming us, it would be better to address the issue of corruption in the energy sector.

In the past, there have been certain things that have happened in the Ministry of Finance. Those of us who have had a chance to follow keenly the issue of Goldenberg know that a proposal was made to the Ministry of Finance for the export of gold and diamonds that did not exist. And I have this document myself. It is only that I did not know that this issue would come up today. If I knew that, I would have come with the document to table it here. In any case, this information is in the Public Accounts Committee Report of 1992/93. It was stated in that report that the approval was given by the then Minister for Finance. I remember his writing and his signature. He did say that the scheme had been approved--

Mr. Speaker: That is not the issue. I do not think there is any issue disputed anywhere about public records. I think the only debate before the House, and that is what the Vice-President and Minister for Planning and National development responded to, was your indication that there is a demand by the IMF that he be sacked because he misappropriated funds. That was the issue and not all these others.

Mr. Obwocha: Mr. Speaker, Sir, my only comment on that so that I can move on, is to challenge the Government to table the letter from the IMF so that Kenyans can know what we are talking about. If they are courageous enough, they should table that letter here and the truth will be known by Kenyans. **Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I am getting rather confused this time. According to the procedures, if you make an allegation, you are responsible for its substantiation. But I have never heard in my 34 years' stay here, an hon. Member challenging a fellow hon. Member to table a document if he already has it. If you have the document, you are supposed to lay it on the Table rather than asking the other person to lay it on the Table.

Mr. Speaker: You are very right Mr. Shikuku. Mr. Obwocha, the law is simple. If you assert that a certain fact exists, it is your duty to prove that it, indeed, exists and you do not discharge that duty by saying: "Unless Mr. Shikuku proves otherwise".

Mr. Shikuku: That is under Standing Order No.76.

Mr. Speaker: That is right.

Mr. Obwocha: Mr. Speaker, Sir, I wish to proceed.

The other issue I wanted to touch on is about security. Some of us who did not have a chance to contribute on the Vote of the Office of the President will have the chance now. The situation at the Coast is very worrying. Some of our relatives died in these clashes and up to now the Government has been unable to convince Kenyans that, indeed, these clashes were instigated by people outside those who know about security operations in this country. Now, this Government continues to say that they are number one in everything including getting those people who break law in this country. Why has the Government not arrested the actual people who are involved in these clashes at the Coast Province? This leaves us to conclude that these clashes were instigated by the Government for a purpose we yet do not know.

The Assistant Minister for Finance (Mr. Keah): On a point of information Mr. Speaker, Sir.

Mr. Speaker: Mr. Obwocha, do you want to be informed?

Mr. Obwocha: This man is my colleague in the profession. Let him inform me.

Mr. Shikuku: He is an hon. Member!

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I would like to inform the hon. Member that over 30 people have been arrested, about 12 of them have been arraigned in court and the process of looking for the culprits is still in progress.

Mr. Obwocha: Mr. Speaker, Sir, I appreciate that hon. Keah is an accountant, but he is too far from being a security expert.

Mr. Speaker, Sir, the real people behind the chaos were ex-Amin soldiers, one known as Ali Mulungi, alias Masumbuko. This man--

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Obwocha to keep telling us what happened and yet, he could give this information to police officers? This is not an issue under debate.

Mr. Speaker: Order! Order! I think we should not fall into the trap where we make unsubstantiated

allegations again. Can we now stick to the Bill?

Proceed!

Mr. Obwocha: Mr. Speaker, Sir, all I am saying is: There are aliens in this country who are causing havoc and hon. Masinde cannot stop a Member of Parliament from contributing. This is the Kenya National Assembly and that is why we have the Powers and Privileges Act, so as to be able to say anything in this House without fear or favour. Whether it is hon. Biwott or Prof. Saitoti looking at me, I must say something as I understand it. So, I hope the Chair will protect everybody here to talk his mind. When hon. Masinde gets his chance, let him contribute.

Mr. Speaker: Order! I will protect everybody except when a Member makes an unsubstantiated allegation.

Proceed!

Mr. Obwocha: Thank you, Mr. Speaker, Sir. Therefore---

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Obwocha not to be gender sensitive by asking for protection of only male Members of Parliament and not female Members of Parliament?

Mr. Speaker: Mrs. Ndeti, what did he say?

The Assistant Minister for Education (Mrs. Ndeti): Mr. Speaker, Sir, he said: "Protecting his rights" and not his or her rights.

Mr. Speaker: Well, I thought he is a man!

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Do you not agree with me that until that writing at the entrance is amended, hon. Obwocha is right? It clearly states: "For the welfare of society and just Government of men".

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Speaker, Sir. The word "men" as written there has an element of women in it.

Mr. Speaker: Order! Maybe I can give guidance. If hon. Members were to look at the interpretation of "men" in Cap 2 of the Laws of Kenya, it is defined to include the female and the male.

Proceed, Mr. Obwocha!

Mr. Obwocha: Thank you, Mr. Speaker, Sir. I am very gender sensitive and the gracious lady can be assured that when we talk about "men" in that context, it also includes women.

Mr. Speaker, Sir, in concluding my contribution on the security issue, I would like to ask the Government to stop harrasing our people at the Coast. What they intended to do with this fiasco at the Coast did not work and therefore, they should stop that exercise. "You" have tried it and it is not going to work at all. Therefore, leave our people in peace. In any case, the people who initiated the chaos have done a lot of harm to this country, because right now, tourism has dropped from 100 per cent to 40 per cent. Hoteliers are wondering how they are going to repay their loans. It is a very sad affair and whatever reasons the Government had, it is a shame.

Mr. Speaker, Sir, finally I would like to record my strong opposition to the funds that have been requested for the Electoral Commission, because the current Electoral Commission is not acceptable to us at all.

Mr. Speaker, Sir, during the Voter Registration Exercise, we have concrete information that the Electoral Commission put aside 5,000 fake cards for the presidential vote for every constituency in Kenya. Five thousand cards, multiplied by 200 constituencies is one million votes. It is that serious.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Speaker, Sir. It seems to be a terrible day for hon. Obwocha to go on making unsubstantiated allegations. Could he confirm that the Electoral Commission has set aside these fake cards to be used for the presidential vote? If he cannot, then he should withdraw.

Mr. Speaker: Order! I think I have been very fair to Mr. Obwocha today. He has made so many unsubstantiated allegations. Mr. Obwocha, I will now give you the Floor and order you to substantiate the fact that the Electoral Commission has set aside 5,000 bogus balloting cards throughout the Republic of Kenya for use in the presidential vote. You have the Floor to prove it, if you do not, you withdraw!

Mr. Obwocha: Mr. Speaker, Sir, we have a number of cards and I can produce them tomorrow with your order.

Mr. Speaker: Order! Mr. Obwocha, I am sorry I will not allow you to proceed! You knew very well that you were going to make an allegation like that and it is your duty to prove it. In fact, taking into account all the unsubstantiated allegations you have made, it is unfair to let that one go. You must substantiate or withdraw; otherwise, you are going to acquire the reputation of a man who makes allegations without the slightest substantiation. Substantiate or withdraw!

Mr. Obwocha: Mr. Speaker, Sir, does the Chair know that, in the Rift-Valley Province, 97 per cent of those people eligible to vote, who have acquired the new generation identity cards and the old identity cards, were

registered? This is unbelievable in the world! There is no way that 97 per cent---

Mr. Speaker: Order! Mr. Obwocha, be serious! You have made a categorical statement that 5,000 bogus votes in every constituency in Kenya have been put aside by the Electoral Commission for the presidential vote. That is what you are being asked to substantiate or withdraw, it is so simple. By the way, all the 210 constituencies are not in the Rift-Valley. Because you said: "In every constituency in Kenya". So, can you substantiate?

Mr. Obwocha: Mr. Speaker, Sir, since you are not giving me a chance to produce those voters cards tomorrow, I will withdraw for the sake of continuing with the debate. But, this other fact---

Mr. Speaker: There cannot be a fact after you have withdrawn. Either you withdraw or you do not!

Mr. Obwocha: Mr. Speaker, Sir, I have put that particular one aside. The fact I wanted to bring to the notice of this House is that, 97 per cent of the people in the Rift-Valley, with the new generation identity cards and the old identity cards, eligible to vote, were registered. It is unbelievable!

Mr. Speaker, Sir, we are not going to accept this election with the current Electoral Commission.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Speaker, Sir. Hon. Obwocha has stated that, 97 per cent of the people eligible to vote in the Rift-Valley registered as voters. That is a statement of fact and I would like him to produce those facts here.

Mr. Speaker: Order! Order! We must also be fair to hon. Obwocha! He has a right to express his opinion even if it is widely off the mark, so long it is not illegal.

Proceed, Mr. Obwocha

Mr. Obwocha: Mr. Speaker, Sir, since Independence, apart from our first Speaker, you are the best Speaker in the country. At least we have come to appreciate that fact. We have had terrible Speakers in this House. At least, I have come to accept that fact.

Finally, all that I was saying is that when the Electoral Commission is finally agreed between the Government and the Opposition, it should transparently transact election business in this country so that we have an accountable Government. We are not going to accept the coming election if the set constitutional, legal and administrative reforms are not effected. We must have access to the Kenya Broadcasting Corporation which is covering the Government day-in-day-out.

Since I know that my colleagues want to contribute to the Bill, with those few remarks I wish to support.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I beg to contribute to the debate on the Appropriation Bill. In terms of raising funds and spending them, the Government has in actual fact laws governing it. These legal provisions are stated very clearly in the Exchequer and Audit Act, the External Loans and Credits Act and the Internal Loans Act.

In spite of the fact that we have laws in the statute books - most of them are very good laws - the Government has excelled in not obeying its own laws. The Government has excelled in not observing the laws to the letter.

A few days ago I made a comment which was reported in the *Daily Nation* newspaper pretty accurately. The current negotiations between the IMF and the Kenya Government are actually illegal. The first contractual agreement between the Kenya Government and IMF regarding the enhanced structural adjustment Fund (ESAF) was all done illegally. I would like to read out Cap 422 - External Loans and Credit Act - because this is a very important matter: The National Assembly in the sovereign Republic of Kenya has actually been bypassed. A few weeks ago the IMF withdrew from Kenya part of the money from the ESAF facility of over \$200 million, and chastised the Kenya Government for not observing what it had agreed to in the Policy Framework Paper of February, 1996. This immediately messed up the Kenyan Shilling and businessmen in this country, sent prices rising and made this Government introduce a mini budget in which it hiked the prices of petroleum products. All these acts were illegal because we had approved a Budget.

An act by the IMF which plunged this country into a crisis was known by Kenyans for the first time when it took place. This House never even approved those transactions. Two weeks later, the same IMF officials came to Kenya and said that they were resuming negotiations with the Government, again without any reference to this House. If you do business with a corporation and then decide to withdraw a loan from that corporation because you think its managing director is not managing the corporation properly, and then after a few days you come back and say: "I am now reinstating the loan", and yet the same managing director is in that corporation, are you really doing good business? The first thing that corporation should do in order to gain confidence of its creditor is to dismiss its managing director. The "managing director of Kenya incorporated" has not been dismissed. So, why is the IMF coming back to negotiate with the same "managing director"? I hope the hon. Minister knows what I mean.

