

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 10th April, 1997

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table of the House:-

The 8th National Development Plan for the period 1997-2001

Sessional Paper No.1 of 1997 on National Population Policy for Sustainable Development

(By the Assistant Minister, Office of the Vice-President and Ministry of National Planning and Development (Mr. Oyondi) on behalf of the Vice-President and Minister for Planning and National Development)

NOTICES OF MOTIONS

SCRAPPING OF PROVINCIAL ADMINISTRATION

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, in view of your ruling yesterday, I beg to give notice of the following Motion:-

THAT, in view of the fact that some Provincial Administration Personnel, that is, Provincial Commissioners, District Commissioners and District Officers do participate in politics and make political utterances, campaign for the ruling party, KANU, undermine elected leaders and, carry out their duties in such a manner that undermines designations, stated democratic and socio-economic values, this House resolves that the Provincial Administration be scrapped all together and be replaced with elective positions in the above stated cadres.

UNBANNING OF CIVIL SERVANTS UNION

Mr. Nyagah: Mr. Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the fact that Public Service glory has waned and morale of its employees extinguished beyond redemption when the Government banned the Kenya Civil Servants Union, the only Voice on public workers grievances, this House urges the Government, in the spirit of being mindful of others welfare, to restore the dwindling morale and glory by effecting the following with immediate effect:-

- (i) Lift the ban on the Kenya Civil Servants Union
- (ii) Pay competitive salaries and benefits commensurate with their duties.
- (iii) Provide medical and general insurance covers against foreseeable and unforeseeable occupational risks.
- (iv) Provide decent and habitable shelter and affordable mortgage to potential home owners
- (v) provide transport to and from work to junior category of civil servants and subsidise education for the children of such dedicated employees in the face of economic hardship.

QUESTIONS BY PRIVATE NOTICE

PROVISION OF TELEPHONE SERVICES

Mr. Leshore: Mr. Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that Samburu East is an operation area and as a result, provision of [Mr. Leshore] telephone services is very important?

(b) Is he further aware that Wamba Town and the surrounding areas have been without telephone services for the last three months?

(c) What urgent steps is he taking to provide the same to Wamba and Archer's Post centres?

Mr. Speaker: Question No.1 by Private Notice is deferred until Tuesday next week.

(Question deferred)

CANCELLATION OF EXAMINATION RESULTS

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

Will the Minister tell the House:

(a) The number of schools in the country whose Kenya Certificate of Secondary Education(KCSE)(1996) were cancelled or withheld by the Kenya National Examination Council (KNEC)?

(b) The number of Schools in Kisii and Nyamira districts whose Kenya Certificate of Secondary Education(KCSE)(1996) results were also cancelled or withheld?

(c) The grounds on which these results were cancelled or withheld?

The Assistant Minister for Education (Mr. Komora): Mr. Speaker, Sir, I apologise for coming a bit late. I was rushing actually to come and answer this Question.

Mr. Speaker, Sir, I beg to reply.

(a) The number of schools in the country in which some students have had their results cancelled in 1996 was 80.

(b) The number of schools in Kisii district where 1996 results for some students were cancelled or withheld were Six in Nyamira and Six in Kisii.

(c) The grounds on which these results were cancelled was collusion. All candidates whose results were cancelled have been informed officially through their schools or centres where they sat for the 1996 KCSE examinations.

Mr. Anyona: Mr. Speaker, Sir, 80 schools in the whole country is indeed, a sad and staggering figure and it reflects badly on the Ministry of Education. In Nyamira District alone, out of the 80 schools he has talked about, 335 students were disqualified in this manner. Can this Assistant Minister tell us the total number of Kenyan students in the 80 schools across the country whose results were disqualified through the carelessness and inefficiency of the Ministry of Education?

Mr. Komora: Mr. Speaker, Sir, on the contrary, the hon. Member should congratulate the Ministry of Education for ensuring fairness and strictness in giving proper examination results.

Mr. Speaker: Mr. Komora, there was the first question by hon. Anyona. How many students in all had their results cancelled?

Mr. Komora: Mr. Speaker, Sir, I am sorry because I could not get that figure. I will bring it later.

Mr. Ndicho: Mr. Speaker, Sir, this is a very bad practice because I know of one school in Githunguri Division called Komothai Girls High School where only two girls were discovered by the invigilator exchanging some papers, and he cautioned them and the examination continued. When the results came, the entire class of 48 girls were informed that their results had been cancelled because there was collusion during the examination. What sense is there to cancel examination for a whole class of 48 girls just because two girls colluded? The others cried so much. So, what is the Ministry doing to avoid such a situation where two girls are discovered making a mistake and a whole class of 48 girls is punished?

Mr. Komora: Mr. Speaker, Sir, it is in our interest to make sure that there is fair play for every student in the schools. Therefore, if the hon. Member has an appeal for any particular case, we will consider that one.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, from the look of things, there must be a fault with the security of the examinations set and also within the examination halls. What steps is the Ministry taking at the moment to make sure

that there is no cheating, either by getting examinations before-hand or cheating within the class? What steps has the Assistant Minister taken against those who have been - whether teachers or otherwise - involved in such cheating?

Mr. Komora: The fact that we discover this cheating is a result of surveillance and supervision of examinations. We do in fact, have a very strict system whereby any cheating will be discovered and any culprit will be disciplined even if he is a teacher.

Mr. Anyona: Mr. Speaker, Sir, the Assistant Minister has said that, the reason for cancelling these results across the country, was what he termed as collusion. First of all, collusion must be between two parties, but he has not told us the parties involved in the collusion. Were the teachers, the invigilators, the supervisors or the students involved, or it was just children colluding? Where were these others?

Mr. Speaker, Sir, in one of the schools in Nyamira which happens to be in Kitutu Masaba Constituency, in 1995, a similar thing happened and the results were cancelled. I challenged that in this [Mr. Anyona] House and eventually, we proved that this was an error and the results were released. There is also Marindi School in West Mugirango where 99 out of 105 students had their results cancelled. Can you believe that, there could be 99 children colluding in an examination class without the people who are invigilating being aware of it. In view of what I have said about what happened to Nyakong'o School in 1995 and it was proved to be an error, and in view of what I have said about these other schools, can this Assistant Minister go back, carry out proper and full investigations, because this is a very sad and shameful thing and come back with the correct answers and ways and means of ridding this country of this problem once and for all?

Mr. Komora: Mr. Speaker, Sir, we have done enough investigations into these cases, but if the hon. Member has a particular case for further review, we will do that.

Mr. Speaker: Next Question!

INTERFERENCE WITH INDEPENDENCE OF JUDICIARY

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) In view of the recent outcry by judges and magistrates through their Association that there is massive Executive interference with the independence of the Judiciary, what guarantees could the Attorney-General give to all Kenyans whose cases are pending or coming before the courts of law that they (cases) are not politically motivated?

(b) What assurance could he give the members of the Judiciary under the present circumstances?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) The independence of the Judiciary is enshrined in the Constitution of Kenya which gives Judges security of tenure, and which, therefore, enables them to decide all cases before them impartially on the basis of facts and in accordance with the laws.

(b) The Government of Kenya cherishes and upholds the independence of the Judiciary. The Constitution and the laws of Kenya protect the Judiciary in the discharge of their functions. The Members of the Judiciary are under duty to decide cases without improper influences, inducement, pressure, threats or interference.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. If you listen to the tenor of the answer of the Attorney-General, he is answering some hypothetical, general question about the independence of the Judiciary and yet, this is a very specific question about a complaint by the Association of Magistrates, and he has not disputed it. What guarantees can he give? He is just talking generally. We know about this paraphanelia about independence of the Judiciary.

Mr. Wako: The members of the Judiciary are under duty to decide cases without improper influences, inducement, pressure, threats or interferences, direct or indirect from any quarter whatsoever, whether from public or private organizations, institutions, authority or from any person or persons. And the Attorney-General will see to it that, that is the position.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, it is very sad. I first of all sympathise with the Attorney-General, because he seems to have a serious cold. It is sad because, the Magistrates and Judges complained recently, that they are receiving threats and directives from the Executive arm of Government, received from the highest level to decide cases, one way or another. In view of that complaint and in view of the fact the Attorney-General does not sit in the High Court or elsewhere where these things are happening, could he create the machinery through which complaints such as these could be channelled? And, when a Judge or a Magistrate is called from State House to decide on a case, then they could make sure that those cases are reported and publicised to stop such fellows from trying to interfere with them.

