

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th April, 2004

The House met at 9.00 a.m

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

INTRODUCTION OF WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL

Mr. G.G. Kariuki: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, in view of public dissatisfaction with the Wildlife Conservation and Management Act as amended in 1989; this House do grant leave to introduce a Bill for an Act of Parliament entitled "The Wildlife Conservation and Management (Amendment) Bill" to address defects impeding the implementation of just and reasonable Wildlife and Conservation Policy and provide for full compensation for life and property destroyed by the wildlife.

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

CONVERSION OF NSSF INTO STATE PENSION FUND

THAT, in view of the fact that many Kenyans who are over 60 years old are unable to work due to unavailability of employment, old age or sickness, this House do grant leave to introduce a Bill for an Act of Parliament to amend the National Social Security Fund Act, Cap. 258, Laws of Kenya, in order to convert the Fund into a State Pension Fund where every working Kenyan shall contribute a percentage of his/her earnings.

REPEAL OF IRRIGATION ACT

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to repeal the Irrigation Act, Cap. 347 and replace the same with appropriate law; to provide for clean water for human and domestic animals' consumption; to promote irrigated farming and harvesting of underground, surface and rain water; and to prevent water pollution and floods and for matters connected therewith and incidental thereto.

TECHNICAL COMMITTEE ON FINANCIAL STATUS OF YALA SWAMP PROJECT

THAT, whereas the National Assembly approved the resolution calling on the Government to reclaim the Yala Swamp and to implement irrigated farming in the area; and being aware that the Government has published a National Food Policy to produce enough food for Kenya and surplus for export; this House urges the Government to set up a technical committee of experts to investigate and report on the financial status of this project; the extent of its implementation and to recommend an action plan on how the project can be revitalised and expanded; and further that the report of the fundings of the technical committee be tabled in this House within six months.

Mr. Sungu: Mr. Deputy Speaker, Sir, I beg to give notices of the following Motions:-

INTRODUCTION OF TOBACCO CONTROL BILL

THAT, aware that it is internationally accepted that tobacco and tobacco products are a danger to health, cognisant of the fact that tobacco manufacturing firms reap huge profits which do not benefit ordinary Kenyans; this House do grant leave to introduce a Bill entitled, "Tobacco Control Bill" to provide for litigation/compensation to the victims of tobacco smoking.

*(The Vice-President and Minister for
Home Affairs was applauded as
he entered the Chamber)*

INTRODUCTION OF CONSUMER PROTECTION BILL

THAT, in order to ensure comprehensive protection of the Kenyan consumer; this House do grant leave for the introduction of an Act of Parliament entitled, "The Consumer Protection Bill" to establish Consumer Protection Law, that will contribute towards the improvement of consumer welfare and for matters incidental thereto and connected therewith.

REPEAL OF THE RESTRICTIVE TRADE PRACTICES, MONOPOLIES AND PRICE CONTROL ACT

THAT, this House do grant leave to introduce a Bill for an Act of Parliament to repeal the Restrictive Trade Practices, Monopolies and Price Control Act, Cap. 504 of the Laws of Kenya and to replace the same with appropriate law entitled, "The Competition Act" in order to reduce monopolisation and collusive behaviour between firms and matters incidental thereto and connected therewith.

INTRODUCTION OF THE ADVERTISING CONTROL BILL

THAT, aware that the Government does not have a comprehensive policy regarding

advertising; cognisant of the fact that industry has used unethical practices in pushing defective, dangerous and sub-standard products on the lives of consumers; this House do grant leave to introduce a Bill for an Act of Parliament entitled, "The Advertising Control Bill" to legislate against such practices and to ensure that advertisements are truthful, ethical and recognise cultural and spiritual values of the Kenyan society.

QUESTIONS BY PRIVATE NOTICE

MEASURES TO CURB ILLEGAL FIREARMS IN NAIROBI

(Mr. Ndolo) to ask the Minister of State, Office of the President:

- (a) Could the Minister account for the increasing number of illegal firearms in Nairobi?
- (b) What security measures has he put in place to curb the trend which is a threat to the resident of Nairobi?

Mr. Mwenje: Mr. Deputy Speaker, Sir, on behalf of the hon. Member for Makadara Constituency---

Mr. Deputy Speaker: Mr. Mwenje, you know the rules of this House. Mr. Ndolo did not ask you to ask the Question on his behalf. If he had done so, you would have informed me immediately.

So, in case, he comes before the other Question is asked, then, I will give you a chance. Otherwise, you cannot ask the Question.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. With due respect to this House, is hon. Angwenyi in order to put on a Muslim's cap and yet he is a Christian?

(Loud consultations)

Mr. Deputy Speaker: Order, Members! I do not really know what to say because, really, that is not a point of order. Mr. Haji can correct me if I am wrong. You do not have to be a Muslim to wear a Muslim's cap. However, all said and done, we welcome you, Mr. Angwenyi, back to the House.

Next Question!

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir. From now on my name is hon. Nuru Angwenyi.

(Laughter)

MEASURES TO MAKE FERTILISER AFFORDABLE TO FARMERS

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private notice.

- (a) Is the Minister aware that the price of fertiliser and maize seeds has escalated beyond the reach of the Kenyan farmer?
- (b) What immediate measures will he take to guarantee affordable fertilizer and maize seeds

to farmers during this planting season?

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the price of fertilizer has escalated in the recent past, while that of maize seed has reduced by ten per cent.

(b) In February, 2004, the Government noted the relatively high cost of fertilizer with concern and encouraged the participation of the National Cereals and Produce Board (NCPB) in the importation of fertilizer with a view to stabilizing the prices of the same.

Mr. Deputy Speaker, Sir, with respect to maize seed, it is notable that the Kenya Seed Company (KSC), which is the major seed supplier has managed to reduce the cost of seeds by ten per cent.

Thank you, Mr. Deputy Speaker, Sir. **Mr. Angwenyi:** What steps is the Minister taking to make the price of fertilizer affordable to the farmers during this planting season, especially in my area where we are planting this season? He is saying that they are now going to import or include the participation of NCPB in the importation of fertilizers. When will this fertilizer arrive in this country, and will it assist my farmers?

Mr. Kirwa: It is for the same reason that I gave earlier on, that we did give instructions to the NCPB to import fertilizer. The fertilizer will be arriving in the course of next week, and that will be able to assist a substantial proportion of farmers who have not yet bought the same.

Mr. Sambu: Mr. Deputy Speaker, Sir, could the Minister specify which fertilizers are arriving in terms of the brands, whether it is DAP--- At what prices will they be sold when they arrive at the main farming areas?

Mr. Kirwa: Mr. Deputy Speaker, Sir, we did realize that by the time these fertilizers arrive, it will almost be in the middle of the planting season, therefore, going towards top-dressing of, particularly, maize. So, what we did through the NCPB was to order for 10,000 metric tonnes of 23:23, what is usually called NPK, 9,000 metric tonnes of DAP, 12,500 metric tonnes of CAN, and 12,500 metric tonnes of ASN.

As for the prices, DAP is likely to range between Kshs1,350 and Kshs1,450 considering the fact that the freight of fertilizer has doubled for the last couple of months from January this year. The cost of freight has also gone up by 40 per cent. As for the fertilizer for top-dressing, it is going to arrive at the farthest destination - Kitale, Bungoma and other towns of similar distance at the price of Kshs900 per a 50-kilogramme bag.

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

Mr. Deputy Speaker: Do you have a question or a point of order?

Mr. Sambu: Mr. Deputy Speaker, Sir, the Minister did not state the price of 23:23 brand, which is very important.

Mr. Kirwa: Mr. Deputy Speaker, Sir, it is possible that I was not clear to the hon. Member. I said the prices of fertilizer for planting is going to range between Kshs1,350 and Kshs1,450. The beginning is 23:23 brand, which is going to cost Kshs1,350.

Mr. Shitanda: In view of the fact that we are now in a liberalized market, is it in order for the Government to pretend that they can import fertilizer and fix prices in a liberalized market? Are they not cheating themselves?

Mr. Kirwa: Mr. Deputy Speaker, Sir, the Government does not know how to pretend. What we have done is to give an intervention measure as first aid, because the long term effect of what we are doing is to resuscitate Kenya Farmers Association (KFA), so that farmers' institutions are able to import fertilizer and compete with businessmen. The main problem in Kenya today is that businessmen do form cartels to ensure that the farmers are fleeced of the money that they would have reaped because of the good prices of produce.

Prof. Oniang'o: Maize is a strategic crop, not just for Kenya, but for many countries in Africa, and especially in the East African Region. The inputs are too expensive for farmers to use the hybrid maize. In fact, the use of this seed has gone down.

Could the Minister tell us what plans he has in mind to co-operate with his colleagues in East Africa to make sure they facilitate the importation of fertilizer which is affordable for the farmer? I am talking of Government facilitation to ensure that particular item, including other items, are actually affordable for the farmer in consideration of the fact that we need maize as a staple food. It is a strategic crop.

Thank you, Mr. Deputy Speaker, Sir. **Mr. Kirwa:** I know my hon. Colleague likes quality food, and maize is one of that. But what the Government is doing is exactly what she is proposing.

Mr. Mukiri: You have heard the Minister saying that we are still expecting this fertilizer to arrive. To my knowledge, most farmers have already planted their crops at the moment. Why did it take too long for the Minister to realize that we had a problem with fertilizer? If you visit the peasant farmers, you will see that most of them have planted their maize without using fertilizer!

Mr. Kirwa: As I said at the beginning, Mr. Deputy Speaker, Sir, what we are doing is just to react to a situation that was exacerbated at the beginning of the year because of the doubling of the cost of freight and also the increment of the cost of fertilizer by 40 per cent. It is not an issue that the Government should always be doing this. As I said, we are doing this just as a first aid measure, and it may not be true that a majority of farmers have already planted now. But if so, that is why the Government thought it would be better to bring in three-quarters of top-dressing fertilizer and a quarter of planting fertilizer to address the problem.

Mr. Deputy Speaker: Last question, Mr. Angwenyi!

Mr. Angwenyi: I want to thank the Minister for saying that the Government wants to intervene to bring some sense in the prices of these important inputs in the production of maize.

Mr. Deputy Speaker, Sir, every year, we do receive support in terms of fertilizer from Japan and Germany. What does the Government use this fertilizer for? Do they sell it to these *dukawalla's* who increase the price for our people? Or do they dish it out to the farmers in this country?

Mr. Kirwa: Well, the fact of the matter is that we did not receive this fertilizer from the Government of Japan last year or this year. Instead, what we got was Kshs769 million which we have now given to farmers for the purposes of production this season.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir. Whereas we appreciate the explanation given by the Minister for Agriculture---

Mr. Deputy Speaker: Capt. Nakitare, you stood on a point of order!

Capt. Nakitare: Mr. Deputy Speaker, Sir, he has explained to us the circumstances and the methods of importing fertilizers in the country---

Mr. Deputy Speaker: Order! Order, Capt. Nakitare! You stood on a point of order and now you are asking a question. Please, look at the Standing Orders.

Next Question, Mr. Ndolo!

Mr. Ndolo: Mr. Deputy Speaker, Sir, first of all, I beg to apologise for coming late. However, I had already asked Mr. Mwenje to ask the Question on my behalf.

Mr. Deputy Speaker: Mr. Ndolo, do not underestimate the Chair. I saw you converse with Mr. Mwenje and it is very clear that you had not instructed him to ask the Question on your behalf. Be that as it may, you are just putting a rope on your neck. We did not ask you whether you had instructed anyone to ask your Question when it is called out. Would you proceed and ask the Question?

Mr. Ndolo: Thank you, Mr. Deputy Speaker, Sir---

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. It is very serious that the Chair

can insinuate ill-motive on an hon. Member. Hon. Ndolo had asked me to ask the Question on his behalf and I was doing exactly that.

Mr. Deputy Speaker: Order! Mr. Mwenje, that matter is finished! Will you sit down? Proceed, Mr. Ndolo!

MEASURES TO CURB ILLEGAL
FIREARMS IN NAIROBI

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

(a) Could the Minister account for the increasing number of illegal firearms in Nairobi?

[**Mr. Ndolo**]

(b) What security measures has he put in place to curb the trend which is a threat to the residents of Nairobi?

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

(a) The increase in illegal firearms in Nairobi is as a result of politically unstable neighbouring countries---

Mr. Ndolo: On a point of order, Mr. Deputy Speaker, Sir. I do not have a copy of the written answer.

Mr. Deputy Speaker: Order, Mr. Ndolo! The Assistant Minister has stood to answer your Question and you are rising on a point of order. You have not even heard what he has to say. If you want to talk about not having received a copy of the written answer, you will talk about it when you get the chance. Continue, Mr. Assistant Minister!

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

(a) The increase in illegal firearms in Nairobi is as a result of politically unstable neighbouring countries where firearms are easily available. Kenya has long porous borders which have occasionally paved way for illicit arms and the influx of some unscrupulous refugees.

(b) The following measures have been put in place to curb the increasing number of illegal firearms.

1. Nairobi area has been allocated 20 new vehicles for patrols and rapid response.
2. Two hundred newly trained police officers have been deployed to Nairobi area. The number is to be increased to enhance police presence and crime detection.
3. Bullet-proof vests have been supplied to officers dealing with armed gangs to enable them act with superiority and confidence.
4. The Police Force is currently being equipped with modern communication equipment for effective monitoring and response.
5. Intelligence gathering by the police is being strengthened to detect crime, including the use of "*Toa Habari kwa Polisi*" public boxes initiative.
6. The proposal to establish a metropolitan Police Force for Nairobi is at an advanced stage which will incorporate community policing in order to strengthen community co-operation in identifying illegal gun owners.
7. Addressing the supply side of illegal firearms by engaging in the Somali and Sudanese Peace Process as a long-term sustainable measure towards regional peace and security.
8. Working with neighbouring states on collective and joint disarmament efforts.
9. Random road blocks within Nairobi area and search on suspects have been intensified.

Mr. Ndolo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. We have outlawed sects, like *Mungiki* in Nairobi, and it seems as if the Government is aware about their base of operation. How do members of the *Mungiki* Sect have the monopoly of owning illegal arms in Nairobi? Are they being supplied with the guns by the Government?