Mr. Speaker, Sir, if you look at the External Loans and Credits Act, Cap 422 (3) of the laws of Kenya it states very clearly what the law is:-

"All sums borrowed under this Act shall be expended only upon the purposes for which provision is made in the estimates of expenditure approved by Parliament. No goods or services shall be purchased on credit under this Act except such as are required for the purposes for which provision

is made in the estimates of expenditure approved by Parliament. The repayment of all sums of money borrowed under this Act and the payment of all money payable by the Government for goods or services purchased on credit under this Act, and the payment of all interest and other charges payable in respect thereof shall be charged on the Consolidated Fund and issued out of it without further appropriation under this Act. As soon as practicable after a loan has been arranged or credit obtained under this Act the Minister shall lay before the National Assembly a report on the transactions specifying the parties, the circumstances giving rise to the transaction, the amount or value of the transaction, the currency in which the amount or value is expressed, the terms and conditions as to interest and repayment or repayment and the aggregate of the capital sums borrowed and the credit obtained under this Act up to the date of the report, and any other information which he considers appropriate".

My question is this: In the recent ESAF negotiations, to what extent were the provisions of the External Loans and Credits Act observed? We are just approving the Appropriation Bill today. To what extent are these discussions falling within the Bill we are approving? This is the Bill which is giving the Government powers to raise money and spend it. Does it mean that the transactions between the Kenyan Government and the IMF and the World Bank are outside the powers of this House? Are monies to those institutions not appropriated? Or, what language should we use when money is paid to the World Bank? Is that appropriation or not?

I want to submit to this House that we would like the sovereignty of the Republic of Kenya to be respected, and the sovereignty and powers of this House to be exercised in negotiations with the World Bank and the IMF. To that extent, the World Bank and the IMF should accept to receive a delegation of Members of Parliament and discuss with them why they have been carrying out an illegal transaction with the Republic of Kenya. That is the first and very important point that I wanted to make.

The second point that I want to make is that the Government of Kenya has been trying to raise revenue - and this is very important - through privatisation since 1992. Nobody in this House - especially on this side of the House - disapproves of privatisation. Indeed, we do not want the Government to be engaged in activities which drain the Exchequer: We would like the Government to get out of such activities and hand them out to companies and individuals who are capable of making money and paying taxes to the Government. That is a principle which we accept. But when the practice of privatisation leads to the loss of money by the Exchequer then it becomes an anchor around the necks of Kenyans, and a way by which bureaucrats and well-connected politicians appropriate public resources at throw away prices.

I will give examples of this. It is important for us to understand that when we approve this Appropriation Bill the money will come from somewhere and yet we do not want our taxpayers to be overburdened, as has happened in the recent few weeks. In the cases of the Kenya Railways Corporation, National Housing Corporation, local authorities and certain Government Ministries, public assets have been appropriated at prices which have made the Exchequer lose money. That means that although we are empowering the Government to appropriate the sum of K£5,923,661,580 very soon, because it has lost money through the privatisation exercise, the taxpayer will be asked to pay extra money. This will happen because the Government has lost certain assets.

For example, Kenya Railways, one of the largest land owners in this country, has disposed of land and houses to speculators at throw-away prices. Those people have then sold the land and houses to other investors and made fortunes which could have gone to the Exchequer, were those assets advertised in the Kenya Gazette and Kenyans competed for them fairly; fortunes which the Exchequer could have made were those assets sold to Kenya Railways workers who deserved buying those houses.

Mr. Speaker, Sir, the same is true with local authorities. At the moment, Woodley Estate is being sold to private individuals by the Nairobi City Council, sometimes without the knowledge of the Nairobi City Council, and individuals who do not deserve to buy those houses are buying them. People who have paid rent for many years are being by-passed and yet, when those houses are being sold the price should be discounted against the rent that the people have paid. These are some of the travesties of justice that this Government is committing. Therefore, the Government is losing opportunities to get revenue; through corruption. We would like to tell the Government today that one of the reasons why, in spite of the illegality in which they are involved with the World Bank--- You are not taking care to raise proper revenue through the privatisation exercise and the Government is actually losing revenue.

Mr. Speaker, Sir, just recently, we also passed a law governing pension funds for the Central Government workers, but we forgot to revisit the Local Government Superannuation Act; an Act which governs the pensioning of Local Government workers. It is very sad that the people who have worked for the Local Government for many years and are going to collect pension, collect a pension of less than Kshs1,000 or Kshs1,200 which is really peanuts. I would like this Government, a long with the Pensions Act which we passed in this House, to look at the Superannuation Act and bring to this House an amendment Bill that will make it possible for retired Local Government

workers to enjoy proper pension.

Finally, again, in terms of the fiscal discipline in this country, recently--- The Minister for Finance should come to this House and make a categorical statement. Recently, Kshs60 billion was brought back to this country; money which had been sent out of this country, in 1993/94, by the politically correct people. When it was sent out of this country, the shilling was exchanging, to the dollar, at Kshs45 and Kshs53. When they brought it back at the height of the lowest value of the shilling recently, the shilling was exchanging at Kshs71 or Kshs72 to the dollar--- I want to submit to this House that the crisis between the Kenya Government and the International Monetary Fund was artificially engineered to devalue the shilling so that people who had repatriated their shilling to external banks, when the shilling was very strong, can bring back the money when the shilling is very weak and make a "quick-buck" and they made about Kshs20 to kshs30 for every dollar. This is because elections are coming and, since they can no longer print money, like they did before---- Mr. Cheserem is very tough and I must thank him for being tough. Since they cannot print money, this is what happened. A lot of money has been made by these very corrupt and sinister--- The Vice-President and Minister for Planning and National Development introduced the word "sinister" earlier, and I think now I am using it correctly. This is a very corrupt and sinister way of bringing money to this country.

Mr. Speaker, Sir, I would like the Minister for Finance to come to this House and tell us, for certain, because I have the evidence, why this money was brought back and why is it that, this quick-buck should be made. We are not against people bringing back money, but to conspire and create an artificial crisis so that the IMF goes crazy and then you bring in money and say that "you can now come back and talk to us---" This is criminal! In the court of conscience, this Government stands guilty.

The Minister for Co-operative Development (Mr. Munyi) Thank you very much, Mr. Speaker, Sir. I have been listening to what Prof. Anyang'-Nyong'o was trying to say. I would like to say that this Appropriation Bill is a very important Bill. In the countryside, in every constituency and in or every corner of our country, we need money so that the projects which are there can be implemented. Without approving this Bill, no money will be released to help the people in all parts of the country. What we should do is to approve this Appropriation Bill and if we do not do that, allegations and counter-allegations will not help this country.

This morning we had a very important meeting between the two sides; the KANU side and the Opposition side and, we agreed that the wall which was created, like the Berlin Wall, should not be there. All that we want is for our country Kenya to be protected and defended so that we can start moving. Hon. Shikuku did mention that and he said that all that we want is unity among the people of Kenya. This artificial war or difference should not be there. This afternoon we heard of people who have already ruined their own countries and now they are refugees here in our country. We do not want such a situation to arise in our country. All we want is to deal with what has been agreed upon. When we were discussing the Votes, we did discuss more than eight Ministries and we had an opportunity to express our views and of giving our ideas. I do not see the reason why we should make false allegations which are baseless. We cannot go by allegations because when you make an allegation which is baseless, it is not good.

I want to tell some of the newspapers to stop writing negative things said about the Government. They only want to highlight negative things said about the Government by individuals. Somebody who shouts from somewhere is given publicity. What is the use of that publicity? All that we want the newspapers to do is to tell the truth. If I say something wrong, I have already said---

Mr. Speaker: Order, Hon. Munyi! Number one, do not address the Gallery and two, what Clause are you referring to in the Bill?

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, I was referring to the Ministry of Finance and the money that has been approved. If you look at page 222, you will see the amount that has been agreed on. Therefore, what I want to say is: Let us approve what has been put in this Appropriation Bill for the good of our nation so that we can get things moving.

With those few remarks, I beg to support.

Mr. Shikuku: Ahsante, Bw. Spika. Jambo la kwanza, ningependa kuzungumza kuhusu Ofisi ya Rais. Bahati mbaya, sikuwa hapa hiyo ilipojauliwa. Nilikuwa nimealikwa na MPLA huko Angola niende nizungumze na wenzangu ili tubadilishane maarifa ya Ubunge, Parliamentary Procedures, Standing Orders, duties of Members of Parliament. Tukabadilishana mawazo huko na waheshimiwa Wabunge wamefurahi, tena wamenialika nirudi November, 1997. Kwa hivyo, sikuweza kuwa hapa kuzungumza juu ya jambo hili. Lakini nilipokuwa huko - dunia imekwisha kuwa ndogo - yale yote yaliyokuwa yakifanyika hapa unaweza kupata katika International Network (INTERNET) na pia CNN. Usingizi ukiisha na ukifungua CNN, utapata wanasema mambo ya Kenya. Mambo yameharibika. Ilikuwa vigumu sana kuwaeleza watu wa Angola mambo gani yanaendelea hapa Kenya.

Lakini Mungu si Abdala. Ofisi ya Rais inahusiana na Police Services, Government Press, Administration Police (AP) na mambo yote ya ulinzi. Maisha na mali ya wananchi yote yako chini ya hii ofisi. Hapa nimeona, na pia nimeambiwa kwamba mazungumzo juu ya hii Wizara hayakumalizika na hapa ukiangalia, wanahitaji