Mr. Wako: Mr. Speaker, Sir, as far as I understood the complaint of the Kenya Association of Judges and

Magistrates, it was that, the Chief Justice had issued a circular stopping them from attending some seminars in Arusha or such place. The circular itself, did actually set out the procedures where these matters can be dealt with. The Association of Judges and Magistrates are well advised to follow that circular.

Mr. Anyona: Mr. Speaker, Sir, this is one of the most serious matters to come before this House and I do not think it will be right for us to treat it lightly.

Mr. Speaker, Sir, first of all, there is a complaint in place by the Judges and the Magistrates. The complaints are from the very horses. We are not the ones complaining. So, that is the first issue for the Attorney-General to address.

Mr. Speaker, Sir, can the Attorney-General tell us what he is going to do about these two issues? The first one is the psychological problem of the Judiciary as a result of an action, once upon a time, when the security of tenure was taken away. So, psychologically they have nothing to rehabilitate them. They do not know that they have the security of tenure in spite of what the Constitution says. Secondly, the fact that the Judiciary is bombarded, day-in-day-out, with a lot of political dynamites from political leaders from the highest levels, and **[Mr. Anyona]** therefore, psychologically, they cannot be independent. What is he going to do about that?

Mr. Wako: Mr. Speaker, Sir, I think the Judges and the Magistrates know and I have said this afternoon that, they do enjoy security of tenure, properly protected by the Constitution.

Mr. Speaker, Sir, as I said before, and I say so now, the Kenya Association of Judges and Magistrates or any of their members have not complained to me that, their exercise of duty has been inhibited or, somebody is attempting to interfere with their due execution of duties. If they do so, I will take up the matter as appropriate.

Dr. Kituyi: Mr. Speaker, Sir, arising from the reply by the Attorney-General, first, in part (a) of his reply he purported to equate security of tenure with the independence of the Judiciary. Secondly, there is no express provision in the Constitution of this country, as it stands today, setting out the independence of the Judiciary. And it is part of the constitutional amendments that some of us have been fighting for. But, be that as it may, the Attorney-General has said that he is ready to defend the magistrates and judges. The magistrates and judges have complained about the Head of this Government purporting to order them that they cannot deal with matters concerning disputes in KANU, disputes over land or disputes in universities. As the Attorney-General, what steps have you taken to tell President Moi that he is wrong and he is not talking the law?

Mr. Wako: Mr. Speaker, Sir, the fact of the matter is that we should talk about KANU and political parties. There were cases which were before the court. The President expressed his own personal views and made it clear that he was expressing his own personal views and that he was not in any way trying to interfere with the discretion of the judge in that particular case. That judge who heard that case did not rule as the President had the opinion that Raila Odinga was duly elected as Chairman of FORD(K)--- He did not rule in favour of the President's opinion. He, nevertheless, looked at the evidence and ruled accordingly without fear or favour.

Dr. Kituyi: On a point of order Mr. Speaker, Sir. Is it in order for the hon. Attorney-General to create a straw question and reply to it while at the same time avoiding to reply to the question that I have asked? I have not talked of anything regarding the President's views expressed on the campaign trail in Vihiga District. I have mentioned the specific matter that the Chairman of the Magistrates and Judges Association, where Senior Principal Magistrate Muchelule, did say specifically that they had been ordered and it was in the papers that the President had ordered courts not to deal with matters of disputes on land; matters on disputes on universities because they are governed by the University Act and disputes involving the ruling party. Have you advised the President on those three matters, regardless of what judges do, that he is breaching the law by pretending to order courts around?

Mr. Wako: Mr. Speaker, Sir, we are here talking about the independence of the courts; we are here saying that the courts will decide in accordance with the law and as far as issues relating to political parties, land cases and others are concerned, they will be decided in accordance with the law when they come before the courts and the Judiciary knows that and they actually discharge their functions accordingly.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, in view of what the Attorney-General is saying, could he commit himself expressly to advise the Head of State, His Excellency the President, never to make any comments on matters which are before the courts of law?

Mr. Wako: Mr. Speaker, Sir, any person in this country should not comment on matters which are specifically before the courts because such matters are *sub judice*.

HARASSMENT OF JUA KALI ARTISANS

(Mr. Ruhii) to ask the Attorney-General:-

- (a) Is the Attorney-General aware that M/s Muwa Limited are harassing and intimidating members

of the *Jua Kali* artisans of Komarock/Mutarakwa Road Association with a view to evicting them contrary to orders of certiorari and prohibition by the High Court of Kenya at Nairobi reference Miscellaneous Civil Application No.667 of 1993 by a Mr. Peter Njoroge, Mohammed Issa, V.K. Mwangi, Livingstone Njoroge, T.P. Kimeu and Leonard Karumo?

(b) Is he further aware that on 16th March, 1997 violence broke out as M/s Muwa Limited had attempted to construct a wall contrary to the court order, and that if M/s Muwa Limited continue to harass these *Jua Kali* artisans there is a likelihood of a serious breach of peace being committed as the situation is extremely volatile?

(c) Arising from (a) and (b) above, could the Attorney-General ensure that this court order is enforced to avoid the recent unfortunate incidents of violence?

Mr. Speaker: Mr. Ruhiu not here? His question falls to the ground.

(Question dropped)

Next Order! Mr. Orengo.

POINT OF ORDER

INDEPENDENCE OF THE JUDICIARY

Mr. Orengo: On a point of order Mr. Speaker, Sir. I rise to request for a Ministerial Statement and the demand is as follows: The existence of a free and a robust Press is imperative in any democracy. In recognition of the fundamental role of the media, it is sometimes described as the Fourth Estate whose importance is comparable to the three traditional arms of Government. Could the Attorney-General, therefore, make a Ministerial Statement to assure Kenyans that despite the views expressed recently by members of the Judiciary, the Press will not be intimidated, ignored or prejudged in the discharge of legitimate functions as we assume that the Press is not ignorant of the law. Journalists as well as everybody else require an enabling environment in which to discharge their functions or carry out their work.

Mr. Speaker: Would you like to respond to that, Mr. Wako?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I will make a statement next week.

Mr. Speaker: Next Order.

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on April 1, 1997.

(The Vice-President and Minister for Planning and National on Development on 3.4.97)

(Resumption of Debate interrupted on 9.4.97)

Mr. Maundu: Thank you Mr. Speaker, Sir, for giving me an opportunity to comment on this very important Motion on the Presidential Speech. I would like first to begin by saying that this Speech in my own view was clear. It had a nationalistic approach but above it all, I think, it was full of good intentions and definitely it did show the way forward into the 21st Century.

Mr. Speaker, Sir, this Speech definitely touches on very serious issues nationally and internationally and I would like to perhaps begin with the national issues before I come to the international issues. One very critical issue that was addressed in this particular Speech is the issue of drought and more particularly the issue that has affected this country throughout the better part of last year and this year. Drought is something that if properly addressed, can be prevented. With regard to the arid and semi-arid areas, I would like to say this: That the President did indicate that the Government is now in a position to articulate its policy to address the perennial problems that affect people within the arid and semi-arid areas. I would like to say that early this year, my colleagues and I did call upon the Government to address the issue of famine that was afflicting the area that we particularly represent in Parliament. Much as it is known for the purposes of record, with our colleagues of Parliament from the same region, there were conflicting reports that

particularly what we were saying was not altogether correct. But we thank the Government and His Excellency the President personally for intervening in a crisis that would have cost lives in the whole of our region. When the famine was declared a national disaster in this country, we were able to get added relief supplies for the population in Ukambani and although these relief supplies were not adequate, they went a long way to prevent people from starving altogether in our region.

Mr. Speaker, Sir, the issue of relief food in the arid and semi-arid areas is an issue that must be addressed seriously by all leaders who care about food security and stability in this country. In the arid and semi-arid areas, it has now become a practice, over many years, that once people are given hand-outs and then rain showers come, that problem can be shelved yet for another period of time.

Mr. Speaker, Sir, the arid and semi-arid areas, with all due respect, are traversed by some of the biggest rivers in this country. These rivers, for example, Athi and Tana, and other numerous streams pass through those areas. If it was possible, I would take all the hon. Members of Parliament to Ukambani now when rains are on, and see the amount of water that is wasted and flows into the Indian Ocean.

Mr. Speaker, there has never been a particular policy to address this particular problem of preserving water resources for the purposes of not only irrigation, but for human consumption and for livestock use in these areas.

Mr. Speaker, Sir, projects have been proposed and even financed to the point of technical feasibility studies, but they have always "died" on the drawing-board. We have always wondered why is it not possible to initiate, at least, a pilot project in areas faced by droughts, year-in-year-out, to show it is possible to create food security in those particular areas.

