

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th March, 2006

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATIONS FROM THE CHAIR

HOSTING OF THE 114TH IPU ASSEMBLY IN KENYA

Mr. Speaker: Order, hon. Members. I have two communications to make but not the major one.

I take this opportunity to inform hon. Members that the Kenya National Assembly was honoured to host the 114th Inter-Parliamentary Union Assembly, which will take place between 7th and 12th May, 2006 at the Kenyatta International Conference Centre (KICC).

This is a great honour not only to the Parliament of Kenya, but to the entire nation. This is so especially in view of the fact that Kenya is the sixth country after Egypt, Morocco, Burkina Faso, Cameroon and Namibia to host such an Assembly in Africa, and the first in East and Central Africa. The Conference brings together about 1,500 delegates from 143 member states and seven affiliate organizations.

I set up an Inter-Ministerial Committee headed by Mr. Andrew Ligale to spearhead the preparations for this all-important conference. The secretariat to the conference is based at the KICC. The theme of the conference is "Promoting Democracy and Helping to Build Democratic Institutions.

In view of the fact that the date of the conference is around the corner, I take this opportunity to invite all hon. Members to the official launch of the conference tomorrow, Thursday, 30th March, 2006, at Parliament Gardens beginning at 9.30 a.m.

*(Several hon. Members stood
at the Bar)*

I will be kind to my colleagues who are standing at the Bar to take their seats because I still have one more communication to make. I will resume after they have taken their seats.

(The hon. Members took their seats)

(A mobile phone rang)

Order, hon. Members! Could somebody switch off that mobile phone or go out? That tone is very close to me!

INFRINGEMENT OF THE RULES OF THE HOUSE

I would like the attention of hon. Members while I am making this Communication.

Yesterday, following the presentation of the PAC Report by the Leader of the Official Opposition, Mr. Uhuru Kenyatta, and my subsequent ruling that the Report not be laid until several clarifications are made, some of the hon. Members continued to debate outside the Chamber. Some even appeared on television screens discussing the issue. One such hon. Member was the one who originally raised the issue on the Floor of the House, that is, Mr. Mirugi Kariuki. I am completely baffled whether the hon. Member has more respect to the Press than he does to this august Assembly.

The infringement of our rules does not stop there. I have also noted that lately hon. Members address the Press with abandon, particularly on matters before Committees and which have not yet been reported to this House. In this regard, the hon. Member for Kabete has specialised in breaching Standing Order No. 161.

(Applause)

This is flagrant violation of Standing Order No.161.

I direct that the continuation of debate on a matter that is awaiting conclusion before the House be stopped forthwith. I also order that Members of Committees should stop disclosing matters dealt with by the Committees before a report thereon has been presented to the House in accordance with the Standing Orders.

The Press corps have been accorded the privilege of attending the debates by the authority of the House. It is, therefore, improper for some of the media representatives to insult this privilege by following hon. Members for interviews, which results in breaking the House rules. Such representatives are now warned that if the infringement continues, the privilege will be withdrawn.

I further direct, because this is the cause of all the problems, that the Press photographers, who have literary invaded the House and others who pretend to work for the media organisations, stop taking photographs or conducting interviews in various parts of the parliamentary precincts unless authorised to do so, and at a specified location.

I hope this will be obeyed because I believe that the continued erosion of the dignity of this House has everything to do with the abuse of the rules in search of Press coverage, or on the other side, the Press harassing hon. Members in search of interviews.

Thank you.

(Applause)

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Speaker, Sir, for your direction on this matter. I think this direction has been long overdue. I wish to tender my apology to you and the House for the fact that I was asked to clarify on what I had said in the House. I seek the forgiveness of the House.

Similar interviews took place last week, when we debated the composition of the House Business Committee. Those interviews were aired on television. So, I had taken cue from those interviews but I was wrong. So, I do tender my apology.

(Applause)

Mr. Speaker: Order, hon. Members! Indeed, I have addressed that issue. It bothers me a lot and it continues to bother me. I now direct the Serjeant-at-Arms to ensure that the instruction I have given in respect of the Press is obeyed. This is not gagging the Press, but it is making them responsible and obedient to the rules of this House. This is because I think they further the infringement of the rules of this House.

In fact, I have travelled around the world and I see no other Parliament besieged by an uncontrolled Press like ours. Let them carry out their activities within the confines of the rules and we will facilitate them in the usual manner. However, to make this place uninhabitable or persist in encouraging hon. Members to break the rules of the House is actually abuse of privilege. That matter should end there.

Mr. M. Kariuki, I accept your apology on behalf of the House. You have heard the House applauding your apology. So, could we continue in that spirit?

The Minister for Justice and Constitutional Affairs (Ms. Karua): On a point of order, Mr. Speaker, Sir. I am also seeking clarification in connection with the same matter that you have ruled on. Today's banner headline of *The People* newspaper was a purported extract of the report on which you are yet to give your directions. The newspaper claimed that the PAC has recommended the charging of the Leader of Government Business. I am wondering whether this is in order, on a report that is yet to be laid before the House.

Mr. Speaker: Hon. Members, I think the rules are clear. I know the Press know what I am saying. The only difference is that they have chosen to infringe it with impunity. They cannot use a matter that is not yet the property of the House as a matter that emanates from the House.