Mr. Tarus: Mr. Deputy Speaker, Sir, the *Mungiki* Sect was outlawed by the Government. The Government has been pursuing any traces of these illegal organisations, whether it is *Mungiki* or any other organisation. The hon. Member lives in Nairobi and if he has any information about any outlawed sect, we will be glad to receive it.

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

Mr. Deputy Speaker: Order! I will not entertain any points of order at this time. Let us go to questions.

Dr. Godana: Mr. Deputy Speaker, Sir, this is a very serious Question. It is, unfortunate, that the Minister of State, Office of the President, in charge of security is not here. Does the Government, particularly the departments dealing with security, have any estimates of the actual number of illegal firearms in the categories of handguns and rifles within the major urban centres such as Nairobi? Secondly does the Government have any effective policy measures on how to mop up these illegal firearms in the cities?

Mr. Tarus: Mr. Deputy Speaker, Sir, I cannot say that the Government has the estimates of the illegal firearms in the public hands, but the Government has established the national vocal points to guide in policy on elimination of illicit small arms and light weapons to foster peace building.

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, it is quite clear that the relevant Act is so lenient on criminals. For those who possess illegal firearms, the offence is bailable and the penalty is very little. It does not provide any deterrent measure. Could the Assistant Minister consider amending the Act to make it a little more deterrent to ensure that criminals do not take advantage of that?

Mr. Tarus: Mr. Deputy Speaker, Sir, we have taken that suggestion very honestly and we will act on it.

Mr. Khamasi: Mr. Deputy Speaker, Sir, listening to the Assistant Minister's answer, it sounds like a stereotype copied from a text book and read to this House. This situation is not only peculiar to Nairobi, but it is countrywide. If we have to table people who have been injured by criminals, including hon. Members, the Table would be full of those specimens.

Could the Assistant Minister tell us what he is doing to curb the increasing situation of insecurity countrywide?

Mr. Tarus: Mr. Deputy Speaker, Sir, a part from the issues that I have highlighted in this answer, the Government has an elaborate programme with regard to revitalisation and reform of the police force. The basic requirements that have been inadequate in the police force like vehicles, equipment, adequate personnel, and housing are being looked into by the Government.

Mr. Salat: Mr. Deputy Speaker, while I appreciate the changes that took place in the police force, we are also concerned that it is only the police institution that has to undergo changes. We also have the administration police who provide us with security in the rural areas. Is the Assistant Minister also going to make changes in the Administration Police Department?

Mr. Tarus: Mr. Deputy Speaker, Sir, the changes are intended to be implemented in the entire police force.

Mr. Deputy Speaker: This being an important Question, I will give two more Members a chance to ask questions.

Mr. Mwenje: Mr. Deputy Speaker, Sir, there are two ways in which the illegal guns find their way into Nairobi. One of them is that the guns are hired out to thugs by the policemen themselves, and used to commit crime. Secondly, the guns are transported by vehicles which come

into the City carrying herds of cattle and other animals that are transported through the various border points of the country and the North Eastern Province to Eastleigh Estate. What is the Assistant Minister planning to do to solve the problem and also make sure that those involved in transporting the illegal arms are arrested before arriving in Nairobi? What is the Assistant Minister doing to make sure that the guns which have already been transported to Eastleigh Estate are surrendered to the Government?

Mr. Tarus: Mr. Deputy Speaker, Sir, first of all, the issue of hiring arms to thugs does not arise. Any officer who has been found to be careless in handling arms in the past has always been fired. In some cases, the officers have been charged in Court. Secondly, we have police road blocks across the country to check if any illegal arms are being brought into the country by those in the transportation business. The Government has taken all the necessary measures to make sure that those involved in such actions are arrested.

Mr. Deputy Speaker: Hon. Members, we have given the Question the time it deserves. I will now accept one more question. Mr. Ndolo, please ask your question.

Mr. Ndolo: Mr. Deputy Speaker, Sir, let me give my chance to Mr. Midiwo.

Mr. Deputy Speaker: What is wrong with you? Mr. Ndolo, you have forfeited your chance to ask a question. You are not supposed to do that! Mr. Y. Haji, please ask your question.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Would I not be right if I asked that we be given more time on the issue of security, because I am among the latest victims of insecurity?

Mr. Deputy Speaker: Mr. Angwenyi, if you want, you can bring that in a Motion but certainly not during Question time. I think that I have given this Question sufficient time. I know that everyone has something to add. However, we must have a limit to it.

Mr. M.Y. Haji: Mr. Deputy Speaker, Sir, will the Assistant Minister agree with me that the bullet proof-vests are so voluminous that the criminals will now aim at the legs and heads of the policemen? The vests will not be giving them proper protection.

Mr. Tarus: Mr. Deputy Speaker, Sir, our aim is to eliminate thuggery. The bullet-proof vests are just part of the protective material for our police force, so that police officers can handle their tasks well. I have noted the other sentiments.

Mr. Deputy Speaker: I think that the point raised by Mr. Y. Haji was also raised yesterday by another hon. Member, Mr. Kimathi. Mr. Tarus, you may need to address the issue again and consider how you are going to be protect the policemen.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM PROVISIONS OF STANDING ORDER NO.33

The Minister for Education, Science and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to Move the following Motion:-

THAT, this House orders that the Business appearing in today's Order Paper be exempted from the provisions of Standing Order No.33, being a Wednesday Morning, a day allocated for Private Members' Motions.

It is well known, indeed, in this House, that Wednesday morning is dedicated to deliberations on the Private Members' Motions. Given the fact that the House opened only recently, we do not have any Private Members' Motion which has matured. It is only yesterday evening that the House Business Committee balloted Private Members' Motions. We do not have any Private

Members' Motion which has matured. So, this Procedural Motion has been brought here for the hon. Members to exempt today's business from the provisions of Standing Order No.33, and allow the House to proceed to the next Order.

I beg to move.

Dr. Godana: Mr. Deputy Speaker, Sir, this is a straightforward Motion and I second it.

(Question proposed)

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, I rise to support this Motion. I want to caution that a lot of time is wasted because we do not have control over the calendar of Parliament. If we had a calendar of Parliament we would anticipate our work and plan it ahead of time. I remember that last year I brought an amendment to the Constitution to amend Sections 58 and 59, so that this Parliament can control its calendar. I brought it and it had overwhelming support, but there was sabotage. I want to assure the House that it will come again this time, and it will get support.

We need, as a House, to urgently look at our Standing Orders once again because there are changes we want to bring to the business of this House. So far, there are reforms that we have undertaken in this House. We have created the Parliamentary Service Commission. You will agree with me that a great deal has been achieved because of the autonomy of Parliament. In the spirit of democratisation, we must look anew at the proceedings of this House and democratise them. For example, I agree fully with this particular Motion because of the circumstances in which we find ourselves. I can assure Prof. Saitoti that I support this particular Motion.

We want a day set aside in our calendar, so that hon. Members can bring Bills to change laws. There are many bad laws in our statute books, but we cannot change them because there is no specific day set aside for hon. Members to bring Bills. For example, the trend now is that more and more hon. Members are taking initiatives to bring Bills to change bad laws, which is our number one job. Our number one job is legislation, followed by representation and then oversight. Until we change the Standing Orders so that there is a specific day set aside for hon. Members' Bills, we shall not overcome the almost slow performance of this House at the moment.

I heard His Excellency the President mention that the House passes 10 Bills a year. This means that the majority of those laws are Finance and Appropriation Bills. Therefore, we are making about three to four laws in one year. There are so many bad laws in our statute books. In a country such as Tanzania Parliament is now making 40 to 50 laws in a year. I support this, but I am urging that we need, as a matter of urgency, to look at our Standing Orders again and examine areas which can improve the proceedings of this House to democratise them, so that our people can have a say in governance.

I did not want to say this, but I have raised the question of democratising the various committees of this House, including the House Business Committee. I was very pleased that Mr. N. Nyagah pointed this out, that the reason the Parliamentary Service Commission has made strides is because the majority representation is from the Back-bench who know the interests of the hon. Members. That is why we are bringing changes. We should do so with every committee because most hon. Members here are public officers and are competent to run committees of this House. Therefore, much as I support this Motion, I am urging, as a matter of urgency, that we address the Standing Orders in order to democratise the proceedings of this House.

With those few remarks, I support this Motion.

(Question put and agreed to)

Mr. Deputy Speaker: Next Order!

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 Tuesday, 30th March, 2004.

*(By the Vice-President and Minister
for Home Affairs on 31.3.2004)*

*(Resumption of debate
interrupted on 6.4.2004)*

Mr. Deputy Speaker: Mr. Kimathi, I will give you eight minutes.

Mr. Kimathi: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to continue my debate that was cut short last evening by expiry of time. I was talking about security. I am happy this morning that the Assistant Minister in charge of security is present in the House. He was able to answer a few questions, but his answers did not give any satisfaction to the hon. Members of this House.

As I said in this House yesterday, it is very disturbing to find that the Minister in charge of internal security has not been briefed properly on technical matters and secrets relating to security, so that he does not open up classified technicalities that he intends to use to curb crime in this beloved country.

(Loud consultations)

Mr. Deputy Speaker, Sir, I think you have to protect me. There is a lot of movement in the House.

Mr. Deputy Speaker: Order, hon. Members. Let us hear Mr. Kimathi.

Mr. Kimathi: Mr. Deputy Speaker, Sir, we are talking of a very important issue, because our beloved President of this nation gave us a very moving speech, in that he required this House to be united, so that we can build a better country. It will be very disturbing if the Minister in charge of internal security does not put measures in place to make the security apparatus of this country function. It is very disturbing to expose our men and women to criminals by displaying what they will wear so that they are not hurt while protecting 31 million Kenyans.

I would like to ask the Office of the President to keep classified operational secrets of the police confidential. If I were the Minister answering the question regarding the illegal firearms, I would have said that guns are recovered from criminals and subsequently destroyed. As to the number of guns that criminals have in their possession, it is very difficult for anybody to know how many they are. The only thing I would say is that we must close doors---

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! The Chair cannot even follow the debate. Could the Front Bench, please, consult in low tones?

Mr. Kimathi: Mr. Deputy Speaker, Sir, we must close the doors on illegal immigrants who

come into our country. These refugees who come into our country are the ones who bring illegal firearms in this country. It is important to check free entry of illegal immigrants into our country.

On the issue of farmers, small-scale tea and milk farmers are dominated by large-scale farmers. The majority of our farmers are small-holders, who have one, two or three acres of tea and coffee, and they must be protected. In Kiambu there is Kambati Factory, which is used by farmers from Limuru, Lari and Githunguri. There are also many other factories, which were started by rich people. It is very important that we protect our farmers, because the majority of us were once small-scale farmers. It is important for the Ministry concerned to do all that it can to protect the small-scale farmers.

I would like to ask the Minister for Livestock and Fisheries Development to tell this House when he will revive Uplands Bacon Factory the way he revived the Kenya Meat Commission. We would like the Uplands Bacon Factory, which was helping many farmers from all over the country, to assist farmers in uplands. Trust land for farmers totalling nearly 200 acres was grabbed and sold. I do not know how the Government might have sold that land, which did not belong to it. The land belonging to the Uplands Bacon Factory is trust land held for farmers of the Republic of Kenya. I would ask the Minister for Livestock and Fisheries Development and the Minister for Lands and Settlement to tell this House why they sold that land to a private businessman. This House would like to know when that factory will be revived so that the farmers can continue to sell their animals and earn a living.

I want to commend His Excellency the President for asking hon. Members of this House to work together. We do not want the opposite side of this House to see us as enemies because this is a new KANU. Those people who were in KANU in the past and spoilt it are not us. The present Opposition Bench consists of new people. When you talk of the previous regime, you should consider the fact that we were not in the Government. We are the new Opposition party and the majority of our Members are new.

Coming to the appointment of the new Commissioner of Police, I should ask our brothers in here and outside this House to give the new Commissioner of Police a chance. According to his Curriculum Vitae, he seems to be a very accomplished officer. I heard many people saying that the appointment is only cosmetic. Actually, the person in charge of security in this country is not the Minister; it is the Commissioner of Police. If the Commissioner of Police is an articulate person, and I believe he is, then the worry of those Members of Parliament who have been attacked, and all of us who are afraid of being attacked, will be addressed by the new Commissioner of Police. Although the NARC Government has a lot to do for this country, we must commend them for what they have been able to do so far.

Mr. Deputy Speaker, Sir, I would like to congratulate the new Commissioner of Police. I would urge him to really come down and check on those disgruntled elements who have been double dealing in the Police Force. I think it is important for the Minister for Health to come up with an insurance scheme to cover them. This is because when they are injured, they are normally dumped at the Kenyatta National Hospital (KNH). If we expect these men and women in blue to deliver services efficiently, then we must accord them the right medical facilities.

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

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I stand to support the Presidential Address. I have been listening to Presidential Addresses for the last five years. However, for the first time we have been able to listen to a Presidential Address which was purely based on economic recovery and national unity of this country. Before, we would listen to Presidential Addresses focused on issues---

(Mr. Weya stood in his place and consulted loudly)

Mr. Deputy Speaker: Mr. Weya, it is out of order for you to stand and chat with other hon. Members when another hon. Member is contributing.

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Deputy Speaker, Sir.

For the last five years I have been here as a Member of the Opposition, I have listened to Presidential Addresses based on political issues. In most cases, when they addressed any economic issues, they were not fulfilled. For the first time, the Presidential Address covered what the Government has done previously and the way forward. The Speech had only a single line on politics. The President cautioned us to stop political activism and instead concentrate on economic activism. That is where we are headed to. This is what we must crave for.

Mr. Deputy Speaker, Sir, if we talk of any political recovery in this country then we must address the evils and what really hindered development and economic recovery. We should remember that we utilised all our time---

(Loud Consultations)

Mr. Deputy Speaker: Order, hon. Members! What is going on? You cannot stand and start chatting in the Chamber when the business of the House is going on. Could you, please, observe the rules of the House?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, hon. Members should stop portraying Parliament as a quarrelling Parliament.