Mr. Speaker, Sir, in Ukambani, on the River Athi, one very important dam was proposed many years back. This dam, despite the fact that we have managed to talk about it for many years, nobody has ever thought about it and nothing is being done about it. Since this dam was discussed, several other dams have been put up across the country and, in fact, in areas where people do not need those dams for irrigation or for power supplies. A good example is the dam in Masinga, which, it was intended to supply electricity to this country and also irrigate areas adjoining Masinga, but today, it is supplying electricity only, but not a single irrigation project has been financed in those areas.

Mr. Speaker, Sir, one gets the definite impression that there is reluctance to make sure that arid and semi-arid areas are not self-reliant economically and so on. The standards of living of people in these areas have continued to deteriorate because of lack of water; their lives and food security has been affected. Therefore, we are creating a situation, sooner than later, whereby people in these areas will definitely die.

Mr. Speaker, Sir, I would like to urge the Government to consider it as a major priority and formulate a policy paper to make sure that food security is guaranteed to people in arid and semi-arid areas. We have had serious charges levelled against those people who live in those areas that, unless, they are fed with famine relief, commonly called *mwolyo*, they cannot properly reason. We are also told that food is being used for political reasons in those areas. Unless there is a policy to guarantee food security for those people, you can excuse anybody, riding on a bus going to Kariobangi South, to assume perhaps that is the position.

Mr. Speaker, Sir, if the Government comes up with a policy, people in those areas are prepared to co-operate and to participate and make sure that this particular policy does succeed.

Recently, when the President was in Kitui and Mbooni Constituencies, he did say that dams would be desilted in the whole of Ukambani. Most of those colonial dams are now fully silted, but the President said that they will be desilted. I regret nothing has been done. When he was in Kitui, there were two Cabinet Ministers who were openly directed to make sure that something was done. I have gone around the relevant Ministries to find out what is really happening because so far nothing has been done. It appears to me, that it is only in Ukambani where presidential directives are not obeyed and there is no seriousness to implement them. We have seen areas where directives have been given about something and they have been implemented without undue delay. One wonders why it is not possible to implement, at least, something for the people in the arid and semi-arid areas as quickly as that directive is given. For a long time, we have been trying to say in this House that people in arid and semi-arid areas should be considered in bursary allocation to help them come out of the problems that face them, but nothing has been done.

I would at this juncture like to honour the Press for the good job that they did when they did raise the issue of drought in Ukambani. We saw KTN showing pictures in the remotest parts of Ukambani. They were able to show the nation and the international community, the suffering in Ukambani and other arid and semi-arid areas. *The Nation* and *the East African Standard* did a commendable job and, as result, we were able to get support from the Government as well as Non-Governmental Organisations (NGOs). We would like to ask the Press to continue to articulate on behalf of the arid and semi-arid areas so that the Government comes with a clear policy to address this issue.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I would not like to interrupt my hon. Member, but I think he has said something that is completely opposite to what the Ministers from his areas said, there was no famine and people *wanang'arang'ara* and so on.

(Laughter)

Mr. Maundu: Mr. Speaker, Sir---

Mr. Speaker: Order, Mr. Maundu! Your time is up!

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Some of us want to contribute to this debate, but in view of the considered ruling I sought from the Chair on Tuesday, we were waiting for that ruling before we could contribute. I was wondering whether the Chair could indicate when that ruling could possibly be given?

Mr. Speaker: Mr. Anyona, I thought I made myself clear. You were clear yourself that the Speech was made by the President, as the President of this country when officially opening this House and, therefore, the normal rules of debate will not apply. I made that clear. And I further said that time, and I told you specifically, that I know of no provision where you can delete an hon. Member's speech. I made that absolutely clear and I did not promise any considered ruling.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I have looked at the HANSARD again in spite of the fact that I know what I said. I did seek a considered ruling. I would have thought that whatever the ruling was to be, there was to be a ruling, but in any case, at the end of your ruling what you said off the cuff kind of remark, you did say that you may yet come back to the House and tell us something. So, we were waiting for that considered ruling.

Mr. Speaker: Mr. Anyona, I have already said it. In fact, there is no point of me to communicate when I have already communicated. I said that and you know the rule governing the Address made by the President either from the Chair of Speaker or from the Chair of State is not subject to the rules of debates in this House. He may not be questioned, there will not be point of order about it, but if he does come to this House, either as the Head of Government and sits on the first Chair to my right or anywhere, then his speech will be subject to all the rules of the House. That is clear, I need not revisit it. I have made that absolutely clear.

So, can we proceed?

Mr. Mbui: Thank you very much, Mr. Speaker, Sir. I need to say very little about this exposition of public policy by the President. Personally, I do not think there is anything that the Speech touched on because the Speech itself contains almost nothing which this country requires. There are a lot of issues which require urgent action. Today, the Government of the Republic of Kenya has failed to manage its own civil servants especially those in the lower cadres who are seriously underpaid. This has made some of these civil servants to look like beggars and they cannot make the ends meet. It is a shame to the Government because every Kenyan is overtaxed and when he is overtaxed, he has nothing which he can be proud of; neither roads nor medicine and so on. It is my humble request that the Government, and particularly the Office of the President, should address itself properly to the problem that is facing civil servants. The underpayment has created a society of corrupt civil service and this one must be arrested as soon as possible.

Although there was a commission to review the salaries and other conditions of service of civil servants, it is taking far too long. The Government should come out and really explain whether this was a way of pleasing the civil servants so that come the next General Election, they would vote for the Government or favour the Government. This underpayment has broken several families because some civil servants cannot now be able to run their homes. Others cannot be able to send their children to school because of the poor payment. I, therefore, ask the Office of the President and even the President himself, to be mindful of other peoples' welfare as he always preaches.

Mr. Speaker, Sir, when the President was here during the State Opening of the House, he said that matters related to the Constitution would be brought to this House and some amendments would be done. The same promise was made last year, but to date nothing has been done. Wananchi are calling for the change of the Constitution, but it is falling on deaf ears. If wananchi call for a change and the one who is entitled to bring this change, does not change; of course, the events would change it. The House should be respected and also the wishes of wananchi should be respected because if the changes would not be made to the Constitution; I can foresee some trouble coming thereafter. We might have another Zaire here, which I am not advocating for. So, the voice of wananchi must be heard because if one says that he would not change the Constitution; then that particular person would be nothing, but a dictator. We do not want dictatorship in Kenya. I hope that before we go for the next General Election, some constitutional changes will be made and we ask the Attorney-General to advise the President accordingly.

Mr. Speaker, Sir, history will judge this Government as the one which has encouraged land grabbing. All the public utility land everywhere in every municipality and even, in this City, has been grabbed with the knowledge of the Government. The President himself ought to have addressed this issue because it is a critical issue. We shall require these pieces of land, but we know that these parcels of land are being sold with the knowledge of the Government. Otherwise, if the Government has knowledge of these transactions, they could have stopped this grabbing and the President ought to have addressed himself to that issue. But one day, somebody somewhere will be held responsible

for these things because they are all in record.

Mr. Speaker, Sir, I want to touch on the drought. I must blame the Government because it has wasted a lot of money doing nothing here and there. All those areas that were affected by the drought require boreholes and the Government has got the money. The money they use to buy food is enough to drill boreholes for irrigation all over the country, but I think somebody somewhere is not planning well. This person does not inform the President of the situation in the country, otherwise, if he is advised, then he does not take that advice. We can see that after all, he travels all over in this country and he knows exactly what we need.

In addition, the food that was distributed to Kirinyaga District was too little. It was not enough. You do not expect a sub-location to be supplied with 15 bags of maize for three months. That is a mockery. Further, this food does not belong to KANU, it is the Government's food and no one should boast that he is the one who is supplying food to wananchi. We know that the food belongs to the Government and the donors. So, I would like this situation to be rectified from today and the DCs themselves should not distribute this relief food without involving other players, like the churches. I would also like to urge the Government to give some additional food to these famine-stricken families.

Mr. Speaker, Sir, on Saturday, the President visited Nyeri in his capacity as the President of KANU, and all what was done is that all the school buses from Central Province, which belong to the parents and not KANU, were used to ferry KANU supporters to the stadium. This one is a burden to the parents and this is a bad game. Otherwise, everybody should be allowed to use this type of transport; but all I know is that Opposition parties are not grabbers. So, they would not like to grab this opportunity. They would not like to "steal" from the parents. That is theft without violence. I would like to ask, through the Chair, the KANU Secretary-General to foot the bills of these buses because the buses are the property of the parents.