Secondly, as we encourage the Press to inform, educate and play the role of a watchdog for the community, I think a responsibility is attached to it. I think this Parliament has tolerated for too long, irresponsibility on the part of the Press. Let us now make it a new chapter. I hope nobody will breach the rules of the House. That is it. Hon. Members, I requested you the other day to police your own rules and bring to the Floor of this House any infringements. That is how it ought to be.

Mr. Muite: Mr. Speaker, Sir, I tender my apologies to the House. I hope that at a more convenient time, Mr. Speaker will give a more comprehensive guidance on this matter. Would a Committee be breaching any rule by saying that Mr. "X" attended or did not attend the Committee? Is it any mention of anything that constitutes a breach of the House rules? The Chair should guide this House and hon. Members of the Committees on that issue.

Secondly, today, we are talking about opening the deliberations of the House to the media. I plead with you, Mr. Speaker, Sir, to also consider convening a meeting of the Standing Orders Committee, so that some of these Standing Orders can be re-looked at.

(Applause)

The Departmental Committee on Administration of Justice and Legal Affairs has just come back from a visit to the Senate of the United States of America. The Committee saw their deliberations in public, except where a Committee considers the public interest demands a particular matter to be heard in camera. Has time not arrived for us to---

Mr. Speaker: Order, Mr. Muite! You are now debating. There is a difference between the law that is and the law that ought to be. We are now talking about the law that is and not the law that ought to be. So let us deal with the law that is.

What is shocking, hon. Muite, is, is there really a necessity of going to the Press to say who attended your meetings if there is no dispute about it? I think you went even beyond that. You were in the Press on several occasions to state what the Minister for National Security stated before your

Committee. I am not sure whether you were even authorised by the Committee to do that. But even if they did, they were wrong because the framework of the Standing Orders requires the House to debate matters in the House rather responding to Press statements, thereby taking the cue from there and taking it everywhere. If that will be the position, then there will, probably, be no need for any Committee ever bringing their report to the House. We will have discussed it in various *kamukunjis* and political rallies.

The ability to change the Standing Orders is fully in your hands. There is no Standing Orders Committee as of now. Create it and we will put it into motion. You can change whatever you want. In fact, hon. Members can actually say that there shall not be any rules. But you will need to change the Constitution to do that. The Constitution demands that there shall be rules. So, doing that is within your powers. I do not think we should argue about this matter. Let us respect what is the law now.

Next Order.

The Assistant Minister for Information and Communication (Mr. Wamwere): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Tena? What is it, Mr. Wamwere?

The Assistant Minister for Information and Communication (Mr. Wamwere): Bw. Spika, jambo langu la nidhamu ni fupi sana. Ninataka kuuliza kama ripoti ya kamati imeporwa na gazeti fulani na kuchapishwa wakati ripoti hiyo bado haijafika Bungeni, je, gazeti kama hilo linaweza kuadhibiwa kwa namna yeyote? Je, vyombo vya habari vina uhuru wa kufanya wizi kama huo? Na wizi kama huo ukitendeka, ni hatua gani itachukuliwa?

Mr. Speaker: Bw. Wamwere, ninaomba kukujibu kwa njia ifuatayo. Kwanza, mimi na waporaji hatuishi katika boma moja. Kwa sababu mimi na waporaji hatuishi katika boma moja, ninafikiri mawazo yangu na yao ni tofauti sana. Mawazo ya waporaji na yangu ni tofauti kabisa.

Ningependa kuwaomba waporaji watoe uporaji wao nje ya Bunge hili, na waheshimu kanuni na taratibu za Bunge kama zilivyo. Hakuna gazeti au mtu au kikundi cha watu ambacho kinaweza kuvunja sheria na taratibu za Bunge hili na kuepuka adhabu ikiwa Bunge hili linataka kuwaadhibu.

Kwa hivyo, ninawapa onyo kwamba ni lazima waheshimu taratibu zetu. Waporaji wa aina yeyote, tafadhaliini ondokeni kutoka Bunge. Ahsanteni.

(Applause)

Basi imekwisha sasa. Tosha; tosha!

Next Order!

NOTICES OF MOTIONS

ESTABLISHMENT OF SCHOOLS
DISASTER MANAGEMENT FUND

Prof. Olweny: Mr. Speaker, Sir, I beg to---

Mr. Speaker: Order, Prof. Olweny! Have I approved your Motion?

Prof. Olweny: You have approved it, Mr. Speaker, Sir.

Mr. Speaker: Okay; you are perfectly in order.

Prof. Olweny: Mr. Speaker, Sir, I beg to give notice of the following Motion.

THAT, in view of the fact that natural calamities always cause extensive damage to several schools, and the Government has not put in place a system to

cater for such disasters, this House urges the Government to establish a Schools Disaster Management Fund to be used for repairs and reconstruction of schools in case of such calamities.

ESTABLISHMENT OF COMPREHENSIVE TRANSPORT POLICY

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

THAT, in view of Kenya's commitment to equitable development of all regions in the country; taking cognizance of communications as an engine of economic growth; noting that different forms of transport require proper planning and co-ordination, this House urges the Government to develop and implement a comprehensive transport policy to provide a framework for infrastructural development throughout the country.

Mr. Speaker: Any other hon. Member with a notice of Motion?