This Government has taken the issue of corruption very seriously because the previous regime took it lightly. Instead of them tarmacking our roads, they "tarmacked" their stomachs. Instead of getting the Kenya Co-operative Creameries (KCC) on its feet, they drunk all the milk. Instead of offering free primary education, they used money for political expediencies. We are really addressing the economic issues more seriously than before.

Mr. Deputy Speaker, Sir, this Government is not discriminative. We are not focusing on the areas that voted for NARC, but nationally. Therefore, I think each and every hon. Member must support anything which is positive. We should stop just opposing things because they are coming from a particular political party. I am very happy that most hon. Members in this House have been very positive on these issues.

The President addressed the issue of the freedom of the Press. This freedom is very important. We have been fighting for it. I am on record in this House for fighting for the freedom of the Press. However, the Press should also be responsible for whatever they say. For example, today in the *East African Standard* newspaper, there is an article alleging that the Speaker of this House cautioned witnesses who gave evidence before the Select Committee investigating the death of Dr. Ouko. If you read that article between the lines, you will realise that the *East African Standard* newspaper is really telling us that the Speaker conspired to defeat justice and that he colluded with murderers. That should not be taken lightly considering what some of us have gone through. The Speaker of this House has a family that he takes care of. He has friends who respect him. However, this kind of a statement is not very good. Today is a sad day for this House. You can remember what happened in December, some of us; Mr. Makwere, Mr. Midiwo and I were really traumatized by what was reported in the newspapers. Our families were also traumatised. Some hon. Members were very happy because they thought Mr. Makwere, Mr. Midiwo and I, were finished. The Swahili people say: "Mwenzio akinyolewa, tia chako maji." Maybe next time, they will be on your neck and

you will bear the consequences. Today, if I enter---

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to threaten us that we will be scandalised?

Mr. Deputy Speaker: I do not hear any threats. Proceed, Mr. Kiunjuri!

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, for the benefit of Mr. Shitanda, I said: "Mwenzako akinyolewa nawe tayarisha kichwa chako" because you might become the next victim tomorrow. Today, the Speaker of this House is a victim. There is an article in *the East African Standard* alleging that the Speaker coached witnesses who appeared before the Select Committee investigating the death of the late Robert Ouko. Probably, tomorrow it will be you, Mr. Shitanda.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. Is it on order for the hon. Member to address me instead of addressing the Chair?

Mr. Deputy Speaker: He is completely out of order. Mr. Kiunjuri, address the Chair.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I was just answering him. He is wasting my time, let me continue.

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

Mr. Deputy Speaker: Order, hon. Members! I want order in this House. Let us hear Mr. Kiunjuri first before you raise your point of order.

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, the problem we have in this House is that we settle scores even on matters that are of not any consequence to this. However, you are dissatisfied---

Prof. Oniang'o: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is it, Prof. Oniang'o?

Prof. Oniang'o: Mr. Deputy Speaker, Sir, is it in order for the hon. Member to insinuate that the Speaker has been scandalised without giving us the substantive evidence?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I have already given the evidence. For the benefit of Prof. Oniang'o, I would urge her to read today's *East African Standard* newspaper. There is an article alleging that the Speaker colluded and coached witnesses who appeared before the Select Committee investigating the death of Dr. Ouko.

We have been experiencing this problems yet the Press has not been subjected to any litmus test. There is no way they will be allowed to continue behaving and pretending like Pharisees. They preach water while drinking wine. A day is coming when they will be scrutinised. We will have the opportunity to do that in court. We will unaddress them in courts and tell the world how some of their editors and journalists behave. Some of us are so firm. We have developed enough shock absorbers. Having observed that the Government's shock absorbers are not in operation now, we have got hydro ones---

Mr. Wanjala: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Kiunjuri to settle his scores with the media on the Floor of this House where they cannot defend themselves?

The Assistant Minister for Energy (Mr. Kiunjuri): Mr. Deputy Speaker, Sir, I have already made the point and, as the Swahili saying goes, *uchungu wa mwana aujuaye ni mzazi*. Some hon. Members will have an opportunity to brush shoulders with the Press, and they will appreciate my feelings.

Mr. Deputy Speaker, Sir, I would now like to go back to the Presidential Address. We have so many issues that should be addressed, especially the enactment of the new Constitution. At the Bomas of Kenya, we discussed about the new Constitution for this country and we came up with a Draft Constitution. I would like to appeal to hon. Members to calm down and scrutinize that Draft Constitution with a view to removing certain injurious aspects from it. We tried, without success, to

build consensus at the Bomas of Kenya. Today, we are listening to the Gospel; that is, the new Constitution, because even Jesus Christ had promised his disciples that he was going to come back soon, but 1000 years later, he is yet to come. We have been talking about the new constitution for only a few years and we are likely to reach consensus soon. The constitution that we are going to enact will not be mine. It will be the Constitution of Kenya. It will be the Constitution under which we will be governed. If we enact a good Constitution, it will be good for this nation. If we enact a bad Constitution, then the country will suffer the consequences of our decision.

With those remarks, I beg to support.

Mr. Mganga: Mr. Deputy Speaker, Sir, I thank you very much for giving me the opportunity to contribute to this debate. I stand to support the Motion.

Mr. Deputy Speaker, Sir, I want to start by---

*(Several hon. Members, including
Mr. Mukiri, stood up
in their places)*

Mr. Deputy Speaker: Order! Order! Hon. Members, I think you are totally out of order. Mr. Mganga has hardly said anything and you are raising points of order. Yes, Mr. Mukiri?

Mr. Mukiri: On a point of order, Mr. Deputy Speaker, Sir. You have been picking two hon. Members from the Government side---

Hon. Members: That is frivolous!

Mr. Deputy Speaker: Order! Order! Mr. Mukiri, that is absolutely at the discretion of the Chair. So, you are totally out of order.

Proceed, Mr. Mganga!

Mr. Mganga: Mr. Deputy Speaker, Sir, I want to begin by saying that, indeed, the President delivered to this House a very well written Speech. The President's Speech reads beautifully and it touches on many areas of interest to all hon. Members and the country, generally. What is important now is to breath some action into that beautiful Speech and ensure that whatever is being proposed can be implemented.

Mr. Deputy Speaker, Sir, having said that, I want to, very briefly, touch on three areas, one being that of corruption. The President said that last year, we passed a number of Bills, which he assented into law. One of those Bills, which the President graciously assented to, was the Anti-Corruption and Economic Crimes Bill. However, several months after enacting that Act, one wonders whether that was a mere public relations exercise. You cannot fight corruption with soft gloves. We know that there are many previous cases of corruption that have been cited. A lot of evidence has been given at various fora, but we are yet to see any tangible action by the Government. One is tempted to conclude that the Government is not only soft, but also completely toothless as far as handling corruption cases is concerned.

We said before that we want to make corruption in this country an expensive business, but because of lack of action by the Government after the enactment of the Anti-Corruption and Economic Crimes Act, today, corruption continues unabated at a very high level. Highly placed people in Government are being cited in various corrupt cases but no action is being taken. The people we want to trust that they can help us to tackle this problem are the ones being mentioned in a negative light. So, how do we proceed? The Government has to be proactive as far as tackling corruption is concerned.

Mr. Temporary Deputy Speaker, Sir, last year, the President said that the fight against corruption begins at the top, and I agree with him. A policeman on the streets takes a bribe because

he has at one time arrested a person and taken him to the police station, but the Officer Commanding Station (OCS) released him. If the OCS did not release that person, the Officer Commanding Police Division (OCPD) did. If the OCPD did not, the Provincial Police Officer (PPO) did. If the PPO did not, the Minister of State, Office of the President, in charge of Internal Security, did. If not the Minister, the President did. So, if the fight against corruption starts at the top, then it must trickle down effectively and practically, so that we see its fruits.

Mr. Deputy Speaker, Sir, a lot has been said about the issue of insecurity, but I would like to add my voice to it. We have talked of our borders being porous. If we are aware that our borders are porous, why can the Government not take proper action to ensure that they are properly policed and that they have enough and effective intelligence gathering mechanisms to ensure that whatever illegal immigrants may be carrying is reported and that they are checked to find out what they may have brought into the country?

As far as the issue of proliferation of illegal firearms in this country is concerned, if the Criminal Intelligence Department is working properly, it should be contained. First, the department knows that we have a lot of illegal firearms in this country. We have illegal handguns, rifles and other kinds of small arms. Secondly, the department knows where these illegal firearms are. Thirdly, they know who has them. Why can we not have an organised mop up exercise, even if it will have to be done by a combined force of the Military and the police, to ensure that all illegal firearms in this country are mopped up? It is in the interest of this country to ensure that, that is done irrespective of which security forces are involved. Surely, if one morning a force of about 5,000 personnel rounds up an estate such as Eastleigh or Kariobangi or Dandora or Komarok, we should come up with some positive results.

Mr. Temporary Deputy Speaker, Sir, I would now like to move to the issue of the constitution review process. It is very sad to note that as we left the Bomas of Kenya, we were more divided than when we went there. If the delegates at the Bomas of Kenya were that divided, one wonders what will happen to the rest of the country. It should be noted that the countries that have experienced civil strife never sat at a round table and agreed to go to war. It all began with disagreements among leaders. Therefore, as we make our new constitution, we should bear in mind the fact that, that constitution should guarantee the peace and stability that this country has enjoyed over the years, enhance our unity and ensure that we do not balkanize this country. If there is a danger of the country being balkanized through that exercise, then we should ask ourselves whether it is better to enjoy peace or have a new constitution. I want to go by the saying, that it is better to eat boiled cabbages in a house, in an atmosphere of peace, rather than having fried meat, *chapatis* and *pilau* when there is sound of gunfire outside the house.

Mr. Deputy Speaker, Sir, as leaders and as elected representatives of the people, we need to reassess our route in the making of this Constitution irrespective of our personal interests, political party interests, tribal or regional interests, because if you look even at the various polls that are being conducted, you can see there is a very clear regional line in terms of who is fighting for what in this Constitution. Then you wonder whether we are making a Constitution for individuals, a political party, a tribe or for a region. It has been said, time and again, that we need to make a Constitution for posterity. That cannot be gainsaid, but can we translate our words into actions? We should say the same thing instead of contradicting ourselves by saying the opposite of what we tell people in public.

Mr. Deputy Speaker, Sir, finally, the President appealed to this Parliament to take its mantle in constitution-making process, but we do know that the bulk of the problem starts elsewhere, and is only imported into Parliament. It starts elsewhere and it is imported into Bomas. I would like to appeal, particularly to the ruling coalition to sort out their house. The President should come out

actively and rein in on the people who are creating confusion and, therefore, affecting the rest of the country and bring in people who are not concerned. My father died without ever knowing why he went to fight in Burma. We do not want to fight wars we do not understand where they come from or why they are there and where they are headed to.

Thank you very much.

Mr. Kembi-Gitura: Thank you Mr. Deputy Speaker, Sir, for giving me this opportunity.

I wish to make only a few comments on the Presidential Address which covered most of the issues affecting this country on matters of development, security and matters that have continued to afflict our nation. In my considered opinion, the Address by the President candidly and clearly set out the hopes and fears of our nation in the foreseeable future as we press on to create a more harmonious nation. On my part, I think it was a very, very good Address indeed.

Mr. Deputy Speaker, Sir, I would also like to thank the Leader of the Official Opposition, Mr. Kenyatta, for the eloquent address in his reply in the Presidential Address. I want to thank him, not so much for his eloquence, but because his address took the form of constructive criticism and was devoid of the acrimony that is normally associated with the main Opposition parties when they want to criticise for the sake of criticising. I want to thank him because his address was made in the knowledge that in this time and age, we must all work together in our country if we have to wade through the very difficult times that we are going through at the moment.

Mr. Deputy Speaker, Sir, I know and I am convinced that if we put aside our petty prejudices and focus on the reasons we were elected to come to this House, if we disregard our petty party affiliations and work as one for the sake of this country, I know that the boundless opportunities that are in this country will come out. This is a country that is blessed with human resource, and if these are properly harnessed, we will see a major surge from the poverty that is afflicting us to a lot of prosperity.

Mr. Speaker, Sir, because of how we had been drawn far back by the previous regime, we must be able to tell our people, our constituents and the whole nation at large, that the prosperity that we talk about, which the President referred to in his Address, is not a matter that can be achieved overnight. It is going to take time but, on my part, I am satisfied in the knowledge that we are on the right track and that we are doing the right thing. I know, on my part, that the children of this country, those of other people and mine, will never again go through what we have gone through if all of us agree to work in harmony. Like I said, we must work and be devoid of pettiness, petty jealousies and downright foolishness when we talk about our country.

If we agree to learn from our past mistakes, and even where necessary set aside personal ambitions that can only destroy, all of us will be surprised at how fast we can develop and change this country to be one among equals. I feel very saddened when I hear politicians argue in public fora, and elsewhere, that this tribe or that tribe has had its time, and that "it is now our time to eat". They are the same people who stand in this House and say that appointments must be based on meritocracy. I find this a very major contradiction and something that can only draw us back as a country. I am convinced that whoever rules this country, now or in the future, must be someone acceptable to all Kenyans. The only test that must be there is the voice of the people; all of them. This cannot be the province of only a few people. Such a decision can only be made by Kenyans through a fair and free election.

Mr. Deputy Speaker, Sir, whoever leads this country, in my very humble opinion, cannot be the province of only a few people sitting in boardrooms and deciding for millions of Kenyans. It is only the people of this country who can decide, now and in the future, who is going to lead this country. All of us must work towards that goal and see to it that petty tribalism is something of the past. The reason I am saying this is because there have been too many squabbles in the recent past.

For the first time in our history, and contrary to what personally I was taught in the law class, collective responsibility has been thrown out of the window by the Ministers. Instead of doing what they were appointed to do, they spend all their waking hours at each other's neck. This is giving the Government and our country an extremely bad name locally and abroad. It is also making our work as hon. Members of Parliament very difficult, because we are unable to espouse Government policy as it keeps changing every single day at the whims of Ministers who seem to be working without any serious direction. This trend is unacceptable to Kenyans and this Parliament, and must be stopped forthwith. If they cannot stop of their own accord from bickering and getting at each other's neck, then they must be stopped at all costs.