Mr. Speaker, Sir, I want to comment on the liberalisation of tea and coffee that the President has been talking about. That is nothing but preaching because the Government has not really liberalised the two sectors. If it has, then, of course, the parastatal registration would not be there. We know more about those two sectors of our economy. Why the Government continues to hold on onto them, of course, leaves a lot to be desired.

Mr. Speaker, Sir, there is that KANU Secretary-General, Mr. Kamotho, who goes around Central Province trying to "politick the power of the tycoons" of Central Province, so that they could join KANU. May I inform him and his own tycoons that Central Province does not belong to tycoons, it belongs to the local wananchi there, and even if he goes ahead to say that the tycoon is from hell or anywhere else; he would not be able to penetrate Central Province. Central Province would remain in the Opposition until the KANU Government rectifies its own mistakes that it did to the people of Central Province. It has shown open bias against the people of Central Province and it has refused to promote them by employing them. It has also made the banks owned by people from Central Province to collapse. So, it has done a lot of mess and evil that it would never be forgiven for until we take over this Government. Thank you.

Mr. Wetangula: Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute in support of the Presidential Address, delivered here when the President opened Parliament some two weeks ago. It is not true that the Presidential Address is empty, as those who are "hell-bent" on criticising for the sake of it have said. There is a broad outline of what policies the Government is following, and what it is doing on various aspects of our national affairs.

Having said that, I want to narrow down on a few specific issues, particularly that of drought and famine. Kenya is an agricultural country. In this country we have a lot of water because we get reasonably good rains. We do know that, although only 16 per cent of the country's land area gets enough rains to be called "high-potential-area" the so called arid and semi-arid lands (ASAL) in this country have even more fertile soils than the areas that get very heavy rainfall. It is desirable that the Ministries concerned with water and agriculture work together and harvest all the water that this country loses to the Indian Ocean. They should build dams and produce sufficient food to feed our people and for export.

Last year when I criticised the Minister concerned with water for failing to give this House any policy about what his Ministry was doing, he vehemently refuted my criticism, and said that he had an outlined policy. To date, the Ministry of Land Reclamation, Regional and Water Development has not come up with any policy on how to utilise the vast waters of Lake Victoria, which can be used to produce food, not only by pumping water to ASAL but also to areas around the Lake region itself, which sometimes does not get enough rainfall. If we did this, the amount of money we are diverting to import food and the indignity we are suffering in asking our benefactors from the donor community to assist us with food will be diverted elsewhere.

Hand in hand with agriculture is the issue of the environment. The environment is one of the most neglected aspects of the growth of our country. Everybody who has spoken here from both sides of the House has decried the destruction of forests, the lack of commitment in preserving water catchment areas and the reckless use of land through its fragmentation and so on. We are watching helplessly as Lake Victoria wastes away. If you go to Lake Victoria

you will see that the weed that is spreading rapidly over the Lake is frightening. I did read in the newspapers that scientists have released a beetle into the Lake to eat away the weed. But the scientists have not told us the rate at which this beetle is going to eat the weed, when it is going to exhaust eating the weed and if, indeed, it is eating the weed, what it will feed on after eating the weed. Will it turn on the vegetation around the Lake and degrade the environment even more? We need some answers to all these questions.

Egypt relies on the waters of River Nile. The other day I was surprised to learn that Egypt is the second largest producer of sugar in Africa and it uses the waters of River Nile. 70 per cent of the waters of Lake Victoria come from Kenya. We can afford to use some of this water to produce enough food for our people and for export.

So much for the environment. I also want to touch on the Nairobi City Council (NCC). We were told that there is a World Bank loan which is being used by the NCC to rehabilitate the road infrastructure in the City. But those of us who walk in this City are embarrassed at what is going on. The work being done is so sub-standard! I do not know if there are any engineers at the NCC who are supervising and overseeing this job. The contractors are sealing all the vents through which flash water can be drained, and all City streets are flooded from the little rains that we are getting. The Central Government should step in and ensure that the burden that Kenyans are going to bear in paying this World Bank loan is justified by getting proper returns in terms of good workmanship. Otherwise, it is unfair to borrow money, hand it over to the NCC and leave the councillors alone to fight over it, award contracts to people who do a shoddy job and get away with it. Next year all the roads will be back with potholes, floods and everything else.

Mr. Speaker, Sir, in any society tribalists and racists can undermine stability and civilisation. It is a big shame that persons who call themselves leaders in this country can go around the country preaching racism, tribal hatred and dividing Kenyans on tribal lines. I come from the Luhya Community, the second most populous community in this country. I want to say here now that those reckless and misguided politicians, who are calling Luhya names, have their days numbered in politics. We shall not take it lying down; we shall not take it at all. Those who will call us names any more will feel the full weight of our numbers at the right time. Kenya is a multi-tribal and multi-racial society. Anybody who preaches racism in this country has no business calling himself a leader, leave alone being in leadership. This has to come to an end, if we are to preserve the stability of this country, and the civilisation that we cherish.

I will also mention something about drugs. Recently we saw newspaper headlines stating that there is a drug menace in this country. As a matter of fact, the newspapers were not saying anything new, and the policeman in charge of narcotics was on record as saying that, that was absolutely true. I want to urge the Attorney-General and the Minister in charge of the police to intensify the war against drugs in this country. Drugs eat away the fabric of society.

The victims are our children. If we let drugs destroy the youth of this country we are destroying the seeds of the country.

We passed a law here that was meant to deal very sternly with people engaged in drug pushing and drug consumption. But every other day, all you see is a little villager with bhang from all parts of the country. We are not seeing these people involved in hard drugs. If the police in charge of drugs say that drugs are a problem, it means they know. They know who is dealing with it and they know where they are. We urge them to stamp out this menace so that we have a brighter future for our children.

Lastly, Mr. Speaker, Sir, as we go towards the elections, I want to appeal to Kenyan politicians from both sides of the House: Let us avoid inflammatory and reckless talk.

Thank you, Mr. Speaker, Sir, I support the Speech.

The Member for Kitutu Chache (Mr. Jimmy Nuru Ondieki Angwenyi): Mr. Speaker, Sir, may I first thank you for giving me this opportunity to address this august House for the first time. It is, indeed, a great honour for me to comment on the President's Speech in this House.

Mr. Speaker, Sir, first and foremost, allow me to thank the people of Kitutu Chache for electing me as their Member of Parliament.

(Applause)

Before I go into the critical issues of this nation, I would like to share with my fellow hon. Members, in this House, the experiences the people of Kitutu Chache went through before they elected me to this House. We had a number of people who call themselves "elite", who went out to Kitutu Chache, subjecting the people of Kitutu Chache to "un-absorbable" mental torture and political manoeuvres. These people conducted themselves in a way typical of political pimps and prostitutes.

The enemies of democracy seem to have had a field day in Kitutu Chache through the nomination exercise. The amount of scheming, spreading of lies, character assassination and mis-representation of truth that went on in that

constituency, is a shame to us all, who believe in democracy. In normal circumstances, the elite set the trend for the populace, but in the Kitutu Chache context, the elite set people into confusion. But the people of Kitutu Chache refused to succumb to these manoeuvres, these schemes, these machinations, and spoke in one voice, again and again. They proved to be a people who are true men and real women.

Mr. Speaker, Sir, before I go ahead, on behalf of my constituents and myself, I would like to thank His Excellency the President, the Government, hon. Members of this House and members of the Diplomatic Corps and other persons, for their kind messages of condolences when the people of Kitutu Chache were mourning the untimely death of their beloved Member of Parliament, the late Dr. Z.T. Onyonka.

(Applause)

Our sincere thanks go to all those who spent long hours to make the arrangements for the funeral and to the thousands of people who travelled long distances and braved a heavy downpour to attend the sad occasion.

Dr. Onyonka was a distinguished scholar, an eloquent speaker, a selfless and dedicated worker and a person who gave all his life to serve this nation. He, for example, tried to solve the crises in the Sudan, Eritrea and tried to get together the people of East Africa through the East African Co-operation. Despite the pain from his long illness, he endeavoured and engaged himself in these services. The late Minister will always be remembered as a true patriot and a nationalist *per excellence* in Kenya.