K£617,305,910. Hilo ndilo jambo ambalo ninataka kuzungumzia. Hizi fedha tunaulizwa tuongeze Ofisi ya Rais, zinafanya kazi gani? Tunataka tuambiwe ni kwa nini tarehe 31 Mei, 1997, polisi walitumwa kutupiga kwa rungu hapa Central Park. Watu wengine walikufa na wengine mpaka sasa bado wamelazwa hospitalini. Hii ndiyo kazi hizo pesa tunaulizwa kupitisha zitafanya? Leo ninataka kusema ya kwamba tunataka amani katika Kenya hii, na tunataka haki. Hasa tukiwa na haki, amani itakuwako. Kwa nini? Kwa sababu wale polisi walioumiza na hata kuuwa watu siku hiyo, mpaka leo, hatujaambiwa kwamba wamekamatwa na kupelekwa kortini. Swali lililetwa hapa kuhusu yule polisi wa kike aliyemua yule msichana huko Thika. Labda huyo mtoto angezaa Rais au yeye mwenyewe angekuwa Rais siku zijazo. Hatujasikia kama huyo mama ameshikwa. Bado yuko kazini na hapa tunapitisha pesa za huyo mama pia kula, na mtoto ameuawa. How do you get on? Ofisi ya Rais inataka tuipatie pesa ili watu wengine wengi wauwawe tena? We want that assurance. Polisi yule aliyemua yule mtoto wa Butere kule Egerton University hajashikwa mpaka leo. Na watu wa Butere wanataka kujua kama Bw. Shikuku atapitisha pesa za kuwapatia polisi ili waendeleo kuwaua watoto wao. Mhe. Waziri wa Fedha, kweli unaona mimi ni mwehu, kukupatia pesa kwenda kuua watu? Haiwezekani! Ninasikia kwamba kesi ya wale watoto waliouwawa hapa Chuo Kikuu iko kortini. Lakini mbona haki inachukua muda mrefu na hali pesa tunatoa? Wale wananchi waliouwawa tarehe 31 Mei, 7 Julai, 8 Agosti na pia huko Likoni - kama haingekuwa huu mkutano tuliokuwa nao leo. Lakini tumesikilizana kwamba tunataka amani, la sivyo, ningependekeza kwamba pesa hizi zipunguzwe. Lakini kwa vile tunataka amani, yataa tuwe pamoja ili haki ipatikane. Nitaliacha jambo hilo. Lakini nitaliacha tu ikiwa Serikali itawashtaki hao watu walioua mtoto wangu kutoka Butere huko Egerton na wale wengine. Lazima haki itendeke, kwa sababu tunaambiwa kwamba polisi wetu wanajua kazi sana. Ni kweli wanajua kazi ya kupiga watu wale nimealikwa kwa mkutano. Sisi hatupigi mtu. Pia sisi upande huu tuko na makosa na nitayatoa hivi karibuni. Wale polisi wote waliopiga watu tarehe 31 Mei, 7 Julai na 8 Agosti na wale waliouwa watoto wa Chuo Kikuu na pia Mombasa, yafaa wote wapelekwe kortini. Na jana asubuhi uliona Televiseni? Huko Molo watu wamekata miguu ya nyuma ya ng'ombe. Leo asubuhi nimejionea ng'ombe waliokatwa miguu ya nyuma huko Molo. Sasa ng'ombe anajivuruta kwa miguu ya mbele. Huu ndio usalama ambao tunataka kuhakikishiwa ilituipatie hii Wizara pesa. Wajibu wa Serikali yoyote ni kulinda maisha ya wananchi wake na pia mali. Ng'ombe hajui lolote kuhusu mabadiliko ya Katiba. Yeye anakula nyasi yake na huku mtu anamkata miguu. Mheshimiwa Waziri asijaribu kukoroga nyuki. Ukiweka mkono katika mzinga wa nyuki na uwavuruge, watakuuma sana. Haya ni maneno ambayo ninasema kwa uchungu mwingi sana. Kila mara mnasema kwamba ni Upinzani. Wakati wa clashes, watu waluwawa na mpaka leo hakuna hata mmoja wetu ameshitakiwa, na mlisema ni watu wa Upinzani waliofanya mambo haya. Kwa nini hamkukamata watu wa Upinzani? Upinzani hauko juu ya sheria. Ni nyinyi wenyewe ndio mnafanya hizi dhambi. Lakini damu ya wale watu wote waliokufa itawafuata nyinyi pamoja na watoto wenu. Lazima hawa wahalifu wote washikwe na kupelekwa kortini. Hizi pesa tunaulizwa kupitisha, K£617,305,910, kwa Ofisi ya Rais si pesa kidogo, na hali haihudumii wananchi inavyotakikana.

Bw. Spika, watu wa Kenya wako na haki ya kudai maisha yao na mali yao yalindwe. Leo asubuhi, kwa televisheni, nimeona huko Molo, ng'ombe ambao wamekatwa miguu ya nyuma. It is terrible! Serikali yafaa, itueleze ni nani amefanya hiki kitendo. Tuko na Special Branch, Criminal Investigation Department (CID), Informers, polisi na AP; wote wako katika Ofisi ya Rais. What are they doing? Walikuwa wapi wakati ng'ombe wa mtu walipokatwa miguu? Where were they? Ninasema kwamba ni lazima hawa watu wapatikane na waletwe mbele ya korti kwa sababu kuua mtu, awe wa Upinzani, KANU au polisi, si haki. Bw. Spika, magazeti ya nchi hii yanafanya njama kufunika maovu. Kwa mfano, tulipokuwa katika Central Park ambako nilikuwepo, na nimehusika na maneno yote ambayo tulipitisha kule Limuru, mmoja wa wananchi aliuawa na walijua kwamba nitazungumza juu ya jambo hilo. Wakati niliposimama kuhutubia wananchi, watu wengine, ambao ni organised political thugs, walianza kunipigia kelele kabla sijafungua mdomo kwa sababu walijua ningetangaza hapo kwamba mtu alikuwa ameuawa hapo. Askari huyo hakuuawa na polisi. Aliuawa na majangili wa siasa ambao ni youth wingers wa Upinzani. That must be said and that is the truth. Walinikataza kuwatambua na nikaacha kuwatambua. Nilitoka hapo na nikaenda nyumbani ambako niliita press conference katika nyumba yangu. Nilitangaza kwamba sisi wapinzani tumeua mtu or that Opposition political thugs had killed a citizen of this country. Gazeti la *Kenya Times* ndilo ilichapisha maneno hayo. *Daily Nation* na *Standard* walisema kwamba Mhe. Shikuku alipigiwa kelele. Hiyo ndiyo habari iliyochapishwa lakini kifo cha mtu sio habari. I can tell you that they are also behind violence. But the press will also pay when the country becomes chaotic. The pressmen are not above God. Oh, yes, we shall go with them also. It will be *mundu khu mundu*. They will never like it.

Mr. Munyasia: Jambo la nidhamu, Bw. Spika. Nilifikiri mhe. Shikuku alianza kuongea kwa Kiswahili. Sasa ana haki kubadilisha lugha na kuanza kuongea kwa Kiingereza?

Mr. Speaker: Ama kwa Kiluhya!

(Laughter)

Mr. Shikuku: Bw. Spika, unajua kwamba kuna watu waliosoma sana katika Bunge hili na wakati mwingine ukizungumza kwa Kiswahili, hakiingii sana. Kwa hivyo, wana shida ya kuelewa Kiswahili. Wakati mwingine wanafikiria kwa kile Kiingereza walichosoma ili waweze kusikia. Nakupa mfano huo na hata sasa katika magazeti kuna watu ambao ni lazima waripotiwe na hali sisi haturipotiwi. Ni lazima watu wengine waripotiwe. The press has been bought. Hata mwenyekiti wangu wa zamu aliwaambia kwamba amewanunua na mpaka leo hawajampeleka kortini kwa madai ya kusema uongo. The former chairman of FORD (A) aliwambia: "You, you, I offered you bribes". Niliona kisa hicho katika televisheni. Waliambiwa hivyo na sijaona mmoja wa maripota akimpeleka mwenyekiti wa zamu wa FORD(A) kortini. Wamenunuliwa lakini hawatamaliza pesa hizo kabla wao wenyewe au jamii zao---

Bw. Spika, yafaa ukweli usemwe. Haya yalikuwa makosa makubwa halafu wenzangu wa Upinzani wanapeleka rambirambi Jumapili. Kama walijua kwamba mtu alikufa pale, kwa nini hawakupeleka rambirambi siku hiyo? Evil is evil whether committed by the Government or by the Opposition. The press can cover as much as it wants, but one day they will not be able to cover for you shall be six feet below.

Dr. Kituyi: Ongea Kiswahili Bwana!

Mr. Shikuku: Bw. Spika, unajua watu kama mhe. Dr. Kituyi wamesoma sana na wakati mwingine ukisema "Six feet below", wanajua sana kitu ambacho unasema. Mimi nimechukua fursa kusema juu ya hii Wizara kwa sababu ni lazima tuondoe makosa ambayo yanaikumba. Na yafaa polisi waambiwe, kutoka sasa, kwamba ni lazima GSU wapewe mafunzo mapya ya kupambana na majangili. Wasiendeele kupiga mtu ambaye ameanguka chini kama nyoka kama vile mhe. Busolo alivyopigwa siku ya *Saba Saba*.

Bw. Spika, nilimwoko Mhe. Busolo. Kama singefanya hivyo sasa hatungekuwa na mhe. Mbunge wa Webuye. In the name of God, I did save him. Mhe. Busolo alikuwa amezingirwa na GSU ambao walikuwa wanampiga kama ng'ombe lakini kitu ambacho kilinishtua ni kwamba sikuona akijikinga. Ilikuwa bahati ya Mungu kusikia kitu kinapigwa na wakati nilipoangalia nikapata ni mhe. Mbunge ambaye alikuwa anapigwa. Kumbe mkono ule ambao alitumia kwa kujikinga ulivunjika na ule mkono mwingine ukaumia. Sasa yeye alikuwa anatembea akipigwa kama ngo'mbe. Nilishtuka kwa vile nimekaa siku nyingi katika siasa. Ninawashukuru askari wale wa polisi. I shouted. Nikapiga kelele: "What is that? Stop it!" Wakaniangalia na wakati walipoona ni Mzee Shikuku ndipo wakaacha kumpiga mhe. Busolo. Huyu mhe. Busolo angekuwa maiti. Kwa hivyo, wale wanaotaka fujo ni bora wajue kwamba fujo ikizuka, pia nao watakumbwa nayo. So, for those who live by the sword, will die by the sword. Kwa hivyo, ni wajibu wangu, na wajibu wa Wabunge wote katika Bunge hili, kuona kwamba hakuna fujo katika Kenya. That is our job!

Bw. Spika, ningependa kuchukua fursa hii kumshukuru mwakilishi wa Togo katika UNEP hapa nchini. Nilisimamisha gari moja ili mhe. Busolo apate kupeleka hospitali na Mhindi mmoja akaja na akanidanganya kwamba anasimama na akaenda. Mwafrika mwenzangu alikuja, akapiga reverse na akaenda. Ilikuwa mwakilishi wa Togo katika UNEP ambaye alikubali kumpeleka mhe. Busolo hospitalini. Na tena ni watoto wake ambao walimjulisha kuhusu kisa hicho kwa sababu alikuwa karibu kupita. Watoto wake walimuambia: "That is hon. Shikuku". Hapo ndipo akasimama na kumpeleka mhe. Busolo hospitalini. Tunataka polisi waambiwe kwamba wakati mtu anapokimbia ni bora wamuache. Wewe Bw. Spika ni Maasai na mimi ni Mluhya, Wakamba, Wakikuyu na wengineo wako hapa. Tuna mila moja. Mwanamume mwenzako akishaanguka chini si bora kuendelea kumpigia pale chini. Ni bora kurudi nyuma hatua tatu na kumwambia asimame. Akisema ameshindwa basi ni bora umsaidie ili asimame. One of the special branch officers in this Parliament was beaten with a club until she cried. Alipigwa mpaka akatoa kipande chake. Tangu lini mwanamke akapigwa? Mimi najua wewe ni Maasai na najua mlipokuwa mnakuja kuchukua ng'ombe kule kwetu mlikuwa mnachukua ng'ombe tu na mkipata msichana mnakwenda naye. Hamkuwa mkiua msichana lakini mlikuwa mnaua mwanamume. Hii polisi yetu imeshaharibika. We must introduce the culture of Africanism in the Police Force. Ni vizuri wajue kwamba bibi hapigwi, lakini anachukuliwa. Ni bora wajue kwamba mtu akishaanguka chini inafaa aachwe. Wajue kwamba wakati mtu anapokimbia ni bora achiiliwe akimbie.