Mr. Deputy Speaker, Sir, on my part, I am not willing to see personal ambitions take centre stage in this nation at the expense of the nation. The nation must always come first for our own sake, our children and future generations. We have only one country, and that is Kenya. I was born where I was born as Kembi-Gitura, but I had no choice on that subject at all. A lot of that depended on where my mother was married, and I am very proud of that. That does not make me better than other people, because they too had no choice.

Mr. Deputy Speaker, Sir, I repeat that we only have one country. That is why we must now warn all and sundry that the time for people to refer to each other as "Mount Kenya Mafia", "Lake Mafia", "Rift Valley Mafia" and "Coast Mafia" has gone. We must know that if somebody errs against you, that person is an individual, has a name and identity. You should deal with that person individually. I am not willing to be bundled together with other people and referred to as "Mount Kenya Mafia", because my mother happens to have been born or married in the Mount Kenya region. That is why, in my very considered opinion, we must, as Kenyans, reach a consensus on the constitutional review process. If we do not, then I sound this warning clearly on this Wednesday morning, we are all going to perish as a country. We shall perish because of personal ambitions of very few people. I do not propose to be part of such a clique of people. I do not want history to judge me too harshly. I do not want it said that we did not do what we were supposed to do when we were elected by the people, because personal ambitions and foolishness took centre stage. We cannot afford to be judged too harshly. I am not willing to be in that class.

Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Obviously, we have many Members on my right hand side and, therefore, I will go to the second person. Mr. Ojode!

The Assistant Minister for Lands and Settlement (Mr. Ojode): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Presidential Speech. I will start by congratulating the President for giving an elaborate Speech. Some of the issues which need to be dealt with include insecurity. Firing the Commissioner of Police is not a solution to the insecurity. I think the first bottleneck which the Commissioner of Police will have will arise from the fact that he is not an Accounting Officer. He does not have money to use as and when he wants. If you are not an Authority to Incur Expenditure (AIE) holder, you cannot buy the police gadgets that are required. It is important for this Government to make the Commissioner of Police an Accounting Officer or an AIE holder.

The other issue is the distribution of security personnel. You will find that, within the Cabinet, there are those who are escorted with cars having six to eight security men. In the process, the Police Force is depleted. If we take six or eight security personnel to escort one particular Minister or Assistant Minister, it is not good. There will be no policemen to patrol the streets of Nairobi because most of them will be trailing particular persons.

Mr. Deputy Speaker, Sir, Government spending, especially in the NARC Government--- I want to speak as a Member of Parliament for Ndhiwa Constituency and not as a Government

Assistant Minister. It is not good for the Government to buy very expensive cars. Why? Parastatals and Government Ministries are buying Range Rovers. A Range Rover costs between Kshs18 million and Kshs20 million. When it is taken for service after attaining 5,000 kilometres, it costs the Government between Kshs85,000 to Kshs100,000. That, in itself, is an expenditure which is not required at this particular time, when the economy is going down on a daily basis. I feel that we should not use very expensive vehicles but, instead, we should concentrate on the HIV/AIDS scourge. Let us use whatever money we can get to buy the Anti-Retrovirals (ARVs).

Mr. Deputy Speaker, Sir, it is also perplexing--- I was amazed when a so-called women's seminar was organised. That seminar was organised by a Cabinet Minister. They used the President to go and officially open it. It was just to rubber- stamp the usage of the money which was looted from the Ministry.

(Applause)

Mr. Deputy Speaker, Sir, Kshs31 million cannot be taken and used by an individual. Let the Government probe the use of that money, which was supposed to be used for buying the ARVs. We have heard from impeccable sources that six to eight teachers die everyday due to the HIV/AIDS scourge. We are talking about the entire population of 234,000 teachers. A number of them--- In fact, a quarter of that total are sick in bed. So, their production will come down. You cannot use Kshs31 million on your own personal things and yet, we do not have enough ARVs. Last time, they ferried about 30,000 condoms to Homa Bay, to be distributed in Ndhiwa Constituency. We do not need condoms. We need the ARVs. I am saying that I do not need condoms in Ndhiwa Constituency where people are dying of HIV/AIDS and yet, Kshs31 million was consumed by just an individual! We are talking of transparency! What kind of transparency is that?

Mr. Deputy Speaker, Sir, the other issue concerns retired civil servants. You and I know very well that the Code of Regulations clearly states that, upon the attainment of 55 years of age, it is mandatory for you to retire. We cannot expect people who retired long time ago to creep back into Government Ministries and parastatals and continue to earn pension money and a salary. They are getting that money illegally and we will recover it whether it takes ten or 15 years!

Mr. Deputy Speaker, Sir, the next issue is the importation of sugar. Those who import sugar are known and some of them are in the Cabinet.

An hon. Member: Who?

The Assistant Minister for Lands and Settlement (Mr. Ojode): They are known! We said here that if there is a shortage of sugar---

Mr. Kipchumba: On a point of order, Mr. Deputy Speaker, Sir. You have heard Mr. Ojode say that some of those who are importing sugar into this country are in the Cabinet. Could he name the respective persons?

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, there was an allegation that some were in the Cabinet. Let me just finish this. We have said, from time to time, that when there is a shortage of sugar and it is important for the manufacturing firms to order the---

Mr. Deputy Speaker: Order, Mr. Ojode! You are responsible for the accuracy of the statements that you make. You have been challenged to name the Cabinet Ministers. So, you either do that or withdraw!

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I said there are allegations that some of them are in the Cabinet. But let me retract for the benefit of time. Let me apologise and withdraw. It is being alleged that some of those guys are in the Cabinet.

We cannot just keep quiet! You are telling me to name them and yet, they are known. That is an allegation and, indeed, if it is true that they are in the Cabinet, the Government should take stern action against them. Let me continue!

Mr. Deputy Speaker, Sir, with regard to the Ministry of Agriculture, there were two departments which were erroneously transferred there.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, the allegations were made in the Press and the Ministers came out and cleared their names. They said they had nothing to do with the importation of sugar. Is the hon. Member in order to continue making a reference to that?

Mr. Deputy Speaker: Mr. Ojode, before you say anything, do not waste the Chair's time. If you make an allegation that is not correct, you withdraw. You do not withdraw and start telling us other stories on the same subject.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I have mentioned clearly that it is being alleged. You do not expect me to substantiate an allegation. You only expect me to substantiate on something which is tangible, and where I have evidence. That is why it is an allegation.

Mr. Deputy Speaker: Order! Mr. Ojode, let us be serious here. You said they are known. If you know them, name them and if you do not know them, withdraw and apologise.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, in order for me to continue, let me withdraw and apologise.

Mr. Deputy Speaker, Sir, there were some two departments that were erroneously transferred to the Ministry of Agriculture. These departments were taken to Kenya Agricultural Research Institute (KARI). But it is not wise to have the Vaccines Research Centre transferred to KARI, because KARI is known for doing research on crops. As a result, we are losing cattle because of Foot and Mouth Disease. We need those two departments to be taken back to the Veterinary Department.

On the issue of bursary---

Mr. Deputy Speaker: Order! Mr. Ojode, your time is up!

The Assistant Minister for Lands and Settlement (Mr. Ojode): With those remarks, I beg to support.

Mr. Kamama: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the chance to contribute to this Motion.

First of all, I want to support and commend His Excellency the President for an excellent exposition of public policy. He covered a broad spectrum of issues affecting the social fabric of this country.

Mr. Deputy Speaker, Sir, I am happy that the President is waking up from his 'hands-off and everything-off style' of leadership. I am happy that he is now trying to bite the bullet. I am also happy that he is trying to create some rapport between Members of Parliament and State House.

(Applause)

A lot has happened in this country and the President indeed, covered a lot of issues. But I want to talk about a few of them. The first one is the issue of insecurity. But before I do that, if I were to rate this Government, I would give it 2.5 per cent over ten. So, that is below average. But I want to give this Government one mark for what the Minister for Transport and Communications, Mr. Michuki, did. Mr. Michuki is a serious man who actually should be declared as 'the Minister of the year'. The *matatu* business is now lucrative and there is sanity in that industry. So, Mr. Michuki

gave this Government one mark.

(Applause)

Another mark goes to the Minister for Co-operative Development and Marketing because of what he has done to Kenya Co-operative Creameries. Now, people are getting money from the sale of their milk. But we want to see a situation where milk will be more expensive than water since water is still expensive.

Mr. Deputy Speaker, Sir, I want to give another half mark to hon. Raila--- He is supposed to get one mark, but I am sure he has not been supported by the Treasury. He has done a lot by touring this country. But I am sure he has not been given the requisite funds to implement the projects he has promised. So, those are the only marks this Government deserves.

On the issue of security, I am happy that God sent the Angel Gabriel who commanded Mr. Manjau to come to this Chamber to send a message to the Government that not even the President of this country is safe. Mr. Manjau sat a few metres from the President and, as you know, the President is supposed to get all-round coverage. But here, he was so vulnerable. If the President of this country is vulnerable, what about Wanjiku, Kamau, Atieno or Kilunda in Ukambani?

(Applause)

So, the message is very clear. The Government must bite the bullet and address the issue of insecurity. I am happy that the President, this time round, appointed a person from the pastoralist communities as the Commissioner of Police. We can make it. We have been ignored for too long, but I know Brig. Ali will make a difference. But he must understand the rot in the police.

The bribery index report of last year and this year pinned down the police on the issue of corruption. The Police Force has always been number one when it comes to corruption. So, Brig. Ali has the onerous task of addressing this problem and he must start from Vigilance House up to a police station in Lokichoggio.

Mr. Deputy Speaker, Sir, I would also like to ask Brig. Ali to look into the issue of liberalising guns or giving guns to wananchi. That is an issue that must be addressed, because Kenyans are very vulnerable. We have the Kenya Police Reservists and home guards along the border lines. These people have guns with ammunition and they are using them very well. Why can we not give Nairobian, and people in other urban centres guns, so that when they are confronted by these criminals, they will be able to protect themselves?

Mr. Deputy Speaker, Sir, on the subject of economic growth, I think there is a lot of confusion here. The President said the real GDP growth for this financial year is 1.8 per cent, yet today, the Minister for Finance is talking about 2 per cent. Which one is correct? Who is saying the truth?

This Government promised to increase the GDP rate by 1 per cent every year. But this year alone, it actually increased by about 0.7 per cent. They should try to increase this rate by about 1.5 per cent, so that when we reach the year 2007, we can consider if they are worth being re-elected to Government or thrown away and then, FORD-P can take over.

(Laughter)

Mr. Deputy Speaker, Sir, I am happy that there is positive change and something is being done at the Kenya Co-operative Creameries (KCC), the Kenya Farmers Association (KFA), the

Agricultural Development Corporation (ADC) and the Agricultural Finance Corporation (AFC). However, we want the money from AFC to go to the farmer.

The President talked about development in the arid and semi-arid lands (ASAL) regions where I come from. We were told that Kshs4.5 billion was pledged by the World Bank. For the first time, I want to report to this House that the pastoralists in this country are very happy that the President is looking into the welfare of the ASAL people and we will support him because of that.

Let me go to the Wanjiku subject; the Constitution of Kenya. Philosophers say that the lowest level of intelligence is to contradict oneself. You say that you are going to do something and the next day you are doing the opposite. We have been promised the Constitution by NARC Government. I do not know whether I should call it the NARC Government or a coalition of confusion. This Government won on the promise that they were going to give Kenyans a Constitution in 100 days and we are now going to two years. I am happy that the baby was born and it was given to the Attorney-General (AG) but I am not sure whether it will survive in that house. It might be eaten by hyenas. We want to get Mr. Wako's promise that he will receive the other report by the Constitution of Kenya Review Commission (CKRC) and bring it to this House.

We need consensus because the Constitution is not 100 per cent complete. It has a lot of issues that have to be addressed. The issue of devolution of power, especially from the district level downwards, needs to be looked into. I do not care so much about devolution of power from the district level upwards, but as for the district level downwards, we are not going to succumb to any pressure from above. If you want us to agree, let us discuss about the devolution from district level upwards.

There is the issue of employment and it is a topical issue in this country.

With those few remarks, I beg to support.

Mr. Muite: Mr. Deputy Speaker, Sir, one of the fascinating things about human life is just how short human memory is. It started a long time ago. You remember the suffering of the children of Israel when they were in Egypt. They really suffered and their suffering is only comparable to what the Kenyan people went through under the KANU regime. And yet, no sooner had they been taken from Egypt than they started complaining: "Were you removing us from Egypt to bring us to the desert so that we can die here?" Human memory can be very short. Have we forgotten that under the KANU regime, after a hard day's work you could not even enjoy your bottle of Tusker in a bar? This is because you would be looking over your shoulder as 75 per cent of the Special Branch officers were collecting information.

Mr. Nderitu: Tell them again!

Mr. Muite: Mr. Deputy Speaker, Sir, people were being picked and locked up in police stations.

(Applause)

Today we listen to a lot of eloquence here that the same KANU is ready, able and willing to take over. To take over and do what? To continue with the destruction of the economy and the looting? Is that what they are ready to take over and do? It has become very fashionable to bash the Government. I agree that there are areas in which the Government wishes and needs to improve, but there is no comparison between this Government's performance and the previous regime.

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

Mr. Muite: Mr. Deputy Speaker, Sir, *mkuu wa Wanandi wote---*

Mr. Deputy Speaker: Order, Mr. Muite! Sit down!

Mr. Kosgey: Mr. Deputy Speaker, Sir, is Mr. Muite in order to say that KANU was arresting people and imprisoning them?

Hon. Members: Yes!

Mr. Kosgey: Mr. Deputy Speaker, Sir, we know that some of the fellows who perpetrated crimes in KANU are on the other side.

(Applause)

With your permission, Mr. Deputy Speaker, Sir, may I inform Mr. Muite that the KANU now on this side is clean! The problem is on the other side!

Mr. Muite: Mr. Deputy Speaker, Sir, I hope you will get the Clerk to add me those minutes that were taken by the hon. Member for Tinderet.