Okay; there being none, next Order!

QUESTIONS BY PRIVATE NOTICE

RELEASE OF TASK FORCE REPORT ON PVOC PROCUREMENT BY KEBS

Mr. Salat: Speaker, Sir, I beg to ask the Minister for Trade and Industry the following Question by Private Notice.

(a) Could the Minister table the report of the task force that investigated the procurement of pre-shipment verification of conformity (PVOC) to standards service by the Kenya Bureau of Standards (KEBS) of 13th February, 2006?

(b) What is the Minister doing to implement the task force report?

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Speaker, Sir, I humbly implore you to reconsider your order of yesterday that I table the task force report. The way I see it is that if I divulge the contents of this report at this stage, they will influence the course of events at the court. Thank you.

Mr. Speaker: Bw. Miriti, ninakuomba radhi. Hebu rudia ulichosema.

Mr. Speaker: Mr. Speaker, Sir, I have said that I want to humbly implore you to reconsider your order of yesterday and rescind it because, if the contents of this report are revealed at this stage, they will influence the judgement of the court. Its contents touch on what the claimant is asking to be given in court. Revealing them will really prejudice the judgement.

Mr. Speaker: Are you telling the House that there is a case pending in court, and that the issue at hand in court is that same report?

Mr. Miriti: Yes, indeed, Mr. Speaker, Sir, we have three cases pending in court.

Mr. Speaker: Concerning what? Could I see the pleadings if any?

Mr. Miriti: Mr. Speaker, Sir, I can give notices of the cases in court. The cases are filed at the Nairobi High Court. The first one is under High Court miscellaneous civil application No.1335, 2005. There is also a miscellaneous civil application No.1541, 2005, and another miscellaneous civil application No.271, 2006.

Mr. Speaker: What are they about?

Mr. Miriti: Mr. Speaker, Sir, all those cases are about pre-shipment verification of conformity tender, which was given. The complainant is petitioning the tendering procedures. The subject of the internal investigations done by the task force were

touching on the tendering procedures.

Mr. Speaker: The Questioner; are you aware, as a matter of fact, that there is in court a case concerning this issue, and that one of the parties is demanding the information you are seeking? Are you aware?

Mr. Salat: Mr. Speaker, Sir, what I am aware of is that the Permanent Secretary to the Cabinet requested, in a letter that I have here, that this task force be formed. I have the same letter which was later written to the Permanent Secretary in the same Ministry, who even complied. After complying, I have a further letter which was written by the "Speaker" to the Kenya Anti-Corruption Commission (KACC).

(Loud consultations)

Mr. Speaker: Which Speaker?

Mr. Salat: Sorry, I apologise. I meant that the PS---

Mr. Speaker: Mr. Salat, I think the issue at hand is the following: There is the existence of the rule of *sub judice*. What I am asking is; are you aware that as a result of issuing tenders in this matter, one of the parties has gone to court, according to the Minister, and is demanding the information which you are seeking from the House? Are you aware of that?

Mr. Salat: I am not aware, Mr. Speaker, Sir.

Mr. Speaker: Could we find out; I, you and the Minister? Could you exchange your views?

Dr. Ali: Mr. Speaker, Sir, if a pre-shipment agent has challenged the Government for giving out the tender wrongfully to someone else, that is a different issue altogether. However, Mr. Salat is asking for the task force report, which is a public document.

Mr. Speaker: Order, hon. Members! What I understand the Minister to be saying is that, the person who lost the tender is now seeking the report of the task force. So, if that is what should be happening in court, then let that report go to court and not here. What is so special about that? Are you saying that on matters which are *sub judice*, we hold a trial here? What are you saying?

Dr. Galgalo: Mr. Speaker, Sir, we want the Assistant Minister to prove that, indeed, the matter is in court. He is unable to do that.

Mr. Speaker: You are right. Could I see the pleadings?

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

Mr. Speaker: What is your point of order, Dr. Godana?

Dr. Godana: Mr. Speaker, Sir, I think we need the Chair to revisit with clear guidelines, the issue of what matters are *sub judice*. Not every matter which is remotely touched by our courts is *sub judice*. The rule of *sub judice* was developed to ensure that this House does not discuss publicly a matter which the court has to decide. Out of respect, this House does not interfere or influence what is in court. This same Minister, yesterday, I recall very clearly, resisted to answer the question on the grounds that the communication was internal to Government and was not willing to make it public. After you said that was an official matter, today, he has come with a different issue, saying the matter is in court. I think we need your guidance today.

Mr. Speaker: Could I ask you something, Dr. Godana? As a senior lawyer and a senior learned friend, do you know there is a difference between doing things for expediency and being consistently legal in what you do? Now, if this matter is central to the pleadings, and I agree with you we have to be convinced they have to be central to the pleadings, will this House be used as a conduit to receive evidence on behalf of the complainants? No!

So, Mr. Assistant Minister, could you give me the pleadings?

Mr. Miriti: Mr. Speaker Sir, the documents I have here may not satisfy you.

Mr. Speaker: How do you know?

(Mr. Miriti handed over the documents to the Clerk-at-the-Table, who then passed it to the Speaker)

Mr. Speaker: Order, hon. Members! Mr. Miriti, do you have anything better?

Mr. Miriti: No, Mr. Speaker, Sir.