Mr. Speaker, Sir, I now want to move on to issues that affect the people of Kitutu Chache and the people of Gusii land. First, although my Constituency and the Kisii people, are endowed with water, rich soils, rich bananas, green plants and foliage, our people are in dire need of a number of essential facilities. Key among these is the infrastructure. The high population pressure in Kisii District has compelled the people to adopt intensive farming methods. In the process, they have realised high yields from their small shambas holdings. However, this policy cannot be fully utilised because we have little or no infrastructure and especially the road network. No meaningful development of the road network has been carried out in Kisii District for the last two or three decades. Roads such as E218-Nyakoe-Marani-Kegogi-Bunyonyu, E208 - Nyakoe-Gesieka-Owaro-Kegogi, R35 - Getare-Irara-Sesi, have not been maintained for decades. Indeed, this road, E218, should have been tarmacked and the other two should have been made all-weather murrum roads. An important road construction project, the Chemosit-Nyamira-Kisii Road, which held a big promise for the area, remains abandoned to date. My constituency, however, remained hopeful after His Excellency the President's intervention and directive on January 17th, 1997, that a sum of Kshs580 million would be made available to complete the stalled project. The effect of this neglect in the two districts hampers our gradual progress and means that a lot of our produce goes to waste, especially tea leaves. This is particularly felt in Kitutu Chache, where we do not have a single tea factory, where we can take our tea. Our people have petitioned to the Government through our late Member of Parliament and now, they are petitioning through me for the Government to build a tea factory at Marani.

Another aspect of development which I would like to comment on is rural electrification. We do have a programme on rural electrification; a programme to which the House has abandoned its responsibility to the Managing Director of Kenya Power and Lighting Co. Ltd. This is the person who has been entrusted with the responsibility to decide where and when to have rural electrification. I would urge the Government to initiate programmes of rural electrification in my constituency and in Gusii land in general. My constituents share one other difficulty with the rest of Kenyans, that is, access to affordable credit for the farmers. As you know, farmers have nowhere they can borrow funds from to do their farming. The AFC has not been able to reach farmers. It has only been able to reach the people who borrow millions of shillings to buy shambas which they do not cultivate. The people of this area would like to urge the Government to enhance credit facilities for farmers so that our farming can be improved.

Mr. Speaker, Sir, I would like to talk about education. It is said that the future of our country lies in our youth. It is, therefore, necessary for us to invest in the health and education of our children. As an educationist, I wish to insist that we need to provide quality education at all levels of our educational system. Quality education should not be a preserve for the elites. We all know that enrolment in our educational levels is declining and this is happening because the cost of education is far beyond the reach of an average Kenyan.

We would also like to urge the Government and all those concerned that before policies of education are adopted they go through an educationist so that they are implemented.

The other problem which is a time bomb for this country is unemployment. As we all know, year in year out, we are churning people from our educational system who have no hope of getting jobs.

With those few remarks, I beg to support.

Mr. Farah: Thank you, Mr. Speaker, Sir. I am going to be very candid on this. I do not think we need to give a vote of thanks to the President's Speech.

There is a world of hypocrisy in this Speech. We talked about the plight of the people who were suffering when the drought was at its peak, when the people were dying but it took our Government seven months to declare that there was a drought. This happened long after the United Nations World Food Programme, OXFAM, USAID and the international donor community were literally begging the Office of the President and the President to declare that there was a disaster so that our people could be assisted. Our President took his sweet time. The Speech here says, "The drought has had an effect on the people of North Eastern Province and Northern Kenya". That is sheer hypocrisy.

Mr. Speaker, Sir, we have a situation right now where the people of North Eastern Province and Northern Kenya at large who are the wretched of this country and more so during this regime have lost all their livestock. We now have rains, grass and vegetation, but our people cannot eat the grass and the vegetation. We now want the Government to address the situation on the ground with more efforts and commitments. Students in the region are supposed to pay school fees. How do you expect somebody who is living on famine relief to afford school fees?

The President, Vice-President and Cabinet Ministers have been raising funds for areas that do not need aid as much as we do. Areas like Central Province, Rift Valley and parts of Eastern Province do not need these funds as badly. For the last five years, this President and his Vice-President have not held a single fund-raising for any of the arid areas of North Eastern Province. Our President or his Vice-President have not held any fund-raising for any development project, including education, in North Eastern Province, Turkana, Narok or Tana River with an exception of Kajiado and Samburu, and this is because the Vice-President comes from Kajiado.

Mr. Leshore: On a point of information, Mr. Speaker, Sir.

Mr. Farah: I ignore the information because---

Mr. Speaker: Order! Both of you are nomads.

Mr. Farah: I do not accept that information. I know he wants to tell me that the Vice-president did one fund-raising in Samburu.

We constantly have a situation in which we are being told to shun tribalism. Tribalism cannot be shunned because it is practised by our President, his Vice-President and Cabinet Ministers. Everybody practises tribalism, why do we have to be so hypocritical about it? It is on record for the last 15 or 20 years, that the leadership of this country practised tribalism unabated. An hon. Member who spoke just before me said, "We the Luhyas" in defending his community. When the Luhyas are attacked, why do they not allow us to defend them against injustices? Why do they have to come together, 20 to 23 Luhya parliamentarians, to defend their tribe on a tribal note? They are preaching tribalism like everybody else. The President often says, "We the Kalenjins owe Luo-Kalenjin affairs" or "Kikuyu-Kalenjin" affairs. It has been a rhetoric for the last 15 to 20 years. Let us strive to eliminate hypocrisy at the top. When hon. ole Ntimama fights for the rights of the Maasais now, he is told that he will be taken to court. Why do you take him to court now when he was fighting for supposed Maasai rights even to the extent of kicking out communities from their rightful lands? It was allowed then because of political expediency. Now that the political fortunes and jugglings have changed, somebody wants to take him to court. Everybody is a tribalist in this country. We have got to come together, from top to bottom, and see how we can eliminate tribalism instead of being hypocritical about it. Nobody can be cheated in Kenya. Everybody knows what is happening.

We have got 43 balls which are being juggled by the President. Each ball represents a Kenyan tribe. One is going up, others are going down. This kind of juggling has become a tradition in our country. Let us call the bluff. Let us sit down and see if we can address the problems of our country as a nation. We should never seek political fortunes at one time or the other at the expense of other Kenyans. Today, the Kikuyus are being courted; yesterday they were being killed; tomorrow the same thing is going to happen. It is political expediences which keep on changing in this country. We should stop this once and for all. Since the Kikuyus are being courted today, they should not think everybody else is trash and kick them around. Tomorrow, when the down-turn comes for the Kikuyus, then other Kenyans will rejoice. The cycle should stop.

We have heard that everybody in this country is within the law. Nobody is above the law. We have Jamia Mosque. This is a nation which is multi-ethnic, multi-religious and multi-regional. The Moslems bought land with their own money. We have a situation where, just because there is going to be a number of votes being solicited from the owners of kiosks, or because the Kambas are supposed to be wooed since hon. Charity Ngilu is vying for the presidency, the President directs that the allocation be reversed. Why was Soweto not reversed? Why this sudden love for the poor people? The plot next to City Market was given away. Everybody protested the giving away of this plot to one individual because it was felt that it was better to convert it into a big project which would help more Kenyans, but the Government sent its own troops out there and the land was taken away by force and the poor Kenyans who tried to make barricades were kicked out of that place. Today, because of certain given political fortunes which are expected from one quarter or the other, you go and wage a war against a religion. We take offence at that, but we are telling Kenyans not to support this kind of thing. Today it is the Moslem land that is being expropriated in an illegal, callous and preposterous way, but tomorrow it will happen to somebody else.

There is hypocrisy in the international community. Just because somebody said Asians need to be kicked out of the country, foreign missions in Kenya are quick in condemning it as racism. Balala was illegally kicked out of this country when he was a Kenyan and not one international embassy came out to criticise the action. On the contrary, the Germans were helping the Kenya Government to keep Balala away from here. That is massive hypocrisy on their part.

Mr. Speaker: By the way, I was agonizing whether you are really entitled to use the word "hypocrisy", but now you are not. Can you use a better language in this case?

Mr. Farah: Mr. Speaker, Sir, I support very much, to the hilt regardless of what other people think, regardless of what powers are arraigned against, hon. ole Ntimama's fight for the rights of the Maasai people. Maasai's are marginalised, poor, in shukas' and exploited from colonial times to date. When we first opened Parliament, in my maiden speech, I said that I would really love to see Maasais take an active part in the political evolution in this country, but I am sorry, when they are in shukas, they are chasing demonstrators, and the demonstrators are in three-piece suits with degrees or high school certificates. Somebody has an interest in keeping them marginalized, impoverished and uneducated for them to perform cheap errands for the leadership of this country.

Mr. Speaker, Sir, it is the Government which is doing all this. If the Government wants to address the plight of Kenyans in a very fair manner and impartially; in trying to eliminate poverty from here, it should address the problem of the Maasai and every other community here.