I want to pay tribute to a majority of KANU hon. Members of Parliament. They suffered with the rest of Kenyans. It is a tiny minority that was involved with the looting and destruction. Mr. Kosgey talked about people being on this side. Let me say that a majority of the KANU people who never participated in the looting must not allow themselves to be used as a shield. We are coming to the phase where what was looted has to be recovered; the money and the assets will be recovered! So when that phase is reached, we do not want a majority of KANU people to allow the tiny minority that participated in the looting and destruction to use the majority as a shield.

Hon. Members: The Kshs20 million!

Mr. Muite: Mr. Deputy Speaker, Sir, I support the issue that those who participated, whether they were on that side or this one, must be dealt with. There is no issue about that Mr. Kosgey. Let us know and---

The Assistant Minister for Lands and Settlement (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. I do not want to interrupt my colleague here, but is it in order for Mr. Muite to say that money will be recovered while we know or there was an allegation that he was also given Kshs20 million? Will we also recover that amount?

(Applause)

Mr. Muite: Mr. Deputy Speaker, Sir, let the hon. Member exercise some patience. The Goldenberg issue is still going on. *Tulia!* The truth will come out so just be patient!

Everybody has been crying about insecurity in this country. When the Government moves in decisively to address this issue, what do you see? Hon. Members of Parliament collecting together! This is another interesting aspect of the Kenyan life. When a senior public official from the Eastern Province, Ukambani, is told to go home because of inefficiency and inability, you never find hon. Members of Parliament from that area ganging up to say; "Our son is being told to go home". When somebody from the Western Province is told to go home because of inefficiency, you do not find hon. Members of Parliament from that Province ganging up.

In fact, even when you find a member from the Rift Valley region or the North Eastern Province being told to go home, you do not find hon. Members of Parliament from those areas ganging up. It is only in respect of Kenyans from a particular area of this country who always gang up to say; "Our son is being to asked to go home".

(Laughter)

(Mr. Ojode stood up in his place)

Let the hon. Member for Ndhiwa- *Tulia! Keti!* Support the Government. You can have a

school which is very badly run down or has cases of indiscipline among students and teachers, but if you take a good headmaster there and the message percolates down, the teachers fall in line because they know that "*mchezo umekwisha*" and they become disciplined. And so will the students. We have to start from there and I wish the new Commissioner of Police all the best. I hope the Government will support him fully in restoring discipline to the police force and that he will be given the mandate to do a complete clean-up and table all those who have succumbed to corruption. They must be shown the door irrespective of the ethnic communities from which they come.

I hope the Government will also spend money to give the police force housing because they are living in appalling conditions. I know the salaries have been increased, but the housing issue should now be addressed so that they can live in dignity. It is not right to ask three or four families with children and wives to share a house. Let us make a beginning in cleaning up the police force. Let us not politicise the issue and bring in ethnicity. When we also move to other areas, let us keep politics aside. Let us be efficient and turn this country round. Let us now concentrate on the resuscitation of the economy.

Mr. Deputy Speaker, we all want a new Constitution. However, the bottom line and the fundamental issue is that we want a good, sound, affordable and implementable Constitution. We need to have consensus. We have to write a Constitution that will form a sound basic foundation for the building of this nation. Not just for ourselves, but for the future of our children. I do agree with the hon. Member that the districts must be the basic units of devolution. That is where we want to take the money. We rejected *majimbo* system of Government in 1963 and we must continue to reject it even now because we want one nation. So, let us develop this consensus, discuss and hear one another.

Mr. Deputy Speaker, Sir, let us get down to the fears, hopes and expectations of everybody, so that we can address them and come up with a sound Constitution. We do not have a suicide pact with the 30th June deadline. The important issue is a sound Constitution; not when we will have it, but as long as we have it in good time, so that all institutions will be put in place before the next General Elections. That is what is important. Not that there must be a Constitution by the 30th of June.

*(Several hon. Members stood up
in their places)*

Mr. Deputy Speaker: Hon. Members, I do not like this issue. Whenever a Member says something you do not like, you stand up on a point of order. Wait until your time to contribute comes to say what you want to say. Let Mr. Muite finish up. Proceed, Mr. Muite!

Mr. Muite: Mr. Deputy Speaker, Sir, I support Mr. Oloo-Aringo, that we need to look at our Standing Orders. One of the Standing Orders that needs to be reviewed is to require a compulsory seminar for the new hon. Members so that they understand what a point of order is. They must go through it, so that the work of the Chair can also become easier.

Mr. Deputy Speaker, Sir, we will have a new Constitution. Let us not run the risk of a bad Constitution in order to beat the deadline of 30th June. Let us turn our attention and focus on the quality of the document and not on the 30th of June deadline. We need to pass that message to His Excellency the President. What we want is a good Constitution, but not to beat the deadline of 30th June. If we can have it---

Ms. Abdalla: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Muite to contradict the President's deadline of 30th of June, or is it that he gives directions to the President?

Mr. Muite: Mr. Deputy Speaker, Sir, this gracious lady is a very effective and able Member of the Committee on Administration of Justice and Legal Affairs. Democracy allows everybody to

state their views. I am stating my views as the Member of Parliament for Kabete Constituency; that it is the quality and not the time that matters.

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

Mr. Kagwe: Mr. Deputy Speaker, Sir, I rise to support the President's Speech and concentrate on one of the issues that hon. Members have spoken about; that is, the implementation of the Speech. It is good to note that the President referred to the agricultural sector which is very important to my constituents; particularly on the issue of debt forgiveness. It also touched on the sugar industry and the coffee industry because they are in similar problems. I hope that, in 2004, we will have the debt write-offs in the sugar industry and the coffee industry to kick-start them.

Mr. Deputy Speaker, Sir, the President also referred to the issue of the financial sector. There has been this myth that the reduction of interest rates in banks is the panacea for the revival of our economy. People who have spent a lot of time farming, doing very mundane work, as in coffee and tea farming, are depositing their money in banks, and getting negative balances from those banks. If we are going to revive this economy and ensure better living standards for our people, surely, this must stop. We cannot legitimise theft under the guise of free trade and market forces. When someone deposits Kshs10,000 in a bank account and goes there six months later, the account is reading Kshs2,000. Surely, under the sun, that must be considered as nothing else but theft. It cannot be considered as anything else. Therefore, part of the implementation process and revival of the economy is to ensure that the banks behave reasonably. They are making all their profits from exorbitant bank charges on clients. We must have a regime in the financial sector that supports the revival of the economy.

Mr. Deputy Speaker, Sir, on the Constitution, this nation is wailing for unity. These days, Kenyans everywhere spend all their time discussing the Constitution. While agreeing with my colleague, Mr. Muite, that the 30th of June deadline is not important, it must also be done in good time to allow people to start concentrating on living rather than just the Constitution.

Mr. Deputy Speaker, Sir, the preservation of peace in this nation is, perhaps, the most vital part of governance. If we cannot preserve peace, then we are not really governing. People cannot walk at night in peace because they fear of being killed. Hon. Members cannot drive to their constituencies in peace. People living in rural areas where security is far and diverse are being killed arbitrarily. I personally lost my uncle in October, last year. He was shot at a close range by thieves. Surely, this issue of insecurity must be addressed. It is good to see that there has been a change at the top of the security management.

Mr. Deputy Speaker, Sir, one of the issues the President alluded to is the East African Community (EAC). Since the formation of the EAC, the hon. Members of the East Africa Parliament from Tanzania and Uganda have reported to their national Parliaments. However, no report has ever been given to this Parliament by those who represent us in the East African Legislative Assembly. We do not know what these people are doing, yet, we are sacrificing ourselves. We are giving up part of our sovereignty in terms of taxation in the new protocol that was signed recently; the Customs Union Protocol. It is time for us to give the EAC its rightful place as far as our movement forward is concerned. Without the EAC, this nation cannot move the way we want it to move.

Countries in Europe are combining themselves to bigger units to share their wealth, because they are already rich, yet in East Africa, we are moving so slowly, when we need to combine ourselves very quickly in order to develop. Therefore, I believe that the EAC issue should be changed. It is time for us now to move forward towards resident Ministers, like the late Dr. Ouko used to be in the East African Legislative Assembly. It is time for us to increase the number of legislators in Arusha so that we can move quickly towards the legislation of all the protocols that

have been signed. It is time for us to increase the number of sittings as far as the East African Legislative Assembly is concerned. It is time for us to treat the hon. Members of Parliament of the East African Legislative Assembly like real Members of Parliament. They should get paid, as we do. This is because they have got 60 sittings and literally get peanuts. I think it is time for us to recognise them as hon. Members of Parliament as well, and pay them just as well as the other hon. Members of the East African National Assemblies, so that they can continue doing the good work that they are trying to do in difficulties. It is time we thought seriously about the nation we want to form. It was John Rock(?) who said that the most able must provide the least requirements for the least able. Therefore, it goes without saying that in a nation where some people are so far behind and others so far ahead cannot really unite. Part of the reason why there is disunity in this nation is because the resources in Kenya are not distributed equitably.

Mr. Deputy Speaker, Sir, there are some people who do not even know that they belong to this country. There are some people in far-flung areas who still talk about the Moi regime because they do not even know that there has been a change in Government. Some people will even talk about the Kenyatta Government because they do not know that Kenya has since moved from the Kenyatta and Moi governments and now we have in place, the Kibaki Government.

(Applause)

We must ensure that our people get education. It is not just a question of saying that we have free primary school education programme in place. We must ensure that our children go to school and are educated. We must do whatever it takes, even if it means establishing mobile schools, to ensure that even those communities which move around with their cattle are educated. It is an absolute right and not a privilege for a child to be educated. I think it is only fair that we implement that.

While the President's Speech was good, implementation is where we fall short. The Budget was read in this House last year and a lot of money was allocated to every Ministry to be used in specific areas. This is the case, and yet, today, that money has not been disbursed to those areas. This is the case, and yet the financial year is about to come to an end. How, then, can we talk about moving forward as a country? Words alone, no matter how good they are, cannot make us move forward. Therefore, all of us should support the President. We can support him to improve the economy of this nation by making sure that the ideals which were in his Speech are implemented. A report should be brought before this House to the effect that some of the issues the President talked about were implemented and which ones are pending implementation.

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

*(Several hon. Members stood up
in their places)*

Mr. Deputy Speaker: Well, let me give a lady this chance! Proceed, Prof. Oniang'o!

Prof. Oniang'o: Thank you, Mr. Deputy Speaker, Sir. I would like to support this Motion on the President's Address. I would like to say that I was outside the country when this Speech was being delivered in this House, but I read it on the internet. Equally, I read the very effective response by the Leader of the Official Opposition, Mr. Kenyatta.

There are three main vices which dog this country. They are corruption, insecurity and tribalism. Until we deal with these three vices, we will not move forward as a nation. As a delegate who attended the Bomas I, II and III on a daily basis, participating in the steering committee, going

early and coming out late, I can say that, that was the most enriching experience I got as a Kenyan. Contrary to what others are saying, I can tell you that we came out of Bomas of Kenya more united and understanding each other better than when we went there. To me, it was an exercise of wound-healing and trying to move towards oneness, as a nation and putting our tribal, religious, age and gender differences aside. So, I would like us to deliver a new Constitution which Kenyans want. Kenyans are waiting out there for a new Constitution. People will stop you when you go to a supermarket or when in the rural areas and tell you that they want a new Constitution. This is because, to them, it is after getting the new Constitution that their Uhuru will come.

I do not know what the contentious issues in that document are. The people who talk about contentious issues are the ones who, first of all, do not know what is contained in that document. They are also people who never participated in the constitution-making process and do not listen to what the rest of the Kenyans are saying. I would like to believe that the President was serious when he said that he wants a new Constitution within a new deadline. This is because the NARC Government did not stick to the 100 days deadline. So, we hope that a new Constitution will be in place by 30th June. I would like to urge our media personnel who are so effective in highlighting, analyzing issues and informing Kenyans to make sure that Kenyans understand that the new Constitution will make a difference for them. The media should also ensure that we follow the Act and deliver the new Constitution as per the expectations of Kenyans.

I would now like to talk about insecurity. Personally, I lost my car that I bought with the money we were advanced by Parliament. Two days ago, I heard a newsreader having difficulty in pronouncing the name "Khumusalaba". That is the area where I come from. That place is far away in the interior. A bus was hijacked at Khumusalaba. Insecurity is not just a town problem, but also a rural problem. We are unsafe everywhere.

Mr. Deputy Speaker, Sir, when a two-year-old baby is gang raped, killed, condoms put near her body and soil put into her mouth, as a nation, it is scandalous. We cannot allow this to happen. Insecurity is affecting everybody, including small kids who are innocent. We must do something about it. We agree that removing Mr. Nyaseda from office is not the answer to this problem. He tried his level best. I would like to say that when public servants have served and left office, we should not say that they were sacked. People should leave public offices with dignity. Mr. Nyaseda did his best, but we now have a new chief of police. I would like to say that we should change the term "chief of police". The current Commissioner of Police is not a seasoned or trained policeman. We want to believe that he is chief of security. This is because if we continue to refer him as "chief of police", we will demoralise the police. We are telling the police force that it cannot produce any more chiefs of police. Therefore, the restructuring should go beyond removing the head of the police force.

Policemen find themselves in situations where they cannot even fight insecurity. Policemen have no proper housing and if they are killed in their line of duty, there is no insurance to take care of their families. So, insecurity is a national vice. Out there, Nairobi is nowadays called "Nairobbery". As much as my friend, Prof. Anyang'-Nyong'o, with all the goodwill, wants to jump-start the economy, he cannot if the environment is not safe for both foreign and local investors. We can have all the conferences in the world, all the theories and nice papers---

Prof. Anyang'-Nyong'o was my school mate at Alliance High School and he is good in what he is doing but the environment is not conducive. So, we have to make sure that insecurity is taken care of. Mr. Deputy Speaker, Sir, the other vice is tribalism. When I travel out of this country and tell people I am called "Prof. Oniang'o", they ask me whether I come from the lake.

Mr. Deputy Speaker, Sir, those are the people who have not even come to Kenya. We are

the most tribalistic nation in the world. Until we see ourselves as Kenyans, reward competence, say that we are here to discuss national issues and say that we are caring for every Kenyan regardless of where they come from, we will not go anywhere. I would like to see the Chief Executive - Mr. President - with people from all tribes advising him, and not just a certain clique! That is because he is President for the whole country.