Mr. Speaker: Yes, indeed, the hon. Member is right; what he has cannot convince me. Whether or not he has something better--- He could have had, but he does not have because what he has given me is something which has been scribbled on. I think what we will do is---

(Loud consultations)

Order, hon. Members! Sometimes, I get amazed. Let me create a balance here. When a matter has been alleged to be *sub judice*, I have to satisfy myself that, indeed, it is and that it covers the necessary rules.

Mr. Salat, I will give Mr. Miriti time to give me the correct pleadings, which I can have tomorrow. Okay?

Mr. Salat: Yes, Mr. Speaker, Sir.

Mr. Speaker: Please, make sure you do not give wasted paper to the Chair.

Mr. Miriti: Mr. Speaker, Sir, there is something I want to clarify. When I said yesterday, that this investigation was a Ministerial responsibility and a Ministerial function, that is what I meant because---

Mr. Speaker: Are you reopening the issue?

(Question deferred)

Mr. Ndolo!

POLICE RAID ON STANDARD
MEDIA GROUP PREMISES

Mr. Ndolo: Mr. Speaker, Sir, I beg to ask the following Question by Private Notice.

- (a) Why did the police raid the Standard Media Group premises on 2nd March, 2006?
- (b) Who authorised the raid and which officers conducted it?
- (c) What steps, if any, have been taken against the officers involved in the operation?

(Loud consultations)

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, I think you need to call the House to order.

Mr. Speaker: Order, hon. Members! Order! What is it?
Proceed, Mr. M. Kariuki!

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

Pursuant to Standing Order No.74, the matter is *sub judice*, pending before a constitutional court, vide Nairobi High Court Petition No.113, 2006, which touches on all issues related to the

three questions. Mr. Speaker, Sir, I beg to lay on the Table two documents; one is the petition itself. The petitioner is Standard Limited and Baraza Limited. The respondents are the Attorney-General, the Commissioner of Police and the Minister, Office of the President, in charge of Internal Security.

There are declaratory orders which have been sought on this Question here plus three others. Altogether, they are 13. I also wish to table a forwarding letter by the Attorney-General to the Minister in charge of Internal Security. The Attorney-General has summarized the issues at stake and they touch on all the issues raised in this Question.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Maybe you can help the House. Looking at the pleadings, what are the issues raised therein?

The Assistant Minister, Office of the President (Mr. M. Kariuki): The issues raised are about an alleged raid on the Standard Ltd---

Hon. Members: Alleged?

The Assistant Minister, Office of the President (Mr. M. Kariuki): So far, it is an allegation until proved and the issue raised in paragraph 9 of the pleadings is whether the search was arbitrary, whether it was lawful and whether the arrests were lawful or not.

Mr. Speaker, Sir, the 10 declaratory orders all relate to the events of 2nd March, 2006, and whether the fundamental rights of the petitioner were violated. So, the issue of the entry and whether the people who carried out the search in the premises was lawful is an issue at hand.

(Mr. M. Kariuki laid the documents on the Table)

Mr. Sungu: On a point of order, Mr. Speaker, Sir. With respect to the hon. Assistant Minister, who is a lawyer, and I am a lawmaker, Standing Orders Nos. 74 and 37 in question with regard to the law of *sub judice* do not preclude this Question. The issues that he has raised do not border at all on why the police raided the Standard Media Group premises! Neither do they border on who authorized the raid or what steps, if any, would be taken against the officers involved in the operation. That is not *sub judice* at all! You do not need to be a lawyer to know that.

Mr. Speaker: Order! Order! Have you all read the pleadings? Mr. Sungu, have you read the pleadings?

Mr. Sungu: Mr. Speaker, Sir, the Assistant Minister has told us in this House right now the matters which are before the court. In my understanding, those are not *sub judice* as far as the rules of the *sub judice* are concerned.

Mr. Speaker: Order! Order! I have asked you a very simple question, Mr. Sungu. Have you read the pleadings?

Mr. Sungu: I have not read the pleadings, but the Assistant Minister told us in this House right now what they are.

Mr. Speaker: You know, Mr. Sungu, on legal matters, you have to go by what is on the plaint. Pleadings are the plaint, the defence and other court-related documents. It is mainly the defence and the plaint. I have not had the time myself to read it.

I think the best thing I can do is to read it and find out whether, as a matter of fact, it touches on the matters at hand. I have it here. So, we will defer the Question until Tuesday.

(Question deferred)

SURVEY IN KILIFI DISTRICT

Mr. Khamisi: Mr. Speaker, Sir, although I have not received the written answer, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Could the Minister table the report of the recent food assessment survey in Kilifi District?

(b) Could he explain why an international Non-Governmental Organization (NGO), World Vision, has been given the responsibility of distributing relief food in the district instead of the Ministry?

Mr. Speaker: I was, in fact, going to inform the hon. Member that the hon. Minister called my office and told me that he was out of Nairobi and he was asking whether we could defer this Question to next week. What is your reaction?

Mr. Khamisi: I really would not object to that request, except that I am wondering whether this Ministry does not have an Assistant Minister?

Mr. Speaker: I really do not know. What about collective responsibility, Mr. Awori?