Mr. Speaker, Sir, when I was out of the country recently, somebody told me that in Kenya you do not have democracy but "demo-crazy". It is a facade. It is just a process of trying to hoodwink Kenyans because the misappropriation of public property, embezzlement, corruption and issuance of open cheques from the Treasury is still rampant. We lose millions of dollars through the port because duty is not paid and they are the people who are doing this. It is our own rulers and our own Government which does that. How can you say that we have democracy when you can talk about these matters and be unable to do anything through the Parliament?

We have Committees in Parliament that are toothless. Why do you not just go back to your homes and have dictatorship like in other places? In any case, Parliament does not serve any purpose in Kenya but legitimise dictatorship. It is absolutely of no purpose and that is the truth. We do not have democracy here. What we have is basically dictatorship and absolutely--- I will tell you one thing. What is happening right now in the region should be a very good lesson for us. Kenyans could be ululating and applauding now, because what is being done right from the Cabinet Ministers to the lowest person is a survival tactic. If you, a Member of Parliament, go and sit with the Cabinet Ministers on the other side and talk to them about the mismanagement in our country, they will tell you: "Look, we do understand it all but we have to save our skins." We know that. Why can we not call this bluff and come together and have a situation whereby we can evaluate our own conditions and have a better future for this country?

Mr. Speaker, Sir, with those remarks, I beg to oppose this Speech most strongly.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Oyondi): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Mr. Speaker, Sir, I want to call upon the Minister for Finance to help the Kenyans who are in business. Our bank interest rates are too high for our business community and that has led into many business activities closing down and a lot of properties being sold. If you look at our local newspapers, there is no day you will not find properties being advertised because people have failed to meet the repayments of their loans.

One very serious problem which I think the Ministry of Finance should address itself to is the base rates of the banks because many other countries that I know of have bank rates that are very low. I know one is going to argue that the market has been liberalised. That is okay. However, we know of countries where there is a maximum bank rate which has been put up by the Government. For example, in the United Kingdom, the base rates is between 7 and 9 per cent, while locally here, if you go to the Barclays Bank; the base rate is between 22 and 29 maximum; Kenya Commercial Bank has a base rate which is between 21.5 and 30; Standard Bank has a base rate of between 22 and 29 while National Bank's base rate has been averaging between 22 and 30.

Mr. Speaker, Sir, I know bank managers have a discretion to assess who to charge 22 per cent interest rate or who to charge 30 per cent interest rate. I do not know whether they look at the face, height, or even the size of the person. However, you will be surprised to know that people who have the money are the people who are charged the lowest interest rates. So, my appeal is to ask the Minister for Finance, since we are going to have the Budget, he should consider setting the maximum rates. If the World Bank and IMF are insisting, they should not only insist on liberalisation on other things in Kenya only, they should also do it in European countries. You will find that many businesses have closed down. I am supporting what has been said outside this House. You find that many businesses are now being taken over by the Asians because they have the money and they have chains behind them like we do. We have families behind us which we have to support and harambee to contribute to. Some of these have the money

and they are buying a lot of businesses from the African community. So, I am asking the Minister for Finance to seriously look into this issue.

Mr. Speaker, Sir, I would like to turn to roads. Our standard roads are "too standard" because our roads are about six metres wide. This six metres width is too small because a heavy commercial vehicle is more than 3.0 metres wide and so for two vehicles to pass one another, one must have its wheels beyond the tarmac and that has been the cause of many of the accidents on our roads. I am asking the Minister for Public Works and Housing to look at our standard roads with a view to ensuring that we can have bigger roads than we have now because they are too narrow.

Mr. Speaker, Sir, while on the roads, I want to come to the City of Nairobi. Many of our workers in Government offices and in the private sector, report in their offices two or three hours late because of the jams that we find on our roads. I am calling upon the City Council and the Minister for Public Works and Housing to make sure that, at least, we have fly-overs on Uhuru Highway.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Say it again!

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Mr. Oyondi): We should have fly-overs on Uhuru Highway; at University Way Roundabout, Kenyatta Avenue Roundabout and Haile Selassie Avenue Roundabout. This will ease the congestion of jams in Nairobi.

For those of us who live in those sides of Lang'ata, know that we have quite a number of people who come from all the way from Kiseriani, Ongata Rongai, some parts of Karen and Lang'ata. We are using a single lane of Lang'ata Road.

Mr. Speaker, Sir, some people leave their homes at around 5.00 a.m. to be able to be at the office by 9.00 a.m.

The amount of time spent on the roads, if really "time is money" as the saying goes, the Government should be serious on this one and improve Langata Road. Many people work for less than eight hours because of the traffic jam on that road. In fact, some people work for five hours. When the rains have started, some people get to their houses at mid-night. I know some men quarrel a lot when their wives get to the house late at night. It is not because they want to, but it is because of the traffic jam on the road.

Mr. Speaker, Sir, I remember the late Assistant Minister for Local Government, Mr. Amin Walji, telling this House that plans were complete on how to improve that road and make it a dual carriage road, so that it would be easier for people to travel to and from Langata without any problem. So, I want to appeal to the Minister for Public Works to seriously look into this issue, because we waste a lot of time on the way instead of doing some useful work which can benefit the business community, the private sector and the Government.

On the issue of sugar, I wish to state that I come from an area where a lot of cane is grown. It is very unfortunate that SONY Sugar Company cannot cope with the amount of cane grown in South Mugirango and some parts of Machoge and Wanjare. They concentrate a lot on the nuclear of their farms which they cannot even cope with. We have some cane which has grown even up to 40 months and yet, cane is supposed to be harvested latest when it is 18 months. But you will be surprised to hear that these farmers have lost a lot of money because once cane overstates, they lose weight. Though the sugar will be there, they will have lost their weight and farmers do not get enough money from their sweat. I appeal to the Government that if SONY Sugar Company cannot cope with the cane, then, the Government should give us a new factory in South Mugirango to cater for cane from both the Maasai section and parts of Kisii, so that the farmers can benefit from their sweat. Right now, we keep on quarrelling day-in-day-out, asking the company to harvest and they are doing nothing because they cannot afford.

With those few remarks, I beg to support.

Mr. Maore: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech.

I wish to start by expressing sorrow over the banditry activity that has taken place in Ntonyiri Constituency for the last three weeks. We have lived with the problem of cattle rustling and banditry since the shifta days of the 1960s. In my childhood days, there were those stories of sleeping out during the night because we were running away from the bandits or shifta attacks. Thirty years later, we are still experiencing the same problem.

On Sunday, I paid a visit to the areas that have been affected of late. The Provincial Commissioner, Eastern Province, had the guts to come and explain that the local Member of Parliament was trying to incite the people. In the said Press report, there were names of three people who were listed as victims of the said banditry attack. The Provincial Commissioner and Office of the President did not explain under what circumstances those people were killed. When we have these small pockets of intensive conflicts in various parts of the country, it is not an environment where you can say the Government is in total control of law enforcement agents.

Mr. Speaker, Sir, 35 years after Independence, we are having a very huge chunk of this country where you may not be able to travel freely without armed escort. Many of the former Northern Frontier Districts are operating under a state of emergency or area of operation without rules and laws. This must be addressed by the Government.

When we talk of cattle rustling in an area like Ntonyiri Constituency which is more than 1,000 miles from either Ethiopian or Somali borders, it is a ridiculous proposition.

If Kenyan borders are well secured by the armed forces as they should be, there is no reason why some communities should be allowed to enrich themselves by appropriating other people's wealth - that is cattle - for themselves under the guise of normal banditry. There is no word as normal banditry. It is a criminal activity and we wonder why the Office of the President, which has offices everywhere in this country, through the assistant chiefs and the district officers should allow an area to be set aside as "an operation zone" for bandits or cattle rustlers. We need to eradicate this menace once and for all, rather than going around and explaining it or coming up with re-assurances of restoring security once lives and properties have been lost to common criminals.

Another issue which I would like to talk about is the current phrase that has seized the lips of the Government planners and our leaders, that the country is going to be industrialised by the year 2020. It is not acceptable for somebody to stand here and start explaining how they are planning to have the country industrialize by the year 2020 when they know very well that 23 years from now, it is difficult to achieve that goal, unless you are almost my age to be in a policy making position. This kind of misnomer whereby the Government is trying to explain how they are going to have this country industrialised by the year 2020 without giving the reasons or the details of what infrastructure are in place to support the industrialisation process. For example, there is a saying which says: "A journey of a thousand miles starts with the first step." What is the first step of this Government to industrialise by the year 2020? It is like in the 1970s when there were promises by the Government that every home by the year 2000 will have piped water. Two years to the close of the target, there is no talk of that policy any more. I am talking about infrastructure here. If you have a Government that has effected a policy to call upon all Kenyans from every corner of this country to be educated, upto a minimum of 11 years - if there was a law like that effected tomorrow, and we say that we want to prepare Kenyan citizens to be industrialised by the year, 2020 then it would be alright. Whoever is born in 1997, by the year, 2020 will be 23 years old and that individual should have a minimum education of 11 years. These are the kind of citizens who can support an industrialising society. It is not the people hon. Farah was trying to support here. People will come in *shukas* and *rungus*. You want them to stay that way, and still think you can industrialize? You need to give people formal education, and the only way to do it is to have a policy that calls upon the education of every citizen.