Bw. Spika, hizi bilioni za pesa tunaipatia Ofisi ya Rais ili polisi hawa walinde mali na maisha yetu. Lakini polisi wetu wanaishi maisha mabaya sana. Nyumba zao ni za zamani na mishahara yao ni ya kiwango cha chini na wanafanya kazi zaidi ya wanajeshi. Ni lazima polisi wetu wapewe mishahara mizuri. Ikiwa polisi watafanya kazi vizuri, tunataka tuwape mishahara ya kutosha. Kwa nini wao wanalipwa chini ya wanajeshi na wao hufanya kazi usiku na mchana? Iwapo kutatokea jambo mipakani, basi wanajeshi watalishughulikia lakini wakati mwingi wao hupangusa bunduki na kukimbia kila asubuhi. Polisi wanafanya kazi masaa 24. Tofauti iliyoko kati ya polisi constable na mwanajeshi constable ni kubwa sana. Ni lazima tofauti hii ichunguzwe na kurekebishwa.

[Mr. Speaker left the Chair]

[The Temporary Deputy Speaker]

(Mr. Wetangula) took the Chair]

Bw. Naibu Spika wa Muda, nitamalizia kwa kusema machache kuhusu Ofisi ya Rais. Ofisi ya Rais ndiyo inayohusika na uchaguzi hapa nchini. Leo, Mungu ameleta roho safi kati ya Waheshimiwa Wabunge wa Upinzani na Serikali. Tumekutana leo na yafaa Mtukufu Rais aambiwe tumekutana kuleta amani. Tunataka kila mhe. Mbunge atoe mapendekezo yake kuhusu marekebisho ya Katiba. Ukiangalia NCEC ambayo waheshimiwa Wabunge wa Upinzani ni wanachama wake, utaona kwamba sisi ndio baba na mama wa NCEC. Ukiangalia marekebisho ya Katiba ambayo tumependekeza, hakuna kifungu hata kimoja kinachoweza kumfanya hata paka afe! Lakini watu wamekufa na wanazidi kufa kwa sababu ya makerebisho ya Katiba. Kwa nini? Waheshimiwa Wabunge wote wanajua marekebisho yetu ya Katiba si mabaya. Jumanne tutakutana tena ili tuweze kumaliza mazungumzo yetu juu ya marekebisho ya Kikatiba ambayo tumependekeza. Wale ambao wanataka kuwa na ajenda nyingine yafaa wawe nje!

(Applause)

Wakati mambo yote yamesemwa na kufanywa, marekebisho yetu ya Katiba yataletwa hapa Bungeni. Hatumkatazi mtu mwingine kupendekeza marekebisho yake ya Katiba. Lakini, waheshimiwa Wabunge Wenzangu walikuwa wakifikiria kuwa NCEC ndio kila kitu. La, NCEC ni mwavuli wetu! Waheshimiwa Wabunge wa KANU walikuwa wakifikiria mwavuli huu ndio mtu. Wewe ukiwa na mwavuli wako na unatembea, je, mwavuli huo ndio wewe au ni kitu tu ambacho unatumia? Wewe unapigana na mwavuli ila si mtu mwenyewe! Leo waliona mwenye mwavuli. Sisi ndio watu tulio katika NCEC. Sisi ndio tulianza NCEC! Tulianza na Inter-Parliamentary Group; FORD(A), FORD(K) na DP. Ni lazima mjue kwamba mnaposema "NCEC" mnasema na FORD(A) ambayo katika uchaguzi uliopita tulikuwa na kura zaidi ya 1.4 milioni, kura 1.02 milioni za DP, na kura 900,000 za FORD(K). Kwa hivyo, NCEC si kitu kidogo ila ni hatari! Lakini tumekubaliana sasa huu ni mwavuli ambao tunaandisha chini ili muweze kuona wenye mwavuli ambao ni sisi.

Jambo ambalo tunataka ni ukweli na haki kutoka upanda ule mwingine. Je, ukweli upo? Kama upo, kutoka leo hatutakuwa na damu ya mtu itakayomwagika na wale waliomwaga damu ni lazima wapelekwe kortini; na wale ambao walishikwa na hawajapelekwa mahakamani kwa hatia yoyote, waachiliwe waende nyumbani. Lakini wale wanaonekana walihusika na mauaji; ikiwa polisi alimua raia au raia alimua polisi, ashtakiwe! Hiyo ndiyo njia ya haki.

Bw. Naibu Spika wa Muda, mtu yeyote anayefikiria kwamba yeye ni mkubwa kuliko waheshimiwa Wabunge, yafaa atambuee wakati wa kura unakaribia tungetaka tukutane naye huko nje, lakini si katika ukumbi wowote. Ikiwa yeye ni mwanamume angojee turekebisha Katiba kisha twende kwa raia kuomba kura. Kila mtu anayetaka kuleta maoni yake katika marekebisho ya Katiba na ayalette. Marekebisho tuliopendekeza kule Limuru, pamoja na yale yenu tutarekebisha na baadaye Rais Moi atapiga filimbi ya uchaguzi ili tukutane huko uwanjani. Hakuna haja ya kusimamisha uchaguzi. Wanaume ni kuonana ili mambo yaishe!

(Applause)

Bw. Naibu Spika wa Muda, tukishamaliza kufanya marekebisho katika Katiba yetu, Rais Moi atapiga filimbi. Kutoka Jumanne, wiki ijayo, tutakutana tena ili tuunde kamati. Na hivi ndivyo mambo yakatavyokuwa: KANU upande mmoja na nyuma yao washauri wao, viongozi wa kidini katikati na upande mwingine Upinzani na washauri wao wa NCEC. Kwa hivyo, tutakuwa na waheshimiwa Wabunge wa KANU na wa Upinzani upande mmoja, waheshimiwa Wabunge kwa waheshimiwa Wabunge, na washauri kwa washauri! Hivyo ndivyo mambo yatakavyokuwa kwa sababu mambo yakiharibika, tutalaumiwa sote.

Bw. Naibu Spika wa Muda, nimehudhuria mkutano huo kama mhe. Mbunge wa Butere. Mimi si kuchaguliwa na NCEC!

Bw. Naibu Spika wa Muda, watu wengine wanacheza na nchi hii. Baadhi yetu tumepata taabu katika nchi hii. Hata hivyo, unaona watoto wanasimama na kuwatukana waheshimiwa Wabunge. Kama wao wanafikiri wanaweza kuwatukana Waheshimiwa Wabunge nawaalika tukutane uwanjani na watajua ni nani aliye na nguvu kati yetu. Kuwa mhe. Mbunge si jambo la mzaha! Wacha tukutane huko!

Bw. Naibu Spika wa Muda, amani katika nchi hii italetwa na Bunge hili. Hakuna mtu mwingine anayeweza kuleta amani katika nchi hii. Bunge hili lina mamlaka ya kufanya hivyo. Na kwa vile tumeshakata shauri, tutaleta amani.

(Applause)

Itakuwa amani yetu bila shinikizo lolote. Tulipokuwa chini ya utawala wa Uingereza, Bunge hili lilikuwa na waheshimiwa Wabunge weupe na waheshimiwa Wabunge weusi wanane. Wakati huu ni mhe. Criticos ambaye ana nywele na ngozi tofauti! Wale wengine wote ni weusi. Tulileta uhuru na hatujakufa, na tutaleta amani katika nchi hii. Tunaungwa mkono na wananchi. Kwa nini wafuasi wa KANU kupigana na sisi? Hakuna haja! Bei ya mkate kwa wafuasi wa chama kinachotawala ni Kshs20, bei kwa Upinzani pia ni Kshs20. Hata wafuasi wa chama kinachotawala wakitingisha kidole namna gani bei ni ile ile tu!

Bw. Naibu Spika wa Muda, wanasema tu: "tingisha, tingisha, tingisha!" Hata wakitingisha mpaka watu wakose kuona kidole, bei ya mkate bado ni Kshs20. Hata wale wa Upinzani wakipinga namna gani, bei ya mkate bado ni Kshs20. Ni kwa nini tunapigana? Katika KANU kuna watu wengi ambao ni maskini kushinda walio katika Upinzani. Hawana pesa za kulipia watoto wao karo za shule; hawana kazi na pia hawajiwezi. Kama nyinyi mnatawala, mbona wafuasi wenu hawana kazi? Taabu yetu ni moja na kwa hivyo, tumekubaliana kama Wabunge. We have taken over our responsibilities henceforth.

Bw. Naibu Spika wa Muda, nataka sasa kuzungumza kuhusu Wizara ya Habari na Utangazaji. Hawa pia ni wafisadi. Jana, kwa mfano, nilipendekeza kwamba badala ya kutumia neno "may" ingefaa tutumie "shall" katika Financial Bill. Lakini aliyetangazwa na Kenya Television Network (KTN) ni mhe. Osogo. Walikuwa hapa, wakaniona lakini wakatangaza mh. Osogo. Is that the truth? Is that journalism? Nakumbuka pia siku ile Bw. Simiyu aliuawa katika mkutano wa Upinzani na political thugs wa Upinzani. Hiyo hazikuwa habari za kutangazwa lakini walitangaza kwamba mhe. Shikuku was heckled! Bw. Simiyu aliuawa wakati alipokuwa akienda benki. Nilimuona akifukuzwa kama swara na kuuawa. Kitendo kama hicho kinaumiza sana. Wale polisi waliokuwa wakiwafukuza wananchi na kuwaua--- Ninasikia uchungu. All must be brought to book. Bw. Simiyu alikuwa na watoto, bibi, shemeji, mjomba na hao wote wamepata taabu. Why do we do that?

Bw. Naibu Spika wa muda, sasa nataka kuzungumza kuhusu hili jambo la utangazaji. Siku moja shirika la KBC itapelekwa kortini kujibu maswali kwa sababu watu wa Butere na pia wale wa huko kwako wanatoa kodi ya kuendesha KBC. Hapa, KBC wanataka K£17,661,360. Hizi pesa hazijatolewa na wanachama wa KANU au FORD(A) peke yao. Hizi pesa zinatolewa na wananchi wote wa Kenya. Imekuwaje wao wanatangaza watu wa KANU saa zote katika radio? Ukisikia mtu wa Upinzani akitangazwa kwa radio itakuwa ni: "Mwanachama wa FORD(A) amekihama chama chake na kujiunga na chama cha KANU, kwa sababu vyama vya Upinzani havina maendeleo na kadhalika". Punda sana hawa watu!

Bishop Njeru: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hope you heard what the hon. Member said. He said "hawa watu ni punda". Is that Parliamentary language?