The Vice-President and Minister for Home Affairs (Mr. Awori): Bw. Spika, Waziri huyu hana Waziri Msaidizi na atakuja kupewa Waziri Msaidizi hivi karibuni. Kwa wakati huu, nakubaliana na wewe kwamba Swali hili liahirishwe mpaka wiki ijayo.

Mr. Speaker: Very well! The Question is deferred to next week!

(Question deferred)

(Loud consultations)

Order! Can we hear the hon. Raila? He has the Floor.

POINT OR ORDER**CONSIDERED RULING ON PAC REPORT
TO BE ISSUED TOMORROW**

Mr. Raila: On a point of order, Mr. Speaker, I want to inquire from you because the matter which you suspended yesterday; the issue of laying on the Table of the report by the Public Accounts Committee (PAC) and you said that you were going to make a ruling on the issue today--

Hon. Members: Tomorrow!

Mr. Raila: Mr. Speaker, I would like to know because this matter is of extreme public interest.

Mr. Speaker: Order! Order! Order! In fact, you are being corrected by your colleagues. I said either today or tomorrow. I may also hasten to say that it is, in fact, out of order to pursue the Speaker---

Hon. Members: He was reminding you!

Mr. Speaker: Order! Order! To pursue the Speaker on whether he will make a ruling today or tomorrow. I think it amounts to harassment of the Speaker!

(Laughter)

I thank the hon. Member for reminding me, but I was quite alive to the fact. But I want to tell this House that the matters that I am going to address on the issues raised in this House yesterday are very intricate. Some of the actions that this House did last year, for example, the fate of the Special PAC Report, have never happened in Kenya before; never! Those actions raised very complicated issues and I will attempt, if I can, to deliver tomorrow.

If the circumstances as such dictate that I will have to do it on Tuesday, I will do so. I am not going to do it for ceremonial purposes. I will do it because this House wants it, and that will be a precedent in this House and probably elsewhere, and that will settle legal questions. I am not just doing this as a matter of routine. It is very complicated, but I will do the best I can.

Thank you.

MINISTERIAL STATEMENT

RAID ON EL DIMTU IN MARSABIT

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, yesterday, I promised that I would issue a Ministerial Statement following a matter raised by hon. Dr. Galgalo.

On 22nd March, 2006, hon. Dr. Galgalo rose on a point of order to seek a Ministerial Statement on the raid on El Dimtu in Marsabit. I wish to state the following:

On 16th March, 2006 at 1 p.m. police at Forole Police Post received a report that some Boranas had attacked Gabbra herdsman and stolen 405 heads of cattle. On the same day at 2 p.m.--

(Loud consultations)

Mr. Speaker: Order! Order, Members! Apparently, there are some Members here who have absolutely no interest in the lives and rights of other Kenyans.

(Applause)

Please, hon. Members, you must come to terms with the fact that Kenyans live within all the corners of this Republic and they have a right to present their fears and problems to this National Assembly. The matter before us is about the taking away of the livelihoods of Kenyans and even loss of lives. How come we do not see the seriousness in this?

Please, proceed!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, on the same day, at 2 p.m., Boranas also reported to the police that Gabbra had attacked them at El Dimtu area and stolen 1,268 animals belonging to Ethiopian Boranas and 311 belonging to Moyale Boranas. Security personnel from the Anti-Stock Theft Unit, General Service Unit (GSU), Administration Police (AP) and the Kenya Police were immediately mobilised to track down the animals. So far, only seven animals have been recovered.

On 17th March, 2006, a Gabbra Kenya Police Reservist (KPR) shot three people on suspicion of being bandits. It turned out that one of the victims was a KPR from Moyale and the other two were illegally armed with AK-47 rifles.

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

Mr. Speaker: What is it, Dr. Ali?

Dr. Ali: Mr. Speaker, Sir, did you hear what the Minister just said? He has talked of "a

Gabbra Kenya Police Reservist." Is there anything like that in this world? Does not the person have a name? What is "a Gabbra Kenya Police Reservist"? There is definitely something wrong here.

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, I do not have the name of that particular person. However, if it is needed, I will issue it out. At this particular time, I must admit, I do not have it.

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. If you allow the Minister to continue the way he is doing, we are going to license people to talk about tribes in this country. It is like saying: "A Kikuyu reservist", "a Luo reservist", or "a Maasai reservist." Surely, that does not add up.

Mr. Speaker: Order, Members! First of all, hon. Members, I think we are trivializing this issue.

(Loud consultations)

Order! None of you has ever been to those war zones. You consider it to be like holding a Press conference. In such a situation people are under the fire of AK-47 rifles! So, please, let us give this matter the seriousness it deserves. Allow the Minister to finish and then the concerned Members will raise questions.

Proceed, Mr. Minister!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, I thought that this Question had been postponed so that I can get the correct information, which I now have.

On 18th March, 2006, both District Intelligence Committees (DICs) of Moyale and Marsabit districts visited the area and held peace meetings with a view to appealing to the communities to live together in harmony. Such peace meetings involving the local communities are being conducted on the ground and the area MPs are being requested to spearhead them.

On the same day, police received a report that a lorry transporting animals was heading towards Nairobi. Later, security personnel intercepted the said lorry in Nairobi, along Kangundo-Komarock Road, with eight occupants who were arrested and then taken to Kayole Police Station. The vehicle that was used in transporting the animals and the 19 heads of cattle that were recovered are in the custody of Athi River Police Station.