Mr. Deputy Speaker, Sir, with regard to the HIV/AIDS, we need to go beyond the launching of Constituency Aids Control Committees (CACCs). We need to go beyond holding seminars. I did not attend the National Aids Conference for Women because I did not have a letter of invitation. I can tell you that the women who attended the seminar slept on the floor. The women who came from my constituency slept on the floor!

(Applause)

Mr. Deputy Speaker, Sir, some of them were giving birth in the lines! I do not know what we achieved because HIV/AIDS is at the family level. It is killing Kenyans. When it comes to statistics, I do not know when the number went down from 750 to 300 Kenyans dying every day. I just do not see how that is practically and scientifically feasible. We should not cheat ourselves. This is a scourge that is here to kill us all and, unless we do something properly and tangible, we are not going to achieve much.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I want to talk about the Government and how it does not honour its promises. Prof. Saitoti should have been here when I am saying this! There is no nation which can develop when it does not honour its promises. There is no nation which can develop without its intellectual resource, which is at the universities. There is no way Prof. Saitoti will be able to convince us that he meant well for his fellow dons, when he promised an announcement in February; an announcement that never came! That is not a good representation of the NARC Government. The education sector is in a mess. Free primary education is only free for some people. Money meant for most primary schools has not reached them. As of now, the Bursary Fund is not benefitting the children which it is supposed to benefit because the rest of the money has not been delivered.

Mr. Temporary Deputy Speaker, Sir, we are also aware that many Government policies, with regard to education, are not well thought through. We would like the Minister to go back and negotiate with the dons and the academics, and make sure that there is a proper reward system. He should take cue from others who are trying to fulfil the pledges of this Government.

Mr. Temporary Deputy Speaker, Sir, as Mr. Kamama was naming Ministers, I want to commend Mr. Ochilo-Ayacko for what he has done in the energy sector. I would like to encourage him and say that it is only by getting electricity to the rural areas that we can actually revive the economy of this country. That way, educated Kenyans can start to do things for themselves. We want affordable electricity. I am happy with what he has done so far! It is not because he is here. He is a nice-looking young man! I commend and encourage him!

With those few remarks, I beg to support.

(Laughter)

The Minister for Energy (Mr. Ochilo-Ayacko): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to today's Motion. I would like to thank Prof. Oniang'o for singling me out for praise. I must say that we have resource constraints at the Ministry of Energy, but we are trying to do our best to make sure that rural Kenya is energised. We believe in the economic policy that Prof. Anyang'-Nyong'o has been pursuing relentlessly. The economic policy that we have is for wealth and employment creation and, in order to create wealth and employment in the rural areas, it is necessary to empower the rural communities by availing rural electrification to them.

The policy in the Ministry of Energy is to reach market centres. We have identified most rural market centres for rural electrification. We have also identified public institutions like secondary schools, and hospitals, for the same. Secondary schools are expected to pay a token of Kshs100,000 and the rest is subsidised under the Fund. So, we want new and old secondary schools, which do not have electricity, to embark on electrical wiring of the buildings. In certain areas, where schools are isolated and it is not possible to connect them to the national grid, we have a small scheme where we will give them solar panels, so that students in those schools are able to access electricity. We know that when a country invests in technology--- You can only invest in technology if you have electricity. That way, you are actually improving the quality of human resource in a country.

I want to say that the President's Speech was quite comprehensive. It touched on various issues that are important to this country. Many of us who have spoken in past, perhaps expected finality in most of the pronouncements. I want to say that it is not possible, in a democratic setting, for the President to state a final position on every issue. What every President and leader of a democratic country says is to give guidance and indications, so that discussions and deliberations are guided on the basis of what he or she says.

Mr. Temporary Deputy Speaker, Sir, the President said very clearly that the onus of giving this country a new Constitution depends on the kind of leadership that we will offer in this House. I believe the mood of majority of Members in this House is to support the rule of law. The rule of law started way back in Bomas. It followed the Act and I believe that most of what will be done will be on the basis of what has been provided for in the law. If all of us adopted a bi-partisan approach and agree that the law will be followed to the end, it will eventually become the Constitution. That is because it was done properly, systematically, soberly and by all of us. I know that the spirit of give-and-take is a good spirit, although it is a spirit that is hard to inculcate among people. But for a nation, we must have that spirit. We must give and take according to what the law has stipulated and what Kenyans have spoken. So, the guidance that the President gave in that regard is quite welcome. What we must do as Parliament is to fulfil the commitment by the President to give this nation a new Constitution by June. As Ministers in the Government, we should work overtime to ensure that we do not let the leader of this country down.

Mr. Temporary Deputy Speaker, Sir, having said that, the Speech also touched on issues relating to agriculture. I want to talk about sugar-cane growing. Sugar-cane growing is prevalent in the area that I represent. Sugar-cane growing in the western region of this country is a huge employer. It employs many people directly. If you look at sugar factories like Mumias, Chemelil, Muhoroni, SONY and West Kenya Sugar Company, they employ many people in the rural areas. The people who are directly and indirectly employed are part of the wealth of this country.

Mr. Temporary Deputy Speaker, Sir, we in the energy sector are committed to ensuring that co-generation becomes part of sugar-cane farming. We are ready to license any sugar factory that

would like to generate electricity. We are also ready to give them competitive tariffs. In the past, that was a problem because the managers of the companies that we were negotiating with were offering discouraging tariffs. I want to assure the House that the Ministry of Energy believes in fairness and we are ready to give sugar-cane farmers and the factories that process proceeds from sugar-cane a competitive tariff that will give them returns for investments that they want. This is a step that is going to help in alleviating poverty and creating employment in the rural areas.

Mr. Temporary Deputy Speaker, Sir, I want to support the Minister for Agriculture. He has acknowledged the fact that this country has a deficit in sugar production; of about 80 per cent. However, the Minister has insisted and rightly so, that he needs the support of the House and admitted that unregulated importation of sugar is a danger to sugar-cane growing. There are some very unscrupulous traders who, notwithstanding the fact that our sugar deficit is just 86,000 metric tonnes, would like to bring that quantity at one go and, therefore, creating a glut in the market. They have gone to court to challenge the ban on importation of sugar. I do not understand why our courts cannot read the economic mood of this country. Even if we are allowing importation of sugar, the quantities that we are allowing according to the COMESA regulations, must come as the deficits arise. I think the monthly deficit is less than 10,000 metric tonnes. So, to allow at once about 80,000 metric tonnes is to kill the entire sugar sector and, therefore, create poverty in this country.

Let us stand behind the Minister for Agriculture as Members of Parliament and let us help him in the fight against allowing irregular importation of sugar.

Mr. Temporary Deputy Speaker, Sir, I know that, ultimately, what we desire to achieve in this country is self-reliance in all forms of food production including sugar and that is why we are very happy that Mumias Sugar Factory is doing very well. We are also happy that Busia as a sugar factory may get investors and sugar-cane may be grown in Busia. Besides, SONY and Muhoroni sugar factories may expand because we will be self-reliant in sugar-cane growing and we will also be self-reliant in other forms of food.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that the President's Speech touched on security. The security of every citizen in this country is important. What is being reported in the media is the insecurity visited on high profile people. Ordinary Kenyans also suffer a lot of insecurity and this is not reported. The insecurity situation in this country is very serious and it requires the effort and contribution of every Kenyan to arrest the situation. The change of guard at the helm of the police force is not enough. I believe that we should invest more. I believe that we, as a Government, are going to invest more in our security apparatus and we are also calling upon both Members of Parliament and the public to be friendly to the police because, without information, the police will only be reactive. They will not be preventive or proactive. They need to be ahead of criminals. The criminals have acquired sophisticated equipment. Communication has gone high-tech. Crime is being organised via e-mail and mobile phones and this is very high-tech. The police need support in order to cope with this.

With those few remarks, I beg to support.

Mr. Marende: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to add my voice to those of the hon. Members of Parliament who have complimented His excellency the President, for his Speech that was a masterpiece exposition of Government policy.

Mr. Salat: But you are reading!

Mr. Marende: I am not reading. I am a lawyer trying to talk off-cuff but I am allowed to have notes.

Mr. Salat: Address the Chair!

Mr. Marende: Yes. Mr. Temporary Deputy Speaker, Sir, His Excellency the President made a Speech that is of high standard that we expect from him. His Excellency revisited his pet

subject of corruption and the subject of corruption is a matter of concern in this country and it is important that corruption is tackled from the highest level.

Mr. Temporary Deputy Speaker, Sir, corruption appears to be so endemic, that notwithstanding the many times that the President has talked about it, he revisited that subject more than once and it is important that the words of the President have quickly translated into action. To get rid of corruption, we must begin from high places, starting even with the Cabinet itself.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is not enough to sack Mr. Nyaseda when, in fact, we still have allegations to the effect that persons who are senior to the Commissioner of Police are still receiving commissions out of the purchase of police equipment. We cannot be talking of ridding this nation of corruption when Members of the Cabinet are constructing and acquiring many items worth hundreds of millions of shillings without explanations.

Mr. Temporary Deputy Speaker, Sir, persons who were on the verge of bankruptcy not very long ago, now have money in hundreds of millions of shillings that they cannot account for. That is not the way of dealing with corruption. We must move forward and ensure that, that position changes.

Mr. Temporary Deputy Speaker, Sir, His Excellency the President also focused attention on the revival of the economy and in particular, the agricultural sector. In this area, it is of crucial importance that the place of research is reinstated. We would like to see farms which were previously owned by the public returned to the public so that we have ADC and KARI reclaim their places. We must also ensure that lands that have been grabbed from those institutions are returned to them. A nation which does not give appropriate attention to research cannot develop. If anything, it is doomed to fail and remains continuously wallowing in poverty.

Mr. Temporary Deputy Speaker, Sir, it is necessary that when we talk about poverty reduction, the majority of Kenyans who now live below the poverty line, and they actually account for 60 per cent of the total population of this country, are empowered. It does not make sense that, in a country which is among the least developed in the world, there are persons who are earning an average salary in the Public Service of Kshs5,000 whereas there are some others in the same country and economy who are being paid salaries in excess of Kshs2 million. This is a situation that is unacceptable and the Government must move quickly to ensure that there is equitable distribution of resources, beginning with remuneration in the Public Service itself.

I also wish to touch on the question of insecurity. It is necessary that, in this area, the Government moves firmly and ruthlessly to restore law and order. We have an unfortunate situation in this country now prevailing, where some zones are no-go zones. It appears as if we have lost control over those areas, beginning with Nairobi itself. Members of Parliament and even members of the public now cannot go to Eastleigh, as if Eastleigh is not part of this country. It is necessary that for purposes of security, the Government re-asserts itself and ensures that it has authority in each and every corner of this country.

Mr. Temporary Deputy Speaker, Sir, concerning the Constitution review exercise, Kenya has earned immense respect in the international circles because of the manner in which we conducted our elections in the year 2002, such that for the first time in this part of the world, a coalition of parties was able to win an election and form a Government. But that is not enough. We must seek to work to ensure that we maintain and retain that international goodwill by speaking together and making sure that this country remains solid. Also we should give Kenyans a Constitution that will address their needs, their aspirations and allay their fears. The way to do this,

in my view is to ensure that the voice of the people is heard and is enacted.

(Applause)

As far as I am concerned, the voice of the people was heard loud and clear at Bomas of Kenya. The people were represented at the National Constitutional Conference at Bomas of Kenya. When His Excellency now talks of consensus, much as I respect His Excellency the President, it is important that that consensus is reflective of the views of the people of Kenya. It is not enough to get a few individuals together and assume that those few individuals are representative of the views of Kenya.

Mr. Temporary Deputy Speaker, Sir, I wish to touch on the question of poverty. It is important that we ensure that every Kenyan benefits from his or her sweat.

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

Maj. Sugow: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to take this opportunity to contribute on this important debate on the Presidential Address.

Mr. Temporary Deputy Speaker, Sir, as a departure from the heightened political tension that was present in the country, this Speech has brought some sort of reconciliation and a tone of normalcy as far as the political temperatures are concerned. The Speech addressed important issues on all sectors of the economy, and provided a welcome deviation from the politicking that was there in the last one year, and also in the period during the Constitution review at Bomas of Kenya.

Mr. Temporary Deputy Speaker, Sir, I, therefore, join my colleagues in commending the Speech and I hope that unlike the last one year, those policies that have been mentioned by the President will actually be implemented by his Government. In his previous Speech, before the one that he made last week, there were quite a number of issues the President mentioned regarding development in this country. A good number of my colleagues singled out certain Ministers for praise regarding their performance. If I may comment on that, I come from North Eastern Province and most of the praises have not been felt in North Eastern Province.

Mr. Temporary Deputy Speaker, Sir, on the issue of the transport sector, we do not need speed governors in North Eastern Province because we hardly go 40 kilometres per hour, given the state of our roads. The best we got from the Ministry of Roads, Public Works and Housing is only tours. Those tours have not brought anything as yet.

I hope that the speed governors and the unnecessary seat-belts that have been imposed on our few investors in North-Eastern Province will make sense in the future. For now, they are just an unnecessary burden on our people.

Mr. Temporary Deputy Speaker, Sir, I would like to urge those of us who are in politics to support the President and reduce the political temperatures in this country. While we need a new Constitution, we also need that Constitution under an atmosphere of peace, unity and an atmosphere of economic development. By raising political temperatures instead of actually creating an enabling environment for investment, I do not think we are going to achieve much. There will be no reason for us to get a nice and new Constitution if, on the road towards achieving that, we are going to throw this country into turmoil through disagreements. We must talk to each other instead of attacking each other, if I may quote what the President said.

On the issue of security, Mr. Temporary Deputy Speaker, Sir, one thing that was clear in the President's Speech and which many Members actually commented on immediately after, was the lack of a clear statement on the issue of the level of security in the President's Speech. But on the practical side, he has actually acknowledged the problem is existing in this country, and he has taken one major step by making changes within the police force. His action is a radical departure from the norm, and many of my colleagues have commented on the issue of employing a military

person to head the police force.