Mr. Shikuku: Bw. Naibu Spika wa muda, nimesema hawa watu wanaochukua kodi ya watu wa Butere watapelekwa kortini siku moja kwa sababu haya mambo yanaandikwa. Wasifikiri mambo yataendelea hivi, hivi. Imeandikwa hata katika Biblia kwamba mshahara wa dhambi ni mauti. Nimesema hawa ni punda kwa sababu wanachukua pesa za watu wa Butere na sehemu nyingine katika nchi hii, lakini wanaripoti KANU peke yake na sote tunatoa ushuru. Hawa watu ni punda! Hata wasiporipoti maneno ya Shikuku, I do not need them. Mimi sihitaji publicity. Ni nani asiyemjua Shikuku? Hata mama na baba zao hawa watu wa Press wanamjua Shikuku. Yes! Let them ask their mothers and fathers and they will be told: "We know that guy." Kwa hivyo, mimi sina haja ya publicity. Mimi ninasema ukweli na ukweli huo yafaa uandikwe. Mimi sikuja juzi kwa siasa. Mimi si kama mtoto mdogo anyajifundisha kutembea akiimbiwa: "*Tenjerere*". I have 45 years in this game. Who does not know Shikuku? I have been in Parliament for 34 years, while the other 11 were spent in the struggle for Independence. Wengine hapa bado wanaimbiwa: "*Tenjerere*". Hawa walioingia hapa hivi juzi ndio wanahitaji kuimbiwa. Hawajajulikana na wanataka kujulikana. Kina Dr. Kituyi, Dr. Lwali-Oyondi, mhe. Munyasia na hata Bishop Njeru, aliyekuja juzi, yafaa waimbiwe "*tenjerere*" ili miguu yao ipate nguvu ya kutembea. Kuna mmoja pia ambaye angeimbiwa "*Tenjerere*" katika upande ule wa KANU.

Mr. Sankori: Jambo la nidhamu Bw. Naibu Spika wa muda. Ni sawa kwa mhe. Shikuku kutupatia maagizo badala ya kuendelea na yale ambayo yanazungumzwa?

Mr. Shikuku: Bw. Naibu Spika wa muda, kwa kawaida mimi nazungumza kufuatana na Mswada na nimesema juu ya KBC na pesa ambazo zinahitajika. Nimesema ni kwa nini niwapinge au niwaunge mkono. Mimi sikuchaguliwa kuja hapa kusema "AYE". Hapana! Hata nilipokuwa upande ule, nilikuwa nikizungumza. Nakumbuka nilisema: To be an Assistant Minister, you are neither a bird nor an animal." Nilisema hivyo nikiwa upande ule. Nilisema hivyo kwa sababu Mawaziri wasaidizi hawana wezo. Hata Waziri akiwa mgonjwa hawawezi kufanya kazi ya Waziri. Ni lazima wakalie kiti cha Waziri kama yeye hayuko na si kuleta Waziri mwingine kuja kufanya kazi katika Wizara asiyeifahamu. That is what should be done. Tunataka tuwe na Deputy Minister. Yafaa hiyo pia iwe moja ya zile reforms tunazotaka. Kama Waziri wa Fedha, Bw. Mudavadi, ametoka, ni lazima mhe. Keah akalie kile kiti chake, na siyo mambo ya kuleta Waziri mwingine ambaye haelewi mambo ya fedha. Tulipitisha Hoja hapa iliyoletwa na Bw. Mark Mwithaga. Mhe. Kariuki alikuwa hapa na tulipitisha Hoja hiyo lakini imekaliwa. We

need the post of a Deputy Minister. Kwani wale wanaokalia kiti cha Waziri wamezaliwa kupitia masikioni? Si walipitia kule tulipitia? Wakati umefika, na hatutaki mambo yaripotiwe na KBC baadaye. Tunataka yaripotiwe moja kwa moja kupitia kwa radio na si habari ya kukata wengine, na wengine wanapatiwa nafasi kwa televisheni. Angola na Tanzania wanatangaza majadiliano katika Bunge moja kwa moja mpaka kwa wananchi. Ikiwa televisheni itaonyesha Shikuku, wanapitisha picha yake mara moja ili wananchi wasijue alikuwa anaongea nini. Utafikiri wameona mafi. Tunataka mabadiliko katika Wizara ya Habari na Utangazaji. Wakati umefika ambapo mabadiliko yanahitaji kufanywa katika vyombo vya habari, hasa televisheni na redio, ili majadiliano katika Bunge yatangazwe moja kwa moja kama vile inavyofanyika huko Tanzania, Angola na kwingineko. Tulipata Uhuru miaka 34 iliyopita na Angola ilipata Uhuru wake mwaka wa 1975. Ikiwa mtoto anafanya mabadiliko na wewe mzee hujafanya, je, akili yako ni nzuri?

Bw. Naibu Spika wa Muda, jambo lingine ni juu ya Tume ya Uchaguzi. Ninaona fedha zao zimewekwa pamoja na za Bunge chini ya Vote R29, "The amount required in the year ending 30th June, 1998, for salaries, expenses and National Assembly comprising of Office of the Clerk, the Legislative, and grants to the Electoral Commission--" Mimi husoma Miswada hii kwa undani, ingawa si wakili. Ninawashukuru watu wa Butere na Bunge hili letu, kwa sababu ninapoalikwa na nchi kama Musumbiji, Afrika Kusini na Angola kufundisha taratibu na Kanuni za Bunge, ninafurahi. Nimefundisha Angola na UNITA na MPLA wamenimba tena nirudi mwezi wa Novemba kuwafundisha. Nina furaha kwa sababu wao wanaelewa haraka mambo haya. UNITA ilishindwa katika uchaguzi, lakini walikubali kuchukua nyadhifa zao katika Bunge lao Aprili, 1997. Pia, nimechanua MPLA na wanaelewa sana taratibu na Kanuni za Bunge. Hata Serikali yetu inatakiwa kuwa na Upinzani ambao unaelewa jukumu lake na Serikali yafaa iwe macho ili wananchi wapate huduma nzuri. Hicho ndicho tu kitu tunataka, lakini si kuvutana hapa na pale na kutukana na au kupigana vita ambavyo havina maana. Jambo muhimu ni kujadiliana pamoja ili tufikie uamuzi mzuri. Madharau ya bure hayafai.

Bw. Naibu Spika wa Muda, mambo mengi yamesemwa juu ya Tume ya Uchaguzi. Nilikuwepo wakati Tume hii ya Uchaguzi ilipoundwa na tulijaribu wakati huo kuiambia Serikali ivihusishe vyama vyote katika Tume ya Uchaguzi, lakini Serikali hiyo tukufu haikusikia, lakini sasa wakati umefika. Tutakapokutana, tunataka Tume ya Uchaguzi iongezwe kwa kuhusisha wawakilishi kutoka vyama vya Upinzani ili ifanye kazi bila mapendeleo. Tunamsihi Mtukufu Rais ahusishe wawakilishi wa vyama vya Upinzani katika Tume hii ya Uchaguzi ili misukosuko ikome. Lakini sitaki kuingilia mtu yeyote kwa sababu watu wengine wamezoea kuwaingilia wengine bila sababu. Tulipokuwa katika Central Park, Mabw. Matiba, Wamalwa, Karume, Askofu Ndingi na Mugalla wa COTU, wote walishtumu mgomo. Nilipokuwa hapo niligundua kwamba watu wengine wanafikiri wengine ni wapumbavu. Waliwashtumu Mabw. Wamalwa, Mugalla, Chesoni na Mkuu wa Sheria. Nikaangalia---

An hon. Member: You were heckled!

Mr. Shikuku: I was there and they only heckled me. Ilikuwa makosa kwa viongozi wale kushtumu mgomo huo kwa sababu walihusika katika maandalizi yake katika kongamano la Limuru. Ni makosa kwao kushtumu mgomo ambao tayari walikuwa wamekubaliana. Nilikuwa ninafikiri kuwa wataanza kumshtumu Matiba, Wamalwa, Mugalla na Karume, lakini Karume na Matiba hawakutajwa au kushtumiwa na viongozi hao. Lakini Wamalwa na Mugalla walishtumiwa vikali. Let them watch out. Some of us are nationalists and we have got history. Watu kama Shikuku tuna historia yetu. Kwa nini iwe hivyo? Sasa kila mtu anamlaumu Chesoni kwa makosa yasiyo yake. Ninakubali kwamba Bw. Chesoni ni Mwenyekiti wa Tume ya Uchaguzi kama Spika alivyo kinara wa Bunge hili na tukipitisha mambo yoyote, tunasema "Spika! Spika!" Kazi ya Bw. Spika ni kuhakikisha kwamba kuna utaratibu na kwamba sheria za Bunge hili zinafuatwa na Wabunge ambao wanataka kuzungumza. Kwa hivyo, hatuwezi kumlaumu Bw. Spika ikiwa kutatokea makosa katika shughuli zetu. Kwa nini kila mtu anamshtumu Bw. Chesoni ambaye ni Mwenyekiti wa Tume ya Uchaguzi? Bw. Chesoni anafanya kazi na makamishna wengine. Kwa nini wao hawashtumiwi?

Mr. Busolo: Wataona *mundu kuu mundu!*

Mr. Shikuku: I want them to wake up and realise that the Abaluhya are not in transit in Kenya. We are here permanently!

(Applause)

Punda atazaa punda, lakini ukimpandisha simba kwa punda, punda hazai simba! Kama babu yao alitutawala, basi nao watatutawala. Lakini kama hakututawala, ninataka wachunge sana na wajue kwamba paka hawezi kuzaa mamba. Yafaa tuache kuwaingilia watu wengine. Tukiharibu Bunge la nchi hii, tutalaumiwa, lakini si Bw. Spika, ambaye anakalia kiti tu. Kwa hivyo, tunataka Mtukufu Rais aongeze wawakilishi wa Upinzani katika Tume ya Uchaguzi ili tuendelee mbele. Hakuna haja ya kupigana. Ninataka ieleweke kwamba tunahitaji kushirikiana kwa sababu hakuna kabila moja ambalo litaitawala Kenya hii peke yake. Lakini ikiwa kuna wengine wanaofikiria hivyo,

na hasa wale wanaofikiria kupora mali ya Wahindi---

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Shikuku to use both English and Kiswahili contrary to the Standing Orders?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninaomba msamaha kwa sababu ulimi uliteleza. Yeye pia huteleza tena sana!

(Laughter)

Bw. Naibu Spika wa Muda, tunataka umoja na ukweli ambapo umeshikamana kwa sababu tunajua watu wengine wanafurahia kupora mali ya wengine--- Hakuna mtu ambaye ni adui kwa Wahindi kama Shikuku. Ni nani? Wengine wanaweza kuwashtumu Wahindi zaidi, lakini hawana vitendo kama Shikuku. Niliianza kuwalaumu Wahindi zamani sana, wao walikuwa wapi? Hakuna hata siku moja nimewaambia watu wapora mali ya Wahindi. Sikuwahimiza watu wetu kupora mali ya Wahindi. Leo utapora Mhindi na akiisha, utamgeukia Mkikuyu na Mjalu. Hii ni kwa sababu kupora ni lazima kuendele. Kwa hivyo, kupora ni kubaya na kusikubaliwe kwa mtu yeyote. Nauliza swali hili kwa waheshimiwa wenzangu: Ni nani ameshawahi kumwona chui akienda choo au haja kubwa? Hata kwa wapiga picha, ni nani amewahi kumwona chui amepigwa picha akienda haja kubwa?

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Shikuku is asking us whether any of us has seen a leopard going for a long call. Then, he turns round to see if we are going to raise our hands. Is it in order?

(Mr. Munyasia interjected)

Mr. Shikuku: Please do not interfere with me. I am the Member for Butere and I was an hon. Member before you came here!

An hon. Member: Who are you referring to?

Mr. Shikuku: Namwambia mzungu mwingine ambaye ameketi nyuma yangu!