The suspects were later charged in Machakos Law Courts with the offence of conveying stolen animals, vide Police Case No.CR442/65/2006 and court file No.CF502/2006. The case was in court yesterday, that is, 28th March, 2006, for mention and the next date of hearing is on 28th April, 2006. Since the matter is in court, it is *sub judice* to discuss it any further than that.

On 23rd March, 2006, the DICs of Moyale and Marsabit met with the Ethiopian Government officials at Forole in an attempt to diffuse the tension that arose following the attack on El Dimtu and to appeal for calm as investigations continue. However, on 25th March, 2006, suspected militia from a neighbouring country entered into Kenya at Urar and abducted six Kenyan herdsmen and took them to Ethiopia.

Mr. Speaker, Sir, adequate security personnel have been deployed at Forole, Turbi Hills and El Dimtu, and the Kenya Army is patrolling the border around Urar. Constant meetings with Ethiopians have resulted in the release of three Kenyans who were abducted on 25th March, 2006. We hope to establish the whereabouts of the other three persons very soon. The Government is committed to bringing lasting peace in the northern region. However, the hostility among hon. Members of Parliament from the region is further complicating the Government's attempts to bring the communities together. As part of our continuous peace initiatives we intend to bring the Marsabit and Moyale leaders to a joint peace meeting beginning 9th April, 2006.

Mr. Speaker, Sir, I wish to further appeal to the leaders in the region to embrace the spirit of co-operation and community good neighbourliness if the Government's efforts are to bear fruit.

Thank you.

Mr. Speaker: Dr. Galgallo will have the first shot because he is the one who raised this issue. Hon. Members, I want to give guidance on Ministerial Statements. They are not a replacement for Questions. Ordinarily they should not be debated. The only thing allowed under the rule is to seek clarification on the statements given and not on what you know. I think in future hon. Members must proceed to ask Questions. What we are doing of late is turning Ministerial Statements into Questions.

So, with that in mind, any hon. Member participating has to seek clarification from the Minister on the Statement the Minister has issued. Let us begin with Dr. Galgallo.

Dr. Galgallo: Mr. Speaker, Sir, I am so disheartened by the manner in which the Minister is addressing this problem. First of all, he has talked of one Kenya Police Reservist from the Gabra community killing three people. That must be a super KPR you have, Mr. Minister. The exact circumstances---

Mr. Speaker: How many would they ordinarily kill?

Dr. Galgallo: Mr. Speaker, Sir, the DACs went there and verified that two people were killed on the first day at the site where the animals were stolen. The following day, our KPR got killed when they were in hot pursuit of the raiders. They were killed on two different days. Our contention has been that since the people from North Horr are saying that they killed raiders, we are saying that we want those people who said they have killed raiders to come out. We want their names so that they can come out and tell Kenyans how they were attacked and how they killed the so-called raiders who are actually our KPR and herders. There was no action on the part of the police as far as this is concerned.

Secondly, since July last year, we have had eight cases of violence against the people of Moyale by the people of North Horr. It started with the killing of nine people at Bubisa. They then went to burn down a village called Vunankumbi. It has now been razed to the ground. If the Minister wants to, he can go and see it. They then went and burnt down a second village called Elebor on a different date. They then poisoned the only well that our people use at Elebor. As a result, nine donkeys were killed. Fortunately, human beings desisted from drinking the water when they saw that the animals had been killed.

Mr. Speaker, Sir, there were more than ten incidents of highway robbery on vehicles plying the Turbi route. All this happened between July last year and now. In the sixth incident they placed nails on roads at Bubisa---

Mr. Speaker: How many more do you have?

Dr. Galgallo: Mr. Speaker, Sir, there are three more incidents. I just want to show the House the complacency on the part of the Government.

Mr. Speaker: Order, Dr. Galgallo! You are now turning this into a debate and I will not allow that. Seek your clarification and sit down.

Dr. Galgallo: Mr. Speaker, Sir, I would like to know what action has been taken on all these cases which have been reported to the police. What action has the Government taken to contain this community which is constantly harassing other communities living in that area?

Mr. Lesrima: Mr. Speaker, Sir, the Minister started by describing to us the communities living at the border. It was not very clear who these six Kenyans that were abducted were. Were they Boranas or Gabras? What efforts have been made by the Minister to bring elders of the warring communities together to resolve this issue because I do not see us resolving it here? Finally, is there communication between hon. Members of Parliament from Ethiopia and those from Kenya and the administrations of both countries?

Mr. Speaker: Better still, is there communication from the Members of Parliament from Kenya, because they are the ones killing one another?

Dr. Godana: Mr. Speaker, Sir, it is really sad to note that 40 years after Independence our people in the north are still engaging in the things that are the subject of this short intervention by the Minister. Insecurity in Marsabit and Moyale districts and along the Kenya/Ethiopia border has gone from bad to worse in the last one dozen years on account of the persistent OLF factor. In the last one year, things have got out of hand. The hon. Member referred to July last year which is a blot on the calendar of this country and on the history of those two districts because that is when we had that massacre of children and women in Turbi. Those widows, widowers and orphans are still crying out for justice.