Mr. Speaker, Sir, if you want to go a step further, apart from education, step two is urbanization. If you have an urbanization policy, you should begin by managing an urban centre, whether small or big as the City of Nairobi. If we have planners who are not able to manage just a simple sector like matatu, whereby, we have allowed the matatu culture to catch up and disrupt every order that we would want to see on our roads, and everybody seems to have accepted that it is okay to have matatu madness all over, that is not preparation of a society that can be accepted as an industrialised one.

Mr. Speaker, Sir, the management of garbage, lighting system, roads, bad structures, water and sewerage are the urbanization structures that could prepare a society to be industrialised. But as we are sitting here, our cities or urban centres are being managed by people who have no regard or no knowledge of what it means to manage an urban centre. If you went to City Hall now, which is supposed to be the centre of planning, you will see about 10 per cent of a carpet that used to be wall-to-wall, one or two pieces of tiles, cobwebs all over, broken benches and yet, this is where a lot of money is collected on a daily basis through Service Charge.

An hon. Member: Who do you blame?

Mr. Maore: Mr. Speaker, Sir, somebody is asking across, who do you blame? I will tell him what the Greeks say: When you have a rotten fish, it starts from the head downwards. Of course fishermen have a different theory.

Mr. Speaker, Sir, if you have a Government planned by people who will go telling tales instead of the truth, you have a problem. What we are experiencing this year in Kenya is not famine. It is poverty spread all over among the majority of Kenyans. Most Members in this House have not slept even a single night without three meals in a day. Because, there is no time when there have been shortages of the basic foods in our major shops. People who have money are able to go to a shop and get cooking oil, unga, milk and bread. The majority of Kenyans do not have the purchasing power on which to live or to provide them with the basic necessities. We need the Government to come out with policies that will address this issue of poverty and stop other tricks.

Thank you, Mr. Speaker, Sir.

The Assistant Minister for Transport and Communications (Mr. Saina): Thank you very much, Mr. Speaker, Sir, for giving me an opportunity to address the august House on the Presidential Speech.

Mr. Speaker, Sir, let me first of all, show on a broader outlook, the major question which has been addressed in this august House. It is the question of drought. Drought is here---

QUORUM

Mr. Sankori: On a point of order, Mr. Speaker, Sir. There is no quorum in the House.

Mr. Speaker: Well, ring the Division Bell.

(The Division Bell was rung)

We have a quorum now.

Proceed, Mr. Saina.

The Assistant Minister for Transport and Communications (Mr. Saina): Thank you, Mr. Speaker, Sir. It is very sad that Members of Parliament who are supposed to be sitting here are not there and there is therefore, no quorum. I hope they are soliciting for votes.

Mr. Speaker, Sir, Kenya is one of the sub-saharan African countries - that area which stretches from North-West of Africa in Mauritania, straight through Mali, Upper Volta or Burkina Faso, Chad, Sudan to Kenya right to the Horn of Africa. So, the question of drought lies in the fact that we have our country lying in the sub-saharan region with a big area being a desert.

We have to learn to live with the drought and we should not be panicking that the drought is hitting our country. We should instead, be prepared to fight the drought. In addition, 80 per cent of--- I do not know where the law reinforcement bodies are. That is the Police, the Provincial Administration because the catchment area was completely destroyed by fire. Mount Kenya was on fire; Mount Elgon was on fire; Aberdares was on fire; The so called swamps and the so-called wetlands were all on fire. Where were the Police, the local Provincial Administration from the Assistant Chiefs, Chiefs, District Officers, District Commissioners and even the Provincial Commissioners?

Mr. Speaker, Sir, let us not cheat ourselves that the drought will end. It will still continue and we must be prepared to fight the drought. I am so surprised and I think most people were also surprised to see that we have used Kshs6 billion to import food whereas we could have actually saved Kshs5.2 billion by giving out Kshs800 million to Agricultural Finance Corporation (AFC) to give to the farmers. As I am speaking, a lot of farmers who have ploughed their land have no inputs, resources, fertilizers and seeds because they do not have the money. It means that we are going back to the same situation in the coming season. I cannot now see food security improving in this country, unless farmers who have land are given money to grow food.

Mr. Speaker, Sir, worse still is that the seed, especially maize seed has been completely adulterated. In fact, I am a seed grower and I saw in the last season, a new disease which actually killed a lot of maize in Kenya by the name Stick Virus which came as a result of imported infected seed. So, once the seed is killed and once there is no money to farm, how will you expect the farmers to help this country in terms of producing food? We should actually address the question of food security by growing foodcrops in Kenya and not importing food from other countries. In fact, who is benefiting? It is the importer; the middleman, when the country is importing maize. We are being made a market, we are consumers and yet, we have some of the best land on earth. It has been recorded, in Kitale especially, that a farmer can get upto 80 to 100 bags of maize by growing it in time, growing it with proper inputs and fertilizer, top dressing and controlling the weeds. And I know that not so many countries in Africa, even including Zimbabwe, can get that record harvest of maize. So, why are we importing maize when we can grow it here? We have done it in the past and we have exported maize. We have been one of the self-sufficient countries South of the Sahara and North of the Limpopo River. Kenya which at one time carried that name is not doing so any more. Where are our people? They are just dying. The other day it was very sad to hear that somebody ate a dog's carcass because he did not have food. That is terrible. When I hear that, I think it is a shame for a farmer like me.

Mr. Speaker, Sir, what is happening? There is no money. Where is AFC, KFA, Banks and the money? Where are we going to get the money to farm?

An hon. Member: From the Government!

The Assistant Minister for Transport and Communications (Mr. Saina): No! Transfer some of the individuals who are sitting on the money.

(Loud applause)

There is no point for my friend, hon. Matiba, to go and camp in Kakamega looking for votes if the Kakamega people are experiencing hunger. There is no point at all in doing that. You must give them food.

Mr. Achola: He will do so when he comes to power.

The Assistant Minister for Transport and Communications (Mr. Saina): No! I do not think he will come to power. If he comes to power, then that means the sun will have risen from the West to the East!

Mr. Speaker, Sir, I beg to support.

Mr. P.N. Ndwiga: Thank you very much Mr. Speaker, Sir, for giving me this opportunity to comment on the Presidential Speech. This Speech, having been written by civil servants, it is very obvious here that the Civil Service here have a very low perception of issues and problems which affect Kenyans. If I were the President, I would have refused to read a Speech like that because it contains nothing. The Presidential Speech on the State Opening of Parliament is supposed to expound public policy. That is what we expected to hear. But what did we hear? We heard threats that tongues are going to be cut. I think it is a disgrace to this nation.

Mr. Speaker, Sir, I would like to congratulate Mr. Kabila for good planning and success that he is making. I wish further to sound a warning in this House that from the convention that we had in Limuru last week, if this Government does not heed the resolutions of the convention, then we are going to have another Kabila here within a very short time.

Mr. ole Sankori: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to give threats in this House, especially on issues that you have already given direction?

Mr. Speaker: Order! Order! The only thing I would like to caution the House, candidly, it is totally out of order for any hon. Member to call for any rebellion on the Floor of the House!

Mr. P.N. Ndwiga: Mr. Speaker, Sir, I am not calling for rebellion, but I fear for this country.

Mr. Speaker: Order, Mr. Ndwiga! I fear you are properly protected here! Can you keep the fear out of this House! Proceed!

Mr. P.N. Ndwiga: Thank you, Mr. Speaker, Sir.

I was saying that the national convention made certain resolutions. And those resolutions have been handed over to the Government as of now. We are hoping that the Government will listen to the "voice of reason", so that we avoid a situation whereby we have chaos in this country.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we have appealed to the friends or perceived friends of this country. We have appealed to President Mandela and President Mwinyi to ask the President of this country to "see reason" and to listen to the voice of his people and not to use national resources for global trotting and solving other people's problems when he has big problems in his own country. We do hope that President Moi will listen to these wazees. We have appealed to those leaders, because we actually do not know who his friends are.