Bw. Naibu Spika wa Muda, ukweli ni kwamba chui akila mbuzi wa Gen. Mulinge, na mimi ni jirani yake, itanibidi kuondoka na mkuki, siyo kwa sababu yeye ni jirani yangu, bali najua chui akimaliza na yeye, huenda choo. Akimaliza mbuzi wa Gen. Mulinge, atageukia wale wangu. Wakati mwingine nikienda kumsaidia Gen. Mulinge, yule chui anaweza kuniua mimi na hajala mbuzi wangu. Nitakuwa nimeenda kumsaidia Gen. Mulinge. Mambo haya yanafanyika. Kwa hivyo, tukishamaliza kumpora Mhindi, Mkikuyu atakuwa wa pili. Tukimalizana na Mkikuyu, Mluhya atakuwa wa tatu, ijapokuwa Mluhya hana chochote cha kuporwa.

(Laughter)

Ndio, Bw. Naibu Spika wa Muda! Tangu mwaka wa 1963, Waluhya wamekuwa wakilamba mchanga! Wanalamba vumbi mpaka saa hii! Tuko na nini cha kuporwa? Kama mnafikiri kuna vitu vya kuporwa, nendeni mkapore! Lakini, chungeni sana Waluhya! Wamekaa na njaa kwa siku nyingi. Tutawapora sana mkifanya mchezo! Tuko na idadi kubwa. Lakini sisi hatutaki kufikia kiwango hicho! Na Mluhya akiisha, tutamgeukia Mjalu. Pia yeye hana kitu! Tukitoka kwa Mjalu, tutamfikia Mkamba. Hana mali zaidi. Kwa hivyo, lazima tumalize maovu haya.

Bw. Naibu Spika wa Muda, nataka kukaa chini kwa kusema jambo hili. Ukabila katika Kenya usikubaliwe. Wale ambao wanataka matata na wanafikiri wakimua mhe. Sunkuli wataweza--- Hapana, hawajaweza lolote! Kummaliza kisiasa, ukweli na katika mijadala ni sawa, lakini tusimue kwa sababu eti yeye ni wa KANU.

An hon. Member: Unamaanisha mhe. Sankori?

Mr. Shikuku: Hapana! Huyu anaitwa mhe. Sankori. Mhe. Sunkuli na mhe. Sankori wanatofautishwa na "U" na "A". Lakini hali yao ni moja. Wote ni Wamaasai. Hata mimi ni Mmaasai. Nilizaliwa karibu na Ziwa la Magadi. Nilipokuwa mdogo, nilikuwa nazungumza Kimaasai, Kikamba na Kikikuyu. Nilipokwenda *Ingo*, hiyo lugha ikapotea. Mimi najua *Ero sida inele shangigi iyot ero!* Ukabila lazima umalizwe.

Tukishamaliza kikao hiki cha Bunge, tunataka Wabunge wote watembe Kenya nzima na kila Mbunge awaambie watu wake kuwa sisi ni kitu kimoja. Watu wa Pwani ni marafiki zangu kutoka wakati wa KADU mpaka sasa, nawaomba waache, ikiwa ni kweli wanatumiwa, kuu wengine. Jambo hilo haliwezi kuleta manufaa. Ikiwa ni mambo ya ardhi katika Pwani, tulipitisha Mswada hapa, na Wabunge wa Pwani wakaambiwa wasiache watu wa Pwani wawe maskwota katika ardhi yao. Imekuwaje watu wa kutoka sehemu za bara wanapata vyeti vya kumiliki mashamba ilhali watu wa Pwani ni maskwota katika ardhi yao? Jambo hili ni lazima lisuluhishwe. Ni lazima turekebisha hali hiyo. Katika marekebisha ya mashamba, lazima watu wa Pwani wapewe haki yao. Nakumbuka tulipokuwa huko Lancaster mwaka wa 1962 na 1963, ardhi kwenye ul ukanda wa maili 15 kwenye ufuo wa bahari

ilikuwa mali ya sultani wa Zanzibar. Tulifanya mkutano mpaka sana nane za usiku na ndipo sultani akakubali ardhi hiyo iwe sehemu ya Kenya, na akalipwa na Serikali ya Uingereza. Kwa hivyo, hawa ni ndugu zetu na siyo mali ya sultani tena. Lakini uchungu ni kwamba, watu wa kutoka bara wamechukua ardhi kubwa huko na wana vyeti vya kumiliki mashamba, na watu wa Pwani hawana. Hiyo ndiyo shida. Wabunge wa Pwani walileta Mswada hapa zamani na tukaupitisha. Tunataka watu wa Pwani wapewe haki yao.

Kwa hayo machache, naunga mkono.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to make my modest remarks about this important business.

I have had occasion before to speak in this House, and I wish to repeat this: That while it is very important business of Parliament to deliberate upon and pass the Appropriations Bill, it is a bit confusing when you are deliberating on the Appropriations Bill, at a time when you are already aware that it has been rendered irrelevant, by factors which emerged after the budgetary process had been initiated.

Apart from the Government re-directing public resources that were supposed to be voted for development expenditure, to cover up for the shortfall in recurrent expenditure, we have two other significant problems. Certain grants-in-aid and soft loans from donors have been tied to a certain percentage of the component to come from the Kenya Government, to the extent that we already know that the monies that were supposed to be derived from the Kenya Government are not going to be forthcoming, because of the events of the past one and half months. We know that even the A-in-A component of some of the votes that we are passing through this Appropriations Bill are spurious, irrelevant and an exercise in futility.

There is a very interesting buoyancy that is emerging in this House. Hon. Members, almost learning to do what they should have learnt to do together in 1993, that after four and half years of treating each other as enemies and not as opponents, in the sunset of the seventh Parliament, hon. Members are trying to learn now, to see that we can differ without having hostile relationships. Although it is late in the day, it is something that has to be encouraged. But in encouraging that, I wish to say two or three fundamental things. The first thing is that the decline in the dignity of elected and nominated Members of Parliament in the public view of this Republic is a direct consequence of irresponsible utterances and conduct by the hon. Members of Parliament themselves. The deamination of our dignity, the appearance of cheapness of being a hon. Member of Parliament, is consequence of the behaviour of hon. Members of Parliament.

Some of us have enjoyed the privilege that you can differ with many Members of Parliament in this House, but go out and have a cup of tea together. Many others are about to start learning to do that. But even after we have had that cup of tea and we go up-country, we read newspapers and hear what our teammates have said about other Members of Parliament, about ethnic communities in our country, and we start wondering whether we were dealing with the same persons or different persons. The hon. Martin Shikuku has very eloquently put it. The collective responsibility of leaders is that, if a country is on the brink of a crisis, our utterances in any setting, private or public, have to be consistent with our overwhelming responsibility. We should also return the country and the population to the path of reason, reject the short-term gains of primitive posturing and condemn the easily populists persuasion of ethnic incitements.

Mr. Temporary Deputy Speaker, Sir, hon. Members of this House are cheating themselves that we can now learn after all these years to assume a collective responsibility as Kenyans. Time will tell to what extent we are all genuinely able to straighten our legs after we have been crippled by sitting on them bent for this time. And the challenge for all of us is that it should be consistent. I, particularly, want to request hawks, both in KANU and Opposition; extremist elements who derail the national course and who abuse the responsibility of leadership, to let us see by their example that they are not going to torpedo this process again. We want to see that you are not going to be a vessel for the destruction of hope of this country and that you are not going to make us sacrifice any more lives before we do what can be done without shedding any blood of our people. Similarly, if we have agreed that we have a national responsibility to deal with the concerns of our country, let both sides agree that if we criticize ill-conduct in government, it is because of the interest that there be good conduct in government, that there is no ethnic malice, material interest of individuals who are stakeholders in good governance and we have the responsibility to Kenyans to point out where good governance is not being seen. And that it the area I wish to turn to now.

The process of democratic development of any underdeveloped society includes the institutionalization of mechanisms of fairness, separation of powers, clear specifications of the infrastructure for governance and clear description of what functions should go to what office. In fact, in certain theories of political development, political development is supposed to be a prismatic process from chiefs society to diversified society. Those functions move away from a central authority into specialized offices. Now, if you look at the Appropriations Bill, you ask yourself questions which hon. Members were asking themselves: How come the Office of the President is asking for so much money so much more than the Ministry of Health and other operational Ministries? If you look at it, it is the reflection

of a pre-prismatic society; that in the Office of the President you have the Presidential Commission of Music, Nyayo Tea Zones, Presidential Commission on Soil Conservation, Nyayo Bus Corporation, Department of Defence and so many other offices that have nothing to do with the governance responsibility of the Office of the President. **An hon.**

Member: Hilo ni jeshi la Mzee!

Hon. Members: Kweli! Kweli!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, it is not that you want to reduce the powers of President Moi. After all, he is the Head of that Government. Wherever you put any portfolio, it is still in his Government. But overconcentrating departments in one office is not very convenient for institutional development or separation of responsibilities. Why should the Commission of Music not be put under hon. Nyiva Mwendwa's Ministry of Culture and Social Services? Why should the Nyayo Tea Zones not have been the first thing to be privatized and, if not, put under the Ministry of Environment and Natural Resources? Why should we run so many unrelated things from one office? This kind of thing expresses distrust and departmental interests in being close to the corridors of power. That hurts the presence of institutionalized governance. It causes confusion about transfer of professional staff between the line Ministries and the Office of the President. It also causes confusion about coordination of responsibilities. Who is superior to the other; people with the same qualifications, but one in a line Ministry and another one under the Office of the President? That crowds the corridors of the presidency to draw its attention away from the critical burning questions of the day and of national responsibilities for saving our country from imminent crisis.

There was a book that was written by Chinua Achebe about the trouble with Nigeria. In the book, the author says that the problem with Nigeria is that the Nigerian President lives "abroad". Every time he is about to visit a small township, gallons of paint are sent in to paint over the dirt and cracks of old buildings, all the streets are cleaned and potholes on tarmac roads are filled with mud and then smeared with tar. When the President visits the area, he sees that the town looks clean and nice. He is given an impression that the whole country looks like that.

I have attended only one function with President Moi since the last elections. Well, in my life, it is the only function I have attended with him. When he toured Bungoma District---

Mr. Shikuku: (inaudible...)

Dr. Kituyi: You were his Assistant Minister! President Moi toured Bungoma District and I went as a Member of Parliament from Bungoma. I saw strange things.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The President visited Butere more than three times and I have never appeared there because I am in a different group and he is in a different group.

An hon. Member: How about during the Harambee that was held in Butere?

Mr. Shikuku: I never went. I did not send even five cents.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, that was not a point of order. I also want to say that, the fact that I have been to a presidential function only once, does not mean it is wrong to attend the function. What I wanted to say is that on this occasion, His Excellency the President of Kenya was going to open a district hospital in Webuye and was passing through Kimilili town declaring Kimilili Hospital a sub-district hospital and Kimili Town a municipal council. There were interesting things. First of all, Webuye District Hospital, the only component of that project which was to be funded by the Government of Kenya being the construction of a sewerage system, to date, is the only district hospital in Kenya which does not have a sewerage system.