Insecurity in this region demands a special public inquiry to find out the cause of this matter. The Minister promised in the House, and on television at the time of that Turbi massacre that the Government would carry out investigations and would not spare anybody. We do know that a high-powered CID investigative team from Nairobi and Embu went to the place. We were all interrogated. Could I ask the Minister to make public the recommendations of that Committee?

Secondly, could he prosecute all those who were found to have been responsible for uttering and inciting that violence including leaders? I thank the Minister for committing himself to ensuring that security is maintained in the area because right now crowds of Kenyans and Ethiopians are gathering at, at least three places with a view to doing something worse than Turbi. We have informed the police and they said that they are aware of this matter. Could the Minister give us that guarantee?

Mr. Speaker: I will ask the Minister to respond. I do not want a continuation of this matter because, in my view, this does not seek to solve this problem. If mismanaged, this can send a very bad signal to that very volatile area and have worse problems going on. Meanwhile, we leaders will be sitting pretty here without having any problems at all.

I think this is a matter of life and death for the Kenyan people and we should handle it with utmost care. I beseech the leaders of every persuasion: If you truly are a leader then every utterance you make must be towards reconciling those people rather than making them start fighting afresh. Could the Minister respond?

Mr. Sasura: On a point of order, Mr. Speaker, Sir. I just want to seek a clarification. Since you have called upon the Minister to respond, does it mean that it is the end of clarification? This is an issue that touches on my constituency and I need to seek a clarification with all due respect.

Mr. Speaker: Order, Mr. Sasura! It is coming to an end!

Mr. Sasura: Mr. Speaker, Sir, I beg to seek a clarification before it comes to an end!

Mr. Speaker: I am putting an end to this because, listening at the two hon. Members from that part of the country, I do not think we are getting any solution. In fact, this may end up making the situation worse. I suspect you will do the same. So, can I hear the Minister?

Mr. Sasura: Mr. Speaker, Sir, do not victimise me on the premise of suspicion! I am just seeking a simple clarification. I do not know why you are worried about me. I do not know whether I look like a warmonger to you!

(Laughter)

Mr. Speaker: Go ahead!

Mr. Sasura: Mr. Speaker, Sir, you will remember very well that, when this issue came up last year, the Minister in charge of internal security was informing the nation about the situation on the ground. Unless we ventilate the truth on the ground, it will not bring an end to that problem.

That notwithstanding, what we are discussing today is what caused the death of 80 people

last year. Events like those led to the death of 80 people in a neighbouring country. The clarification that I want to seek from the Minister is this: Last year, he stood up here and said that about 300 to 500 people came from Ethiopia and attacked Turbi. This Minister does not even know where Turbi is up to now. He has not set his foot where about 80 to 100 Kenyans died. Two weeks later, when an Italian Bishop died in Isiolo, the Head of State, himself, went there! That explains the disdain that this Government has for the people of northern Kenya. To cover up their sins, they always come to this House and tell Kenyans that hon. Members from that area are not talking. I just want a simple clarification. The Minister has done his investigations from July last year to date. Dr. Godana is alluding to a report whose contents he knows for a good reason.

Mr. Speaker: Order! Order, Mr. Sasura. You see what I meant?

(Loud consultations)

I must warn all of you from that region! If, indeed, we can see you at the national level saying such things and behaving the way you are behaving, then I am sorry! You must understand one thing. You will never be allowed by the Speaker to use the Floor of this House to incite tribal animosity. Be assured of that! Now, be very gentle in what you say!

Mr. Sasura: Mr. Speaker, Sir, I speak with emotion because it is not only the lives of those people on the ground that are in danger! My life and that of Dr. Galgallo are in danger, and this Government knows about it! That is why I am speaking with emotion. But let me just try to relax!

Mr. Speaker, Sir, the Minister talked about a lorry that was arrested in Kayole ferrying the animals that were stolen in North Horr. The Officer Commanding Police Division (OCPD), Marsabit, received a report in the presence of Dr. Galgallo. He assured the District Security Committee, in the presence of Dr. Galgallo, that the lorry would be recalled back from the barrier. The following day, it took my effort - and I am not a policeman - I am a former chief - to arrest the lorry here! Could the Minister tell us whether he is aware of that? Could he also confirm, deny and, for heaven's sake, concede for once that the security personnel in that district are part and parcel of the insecurity and he accepts---

Mr. Speaker: Order, Mr. Sasura! You are becoming a source of insecurity now!

(Laughter)

I am serious! You are becoming a source of insecurity! I will not have this debate. Mr. Minister, please respond. Mr. Minister, I think it is your duty to safeguard the lives of Kenyans against threats from any source. So, please, will you respond to that? We will not turn this debate into a platform of inciting tribal animosity!

Proceed, Mr. Minister!

The Minister of State for Administration and National Security (Mr. Michuki): Mr. Speaker, Sir, you have heard it all from those who are involved in this matter. The leadership from the North Eastern Province will have to get together and agree amongst themselves about their co-operation with the Government.

The Government, as much as it mobilises forces, such as we have now done, without the co-operation of the people on the ground, will not succeed. That is one point that I would like to make.

Mr. Speaker, Sir, if there is anyone who knows that security forces are involved in creating insecurity, I would very much welcome the particulars about them. I think it is time that, in all those matters, responsibility was accepted. I hope, therefore, that the meeting which I have alluded

to in my Statement, that is between the leaders from that region, on 9th April, 2006, will come up with lasting solutions. My Assistants have been to Marsabit and Moyale. They have participated in our efforts to reconcile the quarrelling members of those communities. But we expect more from Members of Parliament than we have so far received.