Mr. Temporary Deputy Speaker, Sir, I will disagree with some Members who actually expressed reservation about that particular action. Look at the National Security Intelligence Service (NSIS) today. When it was a purely police outfit headed by a police head, it had that particular reputation which the hon. Member for Kabete had earlier commented on. Today, the NSIS is a very friendly organization as far as public perception is concerned. It is due to the diplomacy and the professionalism that has been brought by the current Director, who is a former military officer. So, let us give the new Police Commissioner a chance so that he can make a difference. The police force is actually really affected by ineptness, inefficiency, corruption and lack of proper leadership. I believe that the vicious circle that is there right now will only be broken by that new and radical change at the top.

Mr. Temporary Deputy Speaker, Sir, the new Police Commissioner is bringing in professionalism and good managerial skills that our Kenya Armed Forces are known for. We should, therefore, give him a chance rather than negatively criticise the action itself.

On the issue of security, we are complaining about insecurity in the country in general. But I am complaining about insecurity that has been perceived to be in existence in North Eastern Province, which is not there, and which is seriously affecting development of that region. To a certain degree, I consider it a human rights issue now because, today, many Non-Governmental Organisations (NGOs) and other organisations cannot invest in North Eastern Province because of that perceived insecurity. If today, a United Nations (UN) official wanted to travel from Nairobi to Garissa, he will have to wait for a Land Rover full of soldiers to guard him. Each of those soldiers is paid Kshs900 per day for that service and the Land Rover has to be fuelled. If an organisation wants to invest in North Eastern Province, first, it has to go there and conduct a survey to find out whether it can invest there. The first thing it realises is the high cost of containing the perceived insecurity in North Eastern Province. It is very important that the Government changes this perception in North Eastern Province.

I can declare that North Eastern Province is the most secure area in this country today. It is very important that this perception, which is in the minds of many ordinary Kenyans, is got rid of, so that people from North Eastern Province can enjoy equal opportunities as far as investments from the private sector is concerned.

Mr. Temporary Deputy Speaker, Sir, there are quite a number of issues which were in the President's Speech. With regard to agriculture, when I was contributing to a debate in this House sometime before, I said that our agricultural policy is mainly agrarian-based.

With those few remarks, I beg to support.

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support the Presidential Address to this House.

Mr. Temporary Deputy Speaker, Sir, before I comment further, I would like to take cognisance of the fact that today is the 10th Anniversary of the Rwanda genocide and our President is currently in Rwanda to remember the victims of genocide. When I was reading the newspapers, I discovered that the message across the world is "never again". I say this with tremendous humility because the President has gone to condole and empathise with the victims, but we must not forget that we have had a similar experience here. While Rwanda had its share of genocide of one million people lost, Kenya had 4,000 people lost in a genocide that was Government-instigated.

Mr. Temporary Deputy Speaker, Sir, I have had the privilege of serving in the Advisory Board of the Rwanda Tribunal for five years until 4th January, this year, when my contract expired. There is no greater crime today against humanity than an act of genocide. I have listened with keen interest to my colleagues in KANU, and I wonder whether they have thought about the fact that

during their rule in this country, 4,000 people lost their lives because of the misrules of the former KANU Government.

Hon. Members: Who is KANU?

Mr. M. Kariuki: KANU is a party and not an individual. If there is any particular person who feels like he or she has to defend himself or herself against an accusation of genocide, then he or she is at liberty to do so. Let me say that we have heard---

Prof. Oniang'o: On a point of order, Mr. Temporary Deputy Speaker, Sir. An accusation of committing genocide is very serious. I would like to urge the hon. Member to mention people by name and not collectively. We cannot have a collective group being responsible for genocide. Even at the advisory body Mr. M. Kariuki is serving on in Rwanda, they are taking to task and charging individuals, not a groups. **The Temporary Deputy Speaker** (Mr. Ethuro): What is your point of order?

Prof. Oniang'o: Is the hon. Member in order to continue to talk in that manner and cause acrimony in this House by his statements?

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I doubt if that is a point of order. Let me say, with tremendous respect, that it is public knowledge that 4,000 Kenyans died during the KANU rule. That is a fact of history and nobody can change it. I am moving from the premise that the Government that was responsible for the genocide was run by KANU. The party must accept that responsibility.

(Applause)

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Prof. Oniang'o, you asked your question and hon. M. Kariuki replied to it. You should be satisfied with that and let him proceed.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, we have internally displaced people in this country. I want to appeal to the President to address the plight of the internally displaced people, who are victims of ethnic cleansing in this country.

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

The Temporary Deputy Speaker (Mr. Ethuro): There is quorum.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, there is quorum---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. M. Kariuki! There is quorum, Mr. Moi. Mr. M. Kariuki, you can proceed.

Mr. M. Kariuki: I think that the hon. Member for Baringo Central owes the Temporary Deputy Speaker an apology for misleading the House on the quorum issue.

I was talking about hard facts of history. If one commits a crime against humanity, one must take responsibility for it. That is what I am asking KANU to do. If KANU members want to come back to power, they should take responsibility for genocide and apologise to Kenyans.

(Applause)

There are internally displaced people in this country. I am appealing to His Excellency the President to address the plight of the internally displaced people. I commend him for his recent tour of the Rift Valley Province where he reassured the people that the Government would treat all

people equally.

However, I must say, with tremendous respect to the Government, that it has not done enough to ensure that those who were displaced from their farms have gone back. We need to ensure that those who lost their property during the clashes are, in fact, put back and given a security guarantee.

My constituency has thousands of people who were displaced from Molo, Laikipia District and elsewhere, who today live in the streets because they cannot go back to their farms. I would like the Government to take up this issue as a priority and ensure that the best way of redressing the past injustices from the genocide is to make sure that people are put back to their farms. This House has had to pass a Motion here to the effect that the Government must do enough to resettle the displaced people. That has not happened. We hope that in the fullness of time, serious action will be taken on that.

We had a committee which prepared a report on the question of compensation, and issues of justice for those who suffered in the clashes. I hope that the Government is going to do some serious soul searching, so that we can start looking back at ourselves how the clashes affected the country and what caused them. That is how we will be able to send a message to the country that we will never allow that kind of situation to arise again.

Let me comment on our foreign policy. I was distressed two months ago to hear the Permanent Secretary for Foreign Affairs, while addressing students at the School of Diplomacy, University of Nairobi, say that there is no clear foreign policy in this country. The last statement of foreign policy he ever heard of was from the former Minister for Foreign Affairs, Dr. Njoroge Mungai, which was basically: "Wait and see". That was really opportunistic. It was a KANU policy. The NARC Government has a greater responsibility to come up with a clear foreign policy. I must say, with tremendous respect to the Minister for Foreign Affairs---

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I have had several interruptions during my speech and I would really plead for time.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. M. Kariuki!

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, as a former Assistant Minister in the Ministry of Foreign Affairs, I would like to ask: Is it in order for the hon. Member to try to mislead this House by commenting about matters that were reported in the Press, that could very well not have been true? We have a very clear-cut foreign policy.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I must say, with tremendous respect to the Assistant Minister, that if he wants to speak for the Government he might tell us about our foreign policy. We have never been told at any one time during this Session of Parliament what the foreign policy is.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. M. Kariuki! Mr. Odoyo, you rose on a point of order which you knew was not a point of order. You did not even bother to hear what the response was and you were standing. I order you to withdraw from the Chamber.

(Mr. Odoyo withdrew from the Chamber)

Carry on, Mr. Kariuki.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, for a long time Kenya was a pariah nation. The donors and everybody else shunned us, but now we have a new agenda for reform. The unfortunate thing, and I am saying this with tremendous respect for our Minister for Foreign Affairs,

is that our current Minister was once out there trying to market Kenya without success. I can understand his problem. It is not easy to re-invent oneself and be able to project a new image to the world. It is really next to impossible to do that.

Having visited some Kenyan embassies last week while on a tour by our Committee on justice, I must say that there are serious reforms that require to be effected in our foreign embassies. First we have no commercial attaches. The foreign policy of any one country in the modern day is to ensure that we promote trade, commerce and tourism at the same time. This is not happening. For example, there are no commercial attaches in Stockholm and Abuja. You wonder why we have to put people out there who cannot market Kenya. It is really a shame. We need to re-invent our image to the world. We need to spell out a clear foreign policy.

I would appeal to the President to consider re-organising the foreign docket, so that we have new people who can market Kenya more effectively than is being done now.

My final point is on security. Issues of security have been raised here and everybody is concerned about them. There is one thing we can do about security. Let us use the Firearms Act to license security firms that are operating in this country. If you look at Uganda, you will see that every security guard and watchman in Kampala carries a gun, and there are no robberies there. I support Mr. Kamama when he said that we need to arm our people. Robbers attack us because they know we are vulnerable. The moment they realise we are armed and that they will be confronted with equal fire, we will have improved security for this country.

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

Mr. Kosgey: Thank you, Mr. Temporary Deputy Speaker, Sir. At long last I caught your eye. I would like to contribute in support of this Motion. It is now nearly two years since the Government came to power. In short, it can be described as a big disappointment. We are yet to see any tangible achievements by the NARC Government. It promised a lot, and Kenyans are still waiting. Kenyans are disappointed as far as creation of jobs is concerned because there are no jobs. Health delivery is low and poor.

Most important, where security is concerned, very little is being done. The purpose of having any Government is to make sure that the property and lives of its citizens are safeguarded. What is happening with the property and lives of Kenyans? Kenyans are being killed by thugs left, right and centre like flies. We are told it is because of the outlawed *Mungiki* sect and that *matatu* touts have been rendered jobless and, therefore, they have a right to kill. This Government must get to the bottom of the current state of insecurity in this country if they want to have a legitimate right to govern. Otherwise, that right, which was given with a lot of hope, has actually been squandered. As I speak today, Kenyans are totally disillusioned and their hopes are dashed.

Mr. Temporary Deputy Speaker, Sir, I wish to tell Kenyans that they should have hope since KANU is still alive; it has been revamped. Those who were responsible for some of the atrocities are now on the Government side.

(Applause)

Mr. Temporary Deputy Speaker, Sir, with respect to sanctity of property, this Government has gone ahead destroying people's property without regard to the sanctity of title deeds. As I speak now, if you go to a bank with a title deed as security to a loan, they do not want to touch your security because of the actions of this Government. In the name of creating by-passes, this Government is destroying people's property. Therefore, they have totally broken the cardinal rule of securing lives and property.

Mr. Temporary Deputy Speaker, Sir, we have seen the acrimony and the mistrust that exists

within the Government that has actually led to a lot of talk, accusations, counter-accusation and memorandum of understandings (MOUs) that have actually created a lot of talk and no action from this Government. Could the Government cite any project, whether it is a road, housing, health or any other sector, that they have actually initiated since they came to power? It is now two years ago. Let them name one. Whatever is going on is what was initiated and implemented by the KANU Government. We do not know what will happen when those projects come to an end. We do not know whether there will be any new ones that will be started by this Government.

Mr. Wamwere: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to actually mislead this House that there is no project that this Government has implemented, when everybody is aware that, in fact, this Government has implemented its project on free education at the primary level?

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, that is not a point of order. That is a point of information.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kosgey! You are not the one to determine what is a point of order. That is up to the Chair and I think Mr. Wamwere is correct in that point of order.

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, now that we are discussing free primary education, let me say that this programme has been frustrated by lack of teachers. We have a shortage of teachers in this country to the tune of 60,000. We cannot have classrooms full of pupils without teachers. Teaching is about imparting knowledge. Unless we are pursuing a policy---

*(Messrs. Akaranga and Wamwere
stood up in their places)*

(Mr. Wamwere approached the microphone)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, both of you! Mr. Wamwere, just standing up does not mean that you have been given the Floor. I now give the Floor to Mr. Akaranga.

Mr. Akaranga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Kosgey, who is the immediate former Minister for Education, to say that primary schools do not have adequate teachers when he should have planned for that human resource?

An hon. Member: He is no longer the Minister! We are asking the current Minister!

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, I would like to inform the House that when I was the Minister for Education, I trained enough manpower. There are enough trained teachers in this country. The NARC Government has not employed them because it is pursuing a bad policy of education. We want quality education for our children.

(Applause)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Members! What is disturbing you?

Mr. Bifwoli: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Kosgey in order to mislead the House when we know that he is the one who froze employment for teachers when he was the Minister for Education?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Kosgey, could you respond to Mr. Bifwoli's point of order?

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, I am going to respond. To set the record straight, I would like to inform the House that I employed 12,000 teachers when I was the Minister for Education. That is a fact.

Like most hon. Members of this House, I represent a rural constituency, and we rely on agriculture as our mainstay. The majority of the people in this country rely on agriculture and those of us who come from maize-growing areas are totally disappointed by what is going on. Initially, when the maize crop was ready for harvest, the Government offered a price of Kshs1,010 per 90-kilogramme bag.

Although we had asked for Kshs1,400 per bag, the National Cereals and Produce Board (NCPB) stuck to the price of Kshs1,010 per bag. The millers or private buyers bought the maize at Kshs1,200 per bag. When the Government realised that it was not getting any maize for the national strategic reserves, it increased the price to about Kshs1,200 per bag, and the private buyers also increased their purchase price. We are now being told that farmers are having a nice time because a 90-kilogramme bag of maize is being bought at Kshs1,500.

The reason why the price of maize has gone up is because there is total scarcity and the law of supply and demand is now reigning. There is nothing that the Government has done to enhance the price of maize. In fact, the Government contributed to the minimal returns that the farmers made at the beginning of the maize harvesting season. We are now in danger. The 1.5 million bags of maize that the Government bought for the national strategic reserve is not enough to sustain the level of the strategic reserve that is required by this country. Worse still, in the last two weeks, the Government sold about 100,000 bags of maize to Tanzania. As I speak, we have a scarcity of maize and the Government is selling the little that is there. What does that mean? Is somebody being groomed to import maize?

Mr. Temporary Deputy Speaker, the issue of fertilizer is frustrating farmers in maize-growing areas. I know that this morning, the House dealt with a Question on fertilizer but we are not satisfied with the way maize and wheat are being handled in the North Rift. We normally apply DAP fertilizer to maize and wheat crops. However, that type of fertilizer is currently not available although the planting season is coming to an end. Next year, the Government should prepare for hunger because there will be a shortage of maize.