Two, during this visit, Webuye District Hospital did not have enough patients because there were no beds. They borrowed beds from Bungoma District Hospital, linen from Lugulu Mission Hospital and patients from Lugulu Mission Hospital to have busy wards with clean beds and clean linen for His Excellency the President to inspect. So, the President came and saw nicely painted new beds, clean linen and patients, not knowing that they were borrowed. After this, he went to Kimili and announced that he was giving the hospital a doctor. The next day, there was a doctor, but this was a doctor who was borrowed from Webuye District Hospital for one week to satisfy the presidential order. There are limits as to how far we would benefit from cheating ourselves that things are alright. There are limits to the benefits which will accrue from deluding the Head of State to make him feel he lives in a comfortable country.

There is even a bigger thing about the Ministry of Finance in the way this Government deludes itself. You see, over the past few years, there are some services which have been procured by Ministries of Government. You contract somebody to repair a Government house and hire services which you do not pay for. For the past three or four years, different Ministries have accrued debts to private contractors which today have accumulated to KShs6 billion.

Mr. Temporary Deputy Speaker, Sir, domestic debts involving items like paint, milk and blankets have not been paid. The Government wants to cheat donors, particularly the IMF and the World Bank, that we have a manageable deficit in the budget. So, the Government does two things: The first one is, they do not reflect the accumulated domestic debt from contractors in Government deficit. Secondly, the month when the IMF is coming into

town, like this month, they delay payment of salaries and allowances, so that the amount of current deficit in every Ministry appears to be so minimal. As soon as they go away, you then issue cheques of all outstanding payments. This is because you wanted to cheat them that you are healthier than you really are. It is alright to cheat those donors but how do you, as a Government, deal with an accumulating domestic debt with the domestic contractors whose businesses have gone under, because the Government has not paid their debts for services offered for two or three years? How will you pay those debts if you do not want your own estimates to reflect that you owe that money? This is because you want to cheat yourself that your economic health is better than it really is.

Mr. Temporary Deputy Speaker, Sir, the IMF is not a friend of Kenya. Those persons who have been thinking that the Opposition is a friend of the IMF--- There might be some people in the Opposition who celebrate the IMF's suspension of loans to Kenya, but I think this is juvenile excitement. It hurts the whole country. There is no way we can pretend about it.

Mr. Temporary Deputy Speaker, Sir, in addition to the serious issues ably put by hon. Prof. Anyang'-Nyong'o, the IMF is interested in resuming negotiations with the Kenya Government, because it fears Kenya defaulting on servicing its external debts. The Bretton Wood institutions are the front troops of international capital. They are not institutions for governance, democracy or transparency. If your conduct in Government is such that it is inimical to the interests of finance capital, then they can escalate all demands on you. Let us not pretend at any one time that the IMF will be a crusader for the liberation of Kenya. The IMF is interested in Kenya servicing its international obligations. It is in the hope that they will get them back into line in a way that will be consistent with the servicing of its external obligations.

Mr. Temporary Deputy Speaker, Sir, what it means to the international donor is that, the vulnerability of the Kenya Government and the management of Kenya's economy, is a reflection of our inability to translate into economic strength. As they put it in the *Time* magazine: "Kenya is not the worst culprit among countries around the world in terms of corruption and mismanagement of public affairs. But Kenya, among the corrupt and mismanaged ones, is the one which is most beholden to donors". Nigeria can afford to have Presidents buying Boeing planes, you can have people close to the corridors of power acquiring charter planes from the state coffers, but it has a thicker skin to withstand the whip from the IMF than Kenya. The magazine tells us that it is a humbling experience, but we should not pretend to posture beyond our capacity to withstand the shock that comes as consequence of our posturing. It even tells a more fundamental thing: "The Kenya Government should be ready and have it clear in their heads, that it has no important attachment to the interests of 28 million Kenyans, than to the interests of a coterie of opportunists who surround the state of power and whose only interest is to postpone the day of reckoning".

Mr. Temporary Deputy Speaker, Sir, the IMF debacle is that, the Kenya Government was given two options: Do you stand by slightly painful obligations which in the long-term and even in the short-term are in the interests of 28 million Kenyans, or you want to stand with the interests of a handful of people, well connected to those in power, but whose interests are inherently contradictory to the national interests? Because of the power those people wield, we preferred to stand with the thieves, against 28 million citizens. To add insult to injury, we started to hear strange things. We were told: "US\$205 million is a little sum, we can raise that money". We are actually raising it, but we are raising it through tax. We are raising it by burdening again, the citizens of this country. We are raising it by the most class-insensitive tax in the world; Value Added Tax (VAT). A tax which taxes hon. Prof. Saitoti the same way it taxes a slum dweller who lives below the sewage line in Mathare Valley. His kerosene, and Prof. Saitoti's kerosene, goes at the same price and the same taxation level.

Mr. Temporary Deputy Speaker, Sir, I have said and I wish to appeal again to the Kenya Government, that the interests of a few individuals or a few businessmen should not sacrifice the whole interest of this country. The Ministry of Energy should move expeditiously now to re-open and re-negotiate the contracts they have entered with IBEA Africa and Westmont for the short-term provision of electricity. This Government was talked to by experts, and it knows that you cannot recoup capital investment on an electricity generating project within seven years. The Government agreed with the bilateral and multi-lateral donors that the minimum period for the contract on this project will be 14 years. But why did the Government renege and, in the interests of persons who are associated with those two companies, cut down the time frame for the recouping of capital investment to seven years? This means that you have to double the tariff of power generated by those two projects. Why we should demonstrate to the world that electricity will keep becoming expensive in Kenya only for the satisfaction of certain vested interests against the national interests, is a matter that this country has to look at.

Mr. Temporary Deputy Speaker, Sir, on the question of environment, I will revisit a matter that is very painful to some of us. Our forefathers had been the natural custodians of the limited indigenous trees in this country. The ecological stability of this country depends on a careful regime of exploitation of our biological resources. As leaders, we must move from rhetorical commitment, to actual policies which show that we are not going to make the land-hunger in the overcrowded rural areas of peasants; lead to unsustainable exploitation of the limited biological

resources of the rangelands. The proliferation of peasant settlements in the drier areas is a major threat to this country. It is unfortunate that some people put it in tribal language. Sometimes hon. Ntimama is seen as screaming ethnic chauvinist, and sometimes it is wrong because we put it the wrong way. As a people, we have a collective responsibility, that we have to find a livelihood for the under-employed and unemployed, which excludes off-loading landless peasants on to the rangelands. This is to destroy pastoralism, the biodiversity of Kenya and the possibility of those people even practising that peasant agriculture for a long time. That is not a national solution.

Mr. Temporary Deputy Speaker, Sir, similarly, the primitive rape of natural rainfall forests--- I have said here before, that it is unconscionable that Raiply of Eldoret continues to wantonly harvest Elgon teak in Mt. Elgon. I am not usually a very violent person, but I have been requesting the Government, that if Raiply cannot be stopped from harvesting Elgon teak in Mt. Elgon, those of us who care about that mountain, the Elgon teak and other trees which have been there for hundreds of years, are going to help stop it. It is very easy because they have only one road to drive trucks in and out, and trucks are fairly inflammable materials. Why should we come to people-based resistance? It is just the same way Government could not stop land grabbers and now people have to stop them. We have also come to a point where, if Government cannot protect forests, people must protect them from Government people. This is not how to govern. This is how to abdicate responsibility of governance.

Mr. Temporary Deputy Speaker, Sir, finally, sometimes when we talk about reform and fiscal policy, we forget a fundamental thing. That the majority of the people of this country; the poor people of this country are so desperate for daily survival, that our lofty ideas about micro-economic framework for development, constitutional reform and so on, sound so superfluous and irrelevant to them.

Mr. Temporary Deputy Speaker, Sir, this country has to think about how we, as leaders, 34 years after Independence celebrate, can in a country where men have to go out of their houses and leave their wives to work as sex workers, with the knowledge of their husbands, because they know that is the only way in which the family can get their daily bread. How can we, as leaders, worry so much about the problems of sustainable growth for the bourgeoisies when some people in this country have been reduced to the level where a man has to consciously leave his house for clients to come to his wife as a sex worker in order for her to earn money to buy food for the family? This is a reality of our country! This is a reality of Nairobi!

Many hon. Members have not visited slums in this country. If you go to the Kenyans who live below the sewage lines in Mathare, or who live in areas where ablution has to be done in plastic bags and thrown out at night, you will notice that the growing number of voiceless or powerless people find us irrelevant to their concerns. The powerless people cannot understand why we can discuss about conditions with donors but do not discuss our collective responsibility to remove the stigma that people die because they cannot have a single solid meal in a day. That is a responsibility for all of us. That is a responsibility and policy that needs to be agreed by us as a Parliament and not as members of parties. The responsibility about the structure of funding education, health services and dealing with the social question beyond minimal agreements from the World Social Dimensions Conference in Copenhagen should permeate our thinking.

With those few remarks, I beg to support.

Mr. Busolo: Mr. Temporary Deputy, Sir, I appreciate this opportunity to speak on this Bill. I will just say very few things. It is important for hon. Members to realise that one of our most important duties is to account for the taxes that the Government raises. However, in spite of that, this House never takes the Budget through its Estimates Committee. Issues of appropriation and estimates come to this House directly. We have spoken so much about this in this House that we hope that next time issues of appropriation, estimates and the financial statement will first of all pass through the House's Estimates Committee. We believe that this matter should be part of the reforms we have been speaking about. We hope that next year's Budget will not come to this House direct. It will have to pass through a committee. We wish and demand that it passes through the House Estimates Committee.

In fact, we also want to call upon the authorities of this House to ensure that they do not just sit on the Chair. They should also look at the laws of this House. Some of the laws of this House have been infringed upon year-in-year-out. Committees of the House should be functional. The Estimates Committee is a serious one and I think it should be seen to be functioning.

Mr. Speaker, Sir, one of the reforms that I would like to see within the budgetary process is that, when planning for certain programmes is done, the planners should also spend some time to talk about where they are going to get the money from. Elsewhere, the Budget goes through two processes. One, there is what they call the authorization process and then appropriation. Through the authorization programme, those who plan that a bridge should be built here; a district headquarters be sited here and a dispensary be built somewhere, should also tell us where they are going to get the money from. If such a thing were practised, I think, it would create a sense of responsibility among the planners so that people do not put up programmes when they know that there may not be enough money to finance them. So, we have a lot of plans in the books but, when it comes to reality there is nothing.

We pass a lot of projects in DDCs but, on the ground, nothing takes place.

Similarly, these year-in-year-out budgets do not help us very much. Certain programmes are yearly programmes and that is accepted, but it is high time we realised that, certain programmes are multi-year programmes. Other programmes are bi-annual. On that account, I think, the budgetary process should have in mind which programmes are annual and multi-annual so that when discussion about budgeting, financial statements or appropriation is made, we isolate the programmes that are long-term, from those that are short-term. I think, that way, it will be easier for this House to account for the monies we give to this Ministry.

Mr. Speaker, Sir, there is also a need to audit all Government programmes. Coming to this House just to pass monies for the Treasury without actually accounting for those programmes, so as to establish whether they are there in actual practice or not, has become a problem. There are a lot of programmes that we pass money for but when you go to the ground, those programmes are not there. It is my suggestion that, some day in this House, we will get an office which will audit all Government programmes that we pass here. After a specific period of time, we will have to get a report as to whether that programme has been implemented or not.