Mr. Speaker: Next Order!

MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

THAT, the thanks of this House be recorded for the exposition of the public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 21st March, 2006.

*(The Vice-President and Minister for
Home Affairs on 23.3.2006)*

*(Resumption of Debate interrupted on
29.3.2006 - Morning sitting)*

Mr. Speaker: Who was on the Floor? Mr. Arungah, you had nine minutes. Do you still want to continue?

Mr. Arungah: Yes, Mr. Speaker, Sir! As I was saying this morning, I was not privileged to be here when the President was presenting his Speech. But having read it I realised that he emphasised on three things.

First, he told this House what he thought were the achievements of his Government so far. He then set the agenda for the next few months, and told us what he expected Parliament to do. I think it is a welcome opportunity for all of us, including those who are opposed to the Government, to come up with alternative programmes to make the lives of Kenyans better.

Mr. Speaker, Sir, I want to touch on issues that were raised in the Presidential Speech. The first one is the issue of corruption. The President has re-affirmed his commitment to fight corruption in this country. As a die-hard optimist, I am prepared to give him the benefit of the doubt. There are those who are doubting his commitment, but I am prepared to assume that he means well and I support him.

The fight against corruption has just begun. It is not for the President or Justice Aaron Ringera alone, but it is a fight that involves all of us. It is my humble submission that every Kenyan, big or small, has an opportunity to contribute to the fight against corruption by refusing to participate in corruption. In the past, we had not heard of corruption scandals. There is a new development that we are now starting to hear about corruption scandals that may have happened some few years back. We are even beginning to hear of scandals as they happen. Credit goes to this House for its vigilance, so that, in the near future, we should be able to anticipate corruption and stop it in its tracks.

Mr. Speaker, Sir, there are some actions that have been taken towards addressing corruption, however cosmetic. There are four friends of mine who were sitting on the Front Bench, and because of the action of Government, some of them have been asked to step aside and they are now sitting with me on the Back Bench. We must recognise that as an improvement in the fight against corruption. There are those who are saying that they must be arraigned in court. I agree. But

as we do so, we must let the law take its course, because even those who are being accused have a right to be heard. But, ultimately, this House must also show commitment to fighting corruption by passing the proposed Proceeds of Crime and Money Laundering Bill so that the monies that have been stolen can be recovered. Arraigning the thieves in court does not in any way help the common man.

Mr. Speaker, Sir, on the issue of the Constitution, we know we are in a stalemate. But I am convinced that this House has the capacity to do something in the meantime. It is possible for this House to come up with a mechanism to, at least, pass the 80 per cent that was said to be non contentious and leave the 20 per cent to be sorted out. In any case, the two main issues that were supposed to be addressed by the new Constitution are the issues of governance, which we can address by passing minimal Constitutional amendments. The second issue is that of allocation of the natural resources of this country. This House has put a mechanism in place where, hopefully in the near future, we shall have a Fiscal Analysis Office through which this House will have an opportunity to decide on how the natural resources are allocated. In doing so, the two major issues that are of concern will be addressed. Therefore, I do not believe that all is lost. However, there is no beating about the bush. Whatever happens, the President should be told to give Kenya a new Constitution. He must simply talk to the Members of the ODM. I can assure the President that it does not matter how eminent any person is. Anything short of talking to the ODM will not do.

Mr. Speaker, Sir, a lot has been said by my colleagues about our own performance in this House. I am disappointed that, out of the 25 Bills that were brought, only seven were passed by this House. We must remind ourselves that legislation is our core business and it is important for us to pass certain laws to enable the Executive to function. We also know that at our level of development, we are still beggars who rely on the IMF and the World Bank. For us to access their funds, we must put certain laws in place. We must humble ourselves to that fact and do our part to enable the Government to function. It does no good to just sit back and point fingers at other people for not doing their work.

Mr. Speaker, Sir, I have been to many seminars and workshops where participants have alluded to the rate at which we are working in this House. It is my wish that we search ourselves and see how we can improve on the way we are doing our work. Lately, I have seen unprecedented energy used by the Members of this House when it comes to addressing certain issues. I would like to see a situation where Dr. Godana, Mr. Billow, Ms. Shaaban, Mr. H.M. Mohammed and others, lead a demonstration in Mandera, Wajir and Nairobi, urging this House to increase the acreage of land under irrigation so that we do not see those pictures of dying children on television. I would like to see a situation where Prof. Mango, Dr. Ojiambo and Mr. Okemo will go and demonstrate in Busia and Nairobi, to force this House to pass the Cotton Bill and convert the Cotton Lint and Seed Marketing Board into the Cotton Development Authority. I would like to see Ms. Ndungu leading the women of Kenya in a demonstration to ensure that this House passes a Bill that will empower women.

Our luminaries too have a role to play. They all want to go to State House so that they can make a difference in the lives of Kenyans. I would like my friend, Mr. Musyoka, to lead a demonstration in the streets of Nairobi to force a Bill to empower the small people in the village to access money and improve their lives. But we are concentrating our energies on other areas. What am I saying? I am saying, let us surprise Kenyans for