Mr. Temporary Deputy Speaker, Sir, the Presidential Speech should have touched on the number of problems affecting this country as of now, one of which is growing unemployment. We have a big problem and one of these days when the people hit the streets, it would be impossible to get them out of the streets. We need to be taken very seriously. This is not time for empty rhetoric, it is time for everybody, all leaders to sit down together and reason together.

Mr. Temporary Deputy Speaker, Sir, we expected the President in his speech to talk about the deteriorating state of health in this country. The Ministry of Health is perhaps the worst run in the continent of Africa. It starts with the Minister who cannot pronounce the word "Penicillin". The Assistant Minister is---

Mr. ole Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for a hon. Member to impute improper motives against another hon. Member in this House?

The Temporary Deputy Speaker (Mr. Ndotto): He is totally out of order. Will you, please, withdraw and proceed?

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I know hon. Sankori likes to waste my time!

The Temporary Deputy Speaker: Mr. Ndwiga, you realise that you are out of order by doing what you have done. Can you withdraw and proceed!

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I did not mention anybody. That is an office. We have a big problem in that Ministry---

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Mr. Temporary Deputy Speaker, Sir, we cannot allow the hon. Member to get away with this because he has categorically stated that the Ministry of Health is the worst run in the whole of Africa and it begins with the Minister who cannot pronounce the word "Penicillin." This is very bad.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Ndwiga, can you withdraw that word if you want to proceed?

Mr. P.N. Ndwiga: Mr. Temporary Deputy Sir, I withdraw, but I heard him calling it "Bencillin".

(Laughter)

Mr. Temporary Deputy Speaker, the fellows at the Ministry's headquarters do not know what is happening on the ground. I am speaking from the point of authority, for example, in Embu District Hospital, we have the highest mortality of women in maternity wards, because we have two doctors there who are not doctors, but "butchers." Both are Kambas! These two fellows cannot be transferred from Embu District Hospital because the Director of Medical Services is their kinsman, the Assistant Minister here is their kinsman, the Minister is their kinsman and so on!

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motives that all the officers in the Ministry of Health are my kinsmen, whereas, I am not in the Ministry of Health?

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, that is besides the point. What I was trying to say is that lives of Kenyans wherever they---

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Ndwiga! I want you to continue with your contribution, but it is you who is trying to pass your time without doing what you are supposed to be doing and if you proceed that way, you are going to finish your time without delivering your speech.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I am just bitter because my people are dying. As we are talking now, there is a woman dying in Embu General Hospital because she does not have Shs20,000 to give to a doctor who is paid by this Government. We have Dr. Ndambuki and Dr. Mbithi in that hospital.

Mr. Temporary Deputy Speaker, Sir, we have appealed to the President, but nothing is happening. Our people continue to die every day and nothing is happening. The former Minister for Health told me: "You see in this Ministry, you do not know what is happening on the ground". Where are we supposed to go? I represent people who are dying. If you do not have Kshs20,000 you cannot be operated in Embu General Hospital. You must consult doctors in their private clinics, so that you get a bed in the Government hospital. If you do not have Kshs20,000 and you get erroneously admitted in that hospital, you will die. The other day, a woman died in labour! You cannot tell me that, this is a serious Government and these incidents are not known to this Government.

Mr. Temporary Deputy Speaker, Sir, during this period of famine, we have complained to this Government that farmers have to wait for 12 months before they are paid the second-payment. Why is this Government keeping our money when we are dying of famine? Tea which was collected from July last year has all been sold, but why is KTDA "sitting" on our money? When we want to challenge the activities of KTDA, it is protected in this House. All the changes we have proposed to liberalise KTDA have been rejected by this Government because you want to continue "sipping" from that pot. You want to "eat" tea money when you have no tea!

Mr. Temporary Deputy Speaker, Sir, all I am saying is that this Government must put pressure on KTDA, so that the second payment to tea farmers is paid quarterly. When Maasais and other people sell their cows, they are paid their money on the spot to go and buy food. Why are you keeping my people's money. Shame on you!

Mr. Achola: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I wish to state from the outset that I intend to oppose this Motion not for any reason, but for the fact that the President did not really expose any Government policy in His Speech during the State Opening of Parliament on 1st April. You would continue hearing it as long as this Speech is being debated and as long as there was nothing that was said by the President, we will say it even up to 20 times.

Mr. Temporary Deputy Speaker, Sir, I would like, first of all, to express my concern at the opposite side of this House, where hon. Members come and pretend to support the President for having exposed certain Government policies, when, in fact, they know and realise that the President said nothing about Government policy in His Speech. We are tired of hon. Members who come to the House and "sing songs of praise" to the President and in the process misleading him thoroughly, and, therefore, in the long-term, he is abetting problems that would befall this country in the future.

Let me start by talking about the lack of food policy. I was in Cairo in 1975 and I met a farmer who told me that he was 18 years old and since he was born, he had never seen rain, and yet in [Mr. Achola] Cairo, you have never heard of anybody saying that they need relief food because the rains have failed. There is no rain in Cairo, but because they have a food policy, nobody goes without food there and famine is something of the past in Egypt. Therefore, that brings one to question as to, why is it that in Kenya every four years there is a famine? What happens to the strategic food reserves that are supposed to be kept in stores in plenty? We are told that the corrupt members of this Government sell all the bumper harvest and even go ahead to sell the strategic reserves, forgetting that in every two or four years, we are going to have famine. It is a shame that this Government should come to this House and ask us to express our thanks for the President for having told us something about Government

policy. Mr. Temporary Deputy Speaker, Sir, while still on the issue of food policy, I would also like to talk about the question of sugarcane farming in this country. This Government has consistently frustrated farmers in my district of Migori in accepting transist sugar to be offloaded into the market and thereby flooding the market with the imported cheap sugar which has not been taxed---

QUORUM

Mr. ole Sankori: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

The Temporary Deputy Speaker (Mr. Ndotto): Yes, we do not have a quorum. Ring the Division Bell.
(*The Division Bell was rang*)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! We have a quorum now.
Proceed, hon. Achola.

Mr. Achola: Thank you, Mr. Temporary Deputy Speaker, Sir. I will continue from where I left. I was saying that we have a problem with sugarcane farming in South Nyanza and in Migori District, in particular.

One wonders why the Minister for Finance has been allowing certain individuals like a Mr. Sajjad, to import sugar into this country without paying taxes. This type of sugar arriving in the country has flooded the market and, therefore, our stores are completely packed with locally produced sugar, thereby denying our own farmers the opportunity to harvest their sugarcane.

The Assistant Minister for Local Government (Dr. Wameyo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Sajjad is a Member of this august House. Is it in order for the speaker on the Floor of the House to discuss him without a substantive Motion?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Members! I do not understand why hon. Members want to do the wrong things when they know the right things. The speaker on the Floor knows that he cannot discuss another Member in this House, including himself, without bringing a substantive Motion to the House. Why are you doing it, while you know it is against the Standing Orders? Can you, please, stop doing that?

Mr. Achola: Thank you, Mr. Temporary Deputy Speaker, Sir. I was not even discussing Mr. Sajjad, but I just gave him as an example of certain Kenyans who are frustrating farmers in this country. We bring sugar from other areas, thereby giving farmers in this country great problems. We cannot harvest our sugarcane because of the sugar which has flooded the market that is cheaply available in this country because of people like Sajjad. In fact, I am very disappointed with this Government that they can go ahead and even make the gentleman an Assistant Minister, despite the fact that we know that he is involved in a lot of other "very dirty tricks" and activities. I would like to request the Government to extend the crushing capacity of Sony Sugar Company in Migori District, because we have over 8,000 farmers whose over-mature cane cannot be harvested because the crushing capacity is not sufficient to accommodate them.

The other point that I would like to make is about insecurity. A lot has been said on this point, but one wonders why the army has not been called in to assist the police in restoring security in the North Eastern Province of Kenya. It appears that the police are not able to do this on their own.

QUORUM

Mr. Chebelyon: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is no quorum in the House.

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Chebelyon, what are you saying? I cannot hear you!

Mr. Chebelyon: On a point order, Mr. Temporary Deputy Speaker, Sir. We are discussing a very important Motion, but there is no quorum in the House!

The Temporary Deputy Speaker (Mr. Ndotto): You are right. Ring the Division Bell.

(*The Division Bell was rung*)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, we cannot raise the required quorum of the House to enable us conduct business. Therefore, we have to interrupt the business of the House. The House is

therefore adjourned until Tuesday, 15th April 1997 at 2.30 p.m.

The House rose at 4.58 p.m.