Mr. Speaker, Sir, with regard to the question of releasing money from the Treasury, we have discovered that, whenever we pass these programmes, the Treasury does not release the money. Recently, a Question was asked by the Member for Turkana, hon. Immana, about a rural electrification project in his area. When the Minister for Energy was responding, actually he did admit that the Treasury does not release the money. I have discovered that personally; through the programmes and projects that we pass in this House concerning Bungoma District. Two years ago, some monies were voted and they appear in the books for Milo Dispensary, in Webuye Constituency. I went to the constituency and told the people that there is some money passed for that dispensary, and up to now, not even a single cent that has appeared. I have pestered the District Medical Officer of Health and he keeps telling me that no money has ever been released by the Treasury for that project. So, the Ministry should be forthright and tell us whether, as a matter of fact, they are misleading us by the kind of projects they are saying exist when actually they do not exist. So, there seems to be a problem in the Treasury which makes it difficult for money to be released.

Mr. Speaker, Sir, it is also my considered opinion that the district treasuries must go. There is so much corruption at the district treasuries because when the money is released from the Treasury, it goes to the district treasuries first. There is collusion between the District Commissioners, basically members of the Provincial Administration and the Accounting Officers. When it comes to roads, they wait until the rains are about to begin and then send a tractor or a grader on a road and it only covers one kilometre and the rains start and that marks the end of the project. When you look at their books of accounts, you will find that they have indicated that the road has been graded, when actually it was just a kilometre or half a kilometre done. That means that between the Ministry of Public Works and Housing and the District Accountant's office and the District Commissioner, money has been diverted to other projects. Another mechanism of channelling Treasury funds should be devised rather channelling funds to the district treasuries.

Mr. Speaker, Sir, on the question of privatisation, why is it that the Government is afraid of coming up with a legal regime for the programme of privatisation? This is because this is another area where in my view--- I can smell a rat in the process of privatisation. For instance, how come a factory like Nzoia Sugar is supposed to be privatised by a management contract to Booker Tate? Why is it that there is no legal regime that passes through this House which sets out regulations, and laws about how to go about the process of privatisation? Instead, it is done in small board rooms with one member from Treasury, one from the Parastatal Reform Commission and one from Kenya Sugar Authority, and there is nobody from Nzoia Sugar Company or from Bungoma district involved in such privatisation. I am using Nzoia Sugar as an example to call upon the Government that it should come up with a programme---

(Mr. Salat stood up in his place)

An hon. Member: Please shut up! This is not what we agreed on in the morning. That is not the spirit.

Mr. Busolo: Thank you, Mr. Temporary Deputy Speaker, Sir. I also wish to thank hon. Keah for allowing me time to continue. It is really in the spirit of what we discussed in the morning, and I congratulate you on that.

The point I am trying to bring out is that it is not too late for the Government to come up with clear regulations and laws about how to privatise our industries. Currently, what is happening is that there is collusion between the Department of Government Investment and those who want to buy certain parastatals so that the valuation of those parastatals is done at a very low price when they could be costing millions. In that way the country is losing a lot of money.

The Temporary Deputy Speaker (Mr. Mcharo): Order! Time up!

(Question, that the Mover be now called)

upon to reply, put and agreed to)

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I take this opportunity to respond to honourable Members' comments and I want to say from the outset that I am truly grateful for the contributions that have been made. We in the Government have noted the concerns that have been raised, and in summary those concerns are that, these funds are to be used for the purposes for which they are intended. They are not supposed to be used to kill people or do anything which is to the detriment of the Kenya citizens. Further that these funds are not to be "eaten", misappropriated and not to be misused. In saying so, the message is quite clear from hon. Members of Parliament and I would like to take this opportunity to particularly thank some civil servants for doing a good job. But there are those civil servants who are hell-bent on doing what this Parliament has not asked them to do, and those are the ones who are now warned and cautioned to be careful, otherwise, Parliament is going to take even sterner action in future.

I entirely agree with the sentiments that the holders of AIEs must spend those funds for the budgeted items. Having said that, the issue of accounting for accruals like pending bills and so on, as mentioned by the hon. Dr. Kituyi, is being addressed. In the past, the Government has been doing its accounting on "a cash basis" rather than on an accrual basis.

Mr. Temporary Deputy Speaker, Sir, there is really nothing much more to add because we have discussed exhaustively the Vote on Account, the Budget Estimates, and all the issues pertaining to specific Ministries adequately.

With those remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House today by leave of the House)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE APPROPRIATION BILL

(Clauses 2 and 3 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Appropriation Bill and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

THE KENYA REINSURANCE CORPORATION BILL

*(Clauses 2, 3, 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20
and 21 agreed to)*

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Kenya Reinsurance Corporation Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READINGS

THE APPROPRIATION BILL

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Appropriation Bill and approved the same without amendment.

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

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

(Question put and agreed to)

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

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I would like to make a short statement about the Ministry of Finance. Once we give the Ministry money, we give it to serve the country. Let nobody sit on this money. Let the money go for the purposes that it has been voted for. We tax people so that we serve them. We do not tax them for fun.

The second point I would like to make is that it is the duty of the Minister who is the head of the Ministry and who has the backing of the public to make sure that work is done. Civil servants are not answerable to the public, but it is we hon. Members who are answerable to the public. Therefore, it is the duty of hon. Members of this House to make sure that the money is spent properly. The other day, we had a terrible issue when the Minister for Culture and Social Services was informed that there is a very good run away place at Garissa, but only to be told by people who know the place that there is nothing. Yet in books, money has been spent. We do not want that to happen again. It

is better, at times, for a Minister to send agents to make sure that if what hon. Wetangula says is not done, to go and check. Hon. Wetangula is likely to talk about Bungoma where he knows well. So, do not just rely on officers in the fields. Some of the officers in the fields are not that honest and they are not answerable to this House or public. So, we want that money well spent and quickly.

Mr. Temporary Deputy Speaker, Sir, with these remarks, I hope that every hon. Member has confidence in the House and we will develop properly, fast and become a developed country.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, now that we are giving the Government the money they have asked for, we are showing the spirit of wanting to work together. I hope that this Assistant Minister can go and tell the President to call off his demonstration against NCEC.

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, I would like to request the Ministry of Public Works and Housing to ensure that all our roads and the general structure are well taken care of. I would also like to request the Minister for Finance and the Minister for Health to ensure that there are drugs in our hospitals now that we have given them the money.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, I have one project in this year's Estimates. This is a water project in Ndivisi Division in my constituency. I have already told my constituents that, that project has been funded. I hope the Treasury will release money for that project. I do not want to be branded a liar by my constituents when the money is there.

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I will also be very brief. I have noted those sentiments. The only comment that I want to make is that the revenue collection and the funds realised from the sale of Treasury Bills is what facilitates the cashflow to be availed to the various Ministries and Departments. The non-availability of liquidity because revenue has not been collected in total or on a monthly basis is what makes it impossible to make all the funds approved by Parliament available at once, for purposes of carrying out the projects. Within those constraints, I totally agree with the sentiments of the hon. Members.

(Question put and agreed to)

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

THE KENYA REINSURANCE CORPORATION BILL

Mr. Salat: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Kenya Reinsurance Corporation Bill and approved the same without amendment.

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

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I beg to move that the Kenya Reinsurance Corporation Bill be now read a Third Time.

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

(Question put and agreed to)

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

Mr. Temporary Deputy Speaker (Mr. Wetangula): Next order.

Second Reading

THE CO-OPERATIVE SOCIETIES BILL

*(The Minister for Co-operative
Development on 27.8.97)*

(Resumption of Debate interrupted on 27.8.97)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Mutiso, you were on the Floor, the records show that?

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): No, I concluded my contribution, Mr. Temporary Deputy Speaker, Sir.

(Laughter)

Mr. Obure: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute towards this Bill. We all know that the co-operative movement in this country has greatly contributed to the well-being of our society. Essentially, co-operative societies have failed in this country because the Government is not fully committed to the well-being of our society. I have in mind the case of coffee co-operative farmers.

Mr. Temporary Deputy Speaker, Sir, coffee has done a very great service to this country. We all know that in this country, coffee and other agricultural crops have played a great role in the co-operative movement. Today, as I speak, because of the corruption that is rampant in this country, it has also affected the growth of co-operative societies. People who have been chosen to manage the co-operative societies in this country have, in one way or the other, mismanaged these co-operative societies. The co-operative societies are supposed to be independent and operating on their own. Politics in this country has spilled over to our co-operative societies. Today, as I speak, a lot of people who have been engaged in the co-operative movement are not getting their rightful share from their hard work.

(Loud consultation)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! I want to hear what the hon. Member for Bomachoge is saying.

Mr. Obure: Thank you, Mr. Temporary Deputy Speaker, Sir, for protecting me, and giving me a chance to be heard in this Parliament. We have coffee factories which have been lumped together into co-operative societies. For instance, in Kisii District, coffee factories have been abandoned. **[Mr. Obure]** The prices of coffee in the world market have drastically gone down and the Ministry of Co-operative Development is not supporting the co-operative societies.

Mr. Temporary Deputy Speaker, Sir, if the co-operative societies are managed well, they would help to market crops like coffee and pyrethrum, so that we could have good yields. Good yields will help the farmers to earn enough money for themselves. They will put more efforts thus we can export more coffee and tea to earn the much needed foreign currency in this country.

However, there is no initiative, and the inputs that go into farming like fertilizers, labour and other facilities are very expensive and exceed the revenue that is earned by the farmers. This has essentially killed the co-operative spirit. Today, there are a lot of bottlenecks in the co-operative movement. For one, there are farmers who produce the crops, they sell to the societies, and then to the unions. Why does the Ministry not allow the co-operative societies to sell their crops directly to the market, rather than through middlemen? There are a lot of reductions when coffee is sold through this system. There are a lot of delays in payment to the farmers. The interval between the time when coffee is sold and when payment is done is long and the money earns interest. This interest is basically misappropriated by the management of co-operative societies. Finally, the losers are the farmers who are members of these societies. There are a lot of reductions and losses which are unnecessary and uncalled for.

The machines in our coffee factories are very old and the processing of coffee has completely failed. My suggestion is that coffee which is produced in Kisii and other parts of the country - I am requesting the Ministry to be serious and go around the factories, collect data, sell or overhaul the old machines, or replace them altogether with new machines. This can really help to facilitate the operations of the factories.

There is a lot of nepotism when it comes to employment in the factories. I have a case in point where a chief

has employed his brother and brother-in-law. So, the factory has become a personal property. When we have things like these, we can not improve. We are supposed to operate fairly, employ people and distribute the jobs fairly. This is because there is a scarcity of jobs in our country today. So, we can not harbour the idea of nepotism in our co-operative societies, and expect these societies to exist.

Another thing that I wanted to say here is that the locals who donated land for these factories to be built should be compensated by the Government, due to the scarcity of land which is prevailing now. Today, there are a lot of quarrels because some co-operatives have built factories on people's land. But because of the scarcity of land, the owners are re-claiming their land.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Obure! You will come on Tuesday at 2.30 p.m. to proceed.

Hon. Members, it is now time to interrupt the business of the House. The House is adjourned until Tuesday, 2nd September, 1997, at 2.30 p.m.

The House rose at 6.30 p.m.