On the question of the Constitution, we were told---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, can you protect me from the hon. Member in front of me? He is talking loudly.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Salat!

Mr. Kosgey: Mr. Temporary Deputy Speaker, Sir, memories in this country are very short. If we reflect a little bit, at the beginning of the Constitution-making, we were told that it---

The Temporary Deputy Speaker (Mr. Ethuro): Your time is up! Mr. Nderitu!

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, I stand here, first, to support the Presidential Speech. I would like to refer you to a book I read when I was young. This book is titled, "Hekaya za Abunuasi". When you hear the former Minister for Education talking, and he is the one who ran down the education system in this country with his Government, and there are millions and millions of our children who never went to school because of the system that was in place, which was not working, I fail to understand why God created some people.

Mr. Temporary Deputy Speaker, Sir, the Speech of the President was very well prepared.

Mr. Kosgey: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Relax, Mr. Kosgey! Proceed, Mr. Nderitu!

Mr. Nderitu: Thank you very much, Mr. Temporary Deputy Speaker, Sir. You can even see they still think they are in that system. It is so nice when somebody wakes up after doing a mess, and then he is on the other side trying to point those messes, directing them to the people---

Mr. Lesrima: On a point of order, Mr. Temporary Deputy Speaker, Sir. I happen to have been a Permanent Secretary in the Ministry of Education and I do know that some of the Ministers now on the other side of the House, were also responsible for planning all these things. Is it in order for the hon. Members on the Opposite side of the House to continuously refer to history when the people who caused the mess are on that side?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Lesrima! Are you implying that we cannot refer to history? Hon. Members, for the sake of proper deliberations, let us not attack each other. Let us just proceed on the points without attacking whichever side, because all of us have been around.

Mr. Nderitu: Thank you, Mr. Temporary Deputy Speaker, Sir. You can see those were not points of order, so I will ask your indulgence for two or three more minutes.

Mr. Temporary Deputy Speaker, Sir, the NARC Government came in to save this country. It is a blessing that the NARC Government is there. The first point is, the kind of education which is now being belittled is worth and is working. It is only that when the NARC Government took power, we all know what had happened with the coffers of this country. We all know that every department was broke and some people had taken this money. I am glad to note that the Goldenberg Commission is still going on, and I tell you that the day these fellows will be arrested and taken to court and made to pay all that they took irrespective of who they are, Kenya will be born again.

Mr. Temporary Deputy Speaker, Sir, I know the President gave a Speech here, but to some extent he forgot to touch on some areas, which may have been because of his advice. The President forgot the plight of rice farmers in Mwea. I would like to ask the Minister for Co-operative Development and Marketing, the Minister for Agriculture and the Minister for Water Resources Management and Development to sit down together and arrest that situation, so that it does not become a replica of the situation we are now having with the sugar-cane farmers, where there is plenty of sugar importation. Today, we must stand on both feet and say: COMESA can go to hell and we support our farmers. I do not see why, under the COMESA rules, we import tonnes and tonnes of sugar when our farmers are dying and have no market for their sugar.

Mr. Temporary Deputy Speaker, Sir, today, growing a kilogramme of rice costs a farmer more than Kshs25. It is planted in one season per year and when importers buy rice from Egypt---

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to ask the Member speaking to declare his interest in rice farming.

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, is that a point of order?

The Temporary Deputy Speaker (Mr. Ethuro): It is not!

Mr. Nderitu: So, he is waiting my time! Add me one minute.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Nderitu! I just want to warn Members really--- Does Mr. Nderitu have other interests apart from the fact that he is representing rice farmers?

Mr. Nderitu: Thank you, Mr. Temporary Deputy Speaker, Sir. Tell him again. I represent rice farmers. They are the ones who have been feeding this country with rice. I am very proud to report here that last season, Mwea farmers produced more than 9 million kilograms of rice for this country. That is the rice I am protecting. We should stop the importation of rice into this country until farmers have had an opportunity to market their rice locally. I do not see why we import rice from Brazil, Pakistan and Japan, then we go to Japan to ask them for money to construct our roads, while we cannot support our farmers.

Time has come when this country must stand up on its feet. Time has come for Ministers responsible for agriculture, livestock and co-operatives to sit together and protect the farmers of this

country. On the issue of co-operatives in this country - although you said we should not mention who did what - sometimes you cannot forget! It is a very painful thing. Today, Ufundi Co-operative owes its members a lot of money.

An hon. Member: Why?

Mr. Nderitu: Why? Because the fellows who were there stole the money. What is the Minister for Co-operatives and Marketing doing? Why have they not been taken to court? Why have those Ministers who sold the road next to State House to the National Hospital Insurance Fund (NHIF) and National Social Security Fund (NSSF) not been taken to court? They were paid more than Kshs200 million. They are still Members of Parliament here. So, I am asking the Government to wake up.

Mr. Temporary Deputy Speaker, Sir, through you, I would like the President to be told that we are tired of waiting for him to take action on those fellows. We are tired, and the President should wake up.

Mr. Temporary Deputy Speaker, Sir, on security---

Dr. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to my brother, Mr. Nderitu, is it in order for him to insinuate that the President is asleep, when we know that the President is firmly in charge and running the affairs of this country day and night?

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, I just insinuated that some action needs to be taken. I said that it is taking too long. I know the process of taking those fellows to court is long.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Nderitu! You used the words "wake up".

Mr. Nderitu: Excuse me!

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Kimeto.

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir.

(Laughter)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! There was a Member who was already on a point of order and we are trying to dispose of that matter.

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, the words "wake up" do not mean that somebody is sleeping. Somebody could wake up because he is sitting down. I meant speeding up the process. I did not mean that the President is asleep. I am just insinuating that some quick action requires to be taken. So, it is a matter of grammar! These fellows do not know grammar, men! I am ready to teach them some grammar!

Mr. Mukiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Member saying that some Ministers grabbed a plot near State House. Could he substantiate and disclose to us who these Ministers are?

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, the Member ought to have listened to me carefully. I said Ministers in the former Government who even sold State House Road to NSSF. This is a very clear matter and everybody is aware.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Members! For the umpteenth time, I ask you to be orderly. Mr. Nderitu, you have been asked, for the second time, to substantiate on a matter. You talked about some Ministers who grabbed some land and when you were asked to substantiate, you have not. You had also been asked to substantiate on what you

meant when you said the President should 'wake up'. You have not done it.

I want to give you the last chance to finish your contribution by withdrawing and apologising so that we may proceed. Failure to do that---

Mr. Nderitu: Mr. Temporary Deputy Speaker, Sir, I thought I had explained. But I am going to withdraw the words 'wake up' and substitute---

The Temporary Deputy Speaker (Mr. Ethuro): Order! Your time is up, Mr. Nderitu.

Mr. Sasura: Thank you, Mr. Temporary Deputy Speaker, Sir. In contributing to the debate on the President's Speech, I note with great concern that the President touched on various sectors including agriculture, health, the co-operative sector, trade and industry and tourism. However, for very strange reasons, the President avoided the issue of roads. There is no mention of roads in the President's Speech, whether they are being constructed or rehabilitated.

Mr. Temporary Deputy Speaker, Sir, I would like to mention specifically Road A2, which is an international road running from Cairo to Cape Town. It is very shameful that the only section of this road which is not tarmacked, a road that crisscrosses through the whole of the African Continent, is a section that falls in Kenya, the 550 kilometres between Isiolo and Moyale. The Government should ask itself why that is the case.

We know that previously, money meant for that road has been diverted to other projects. But the Minister for Roads, Public Works and Housing should actually tell us the position of the financing and tarmacking of that road.

The President also avoided the issue of arid lands development. He mentioned that some funds for arid lands are available. But I would like to say that, those funds were not solicited for by the NARC Government. The Arid Lands Resource Management Programme is a continuous programme from last year, and what we are now doing is phase two. I wish this Government was the type that goes to the ground to find out what is happening. What is happening in arid lands, with all the billions from the World Bank, is nothing. We are just closing the financial year in one month's time and all the millions that had been allocated to the arid lands are being used for what is called "capacity building". There is no single infrastructure in place in any of the 21 arid districts that the money had been allotted to. So, the Government should stop singing about money allocated to arid lands. It is being controlled by their office and it is doing nothing for us.

Mr. Temporary Deputy Speaker, Sir, I believe the President meant well when he said that we are a working nation and advised Kenyans to be a working people. But he cautioned that we should not be a quarrelsome nation and I believe he meant quarrelsome Ministers, Cabinet and Government. The effect of Cabinet Ministers quarrelling in this country has impacted negatively on various sectors of our lives. The NARC Government has got very characteristic Ministers in the history of Kenya. I will categorise them in three categories; very hard working, like the likes of Mr. Michuki. We also have Ministers who are totally relaxed and just enjoying the flag on their cars, and the third category is what the President could call quarrelling Ministers. The quarrelling in the Cabinet is what caused the instability in the Bomas of Kenya process. The Ministers have left their offices, I do not know to who, and have transformed funerals and weddings into offices. What they have been saying out there has had direct impact on the Bomas I and Bomas II. By the time they came to the Bomas of Kenya, we were just winding up the process and it was too late for them.

They tell this nation about corruption and I would not like to believe that corruption is about money changing hands only. The utterances by Government Ministers amount to corrupt practices and they lean towards corruption. When a Cabinet Minister goes in front of a group of councillors and tells them to support the Government and in return he will give them money during the next election, if that is not corruption, then I do not know what corruption could be described as.

(Applause)

The Minister for Health has just launched a Kshs30 billion National Social Hospital

Insurance Scheme.

Mr. Mukiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have just heard the hon. Member say that there is a Minister who promised councillors some money during the next general election if they support the Government. Could he substantiate that claim?

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, I do not know, but maybe there is no Nation Television reception in Molo. The whole of Kenya knows that the hon. Minister for Local Government, when he was launching a water project in Kwale only one week ago, did that. I hope that will help you. If you look at the Minister for Health launching a Kshs30 billion project---

(Mr. Nderitu stood up in his place)

I can see that they do not want me to tell the truth.

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member substantiate what he has said by tabling it?

Mr. Salat: You were asleep, now you are awake!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Salat! Mr. Mukiri was on a point of order which was valid and Mr. Sasura substantiated. All of us watched the TV footage.

Proceed!

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, I was talking about the Minister for Health launching the National Social Hospital Insurance Scheme. This scheme was just launched yesterday and according to the Minister, it is going to operate in about three districts. We have not passed any legislation under which that scheme operates. In as far as we know, we are still under the National Hospital Insurance Fund. I do not know where these Ministers get their advice from. Launching a multi-billion scheme and getting money from Kenyans with no legislation in place is not proper. Maybe she is intending to bring legislation after what she has just done illegally. The President definitely must have been referring to his Ministers. Their quarrelling impacts on investor confidence in this country and it has derailed the constitutional process. I do not know on what standards to put the NARC Ministers.

I would like to address the issue of insecurity. Insecurity is not only in Nairobi, but it is all over the country; from between Moyale to Mombasa. Only two days ago, a Government chief's house was bombed and he is fighting for his life with his wife and daughter in Moyale Hospital. But when we talk of insecurity here, every time the Minister stands up, he talks about insecurity in Nairobi, 20 Land Cruisers and the 100 bullet-proof vests. It is as if the rest of Kenyans are not really Kenyans. I think the Government should address what causes the insecurity. I believe there is definitely something wrong with those people who control things in the Office of the President. Marsabit police lines had no electricity for two months because they could not pay their electricity bill. This is a whole police line hosting more than 300 policemen and women. How do you expect such people to perform? Are these vehicles that are being bought only for Nairobi Province or areas where the Minister would address a public rally and hand over the keys to the area Member of Parliament? When it comes to the rural areas, these Toyota Land Cruiser vehicles are normally a preserve for the Officers Commanding Police Divisions (OCPDs). They do not go for any emergency work. If that Land Cruiser vehicle is there, it is for the OCPD to go to the bars, house and home with it. People can die, but that Land Cruiser vehicle can never be used for emergency matters for the *wananchi*.

Mr. Temporary Deputy Speaker, Sir, one of the major causes of insecurity includes poverty. The Government must be able to address that. It also includes employment. The Government must be able to provide micro-finance for our youth that are not employed. They will wait for the 500,000 jobs they were promised, but they will not be forthcoming. Therefore, we will have more unemployment. We should be able to engage our youth in more meaningful activities. These are the people who are causing insecurity in this country.

Mr. Temporary Deputy Speaker, Sir, the Government should not also forget that, over the years, we have sacked so many police officers on arbitrary grounds. Some of them are not even justified. The Government should be able to review why some police officers were sacked. Ex-militarymen and ex-policemen are the people causing problems for us. They have military training, and if they get any weapon in their hands, they can perform more than the police officers themselves. That is why it was said here that some policemen fear even to deal with bandits because the bandits are more equipped than them.

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

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Mukiri, you will not finish your ten minutes. So, you will proceed with your balance of time in the afternoon.

Please, proceed.

Mr. Mukiri: Thank you, Mr. Temporary Deputy Speaker, Sir. Let me take this opportunity to thank the President for a very good Speech; a Speech that was very brief. It encompassed all the achievements of the NARC Government within the last one year and three months.

I wish to congratulate the NARC Government, first, for introducing the free and compulsory primary education programme. Parents are very happy with this programme, but there are some few areas that need to be tidied up. The first problem is the shortage of teachers. It is very important that funds are allocated to this Ministry so that we can have teachers. Last month I visited a school in my constituency which has only three teachers. It is a problem that the Government needs to address.

Our universities have a problem. Nowadays, the students cook in the halls of residence. These halls of residence were never meant to be kitchens. I think the Government should do something about the university students. The reason you find these students in Koinange Street, and cooking in their halls of residence, is because they do not have enough money. Most of them come from very poor families, and when they join the universities; for instance, the University of Nairobi, they are not able to cope up with life. So, I would wish that the Ministry of Education allocates some money to these students, especially those who come from poor families.

The Temporary Deputy Speaker (Mr. Ethuro): Your time is up! You will have seven minutes to continue with your contribution in the afternoon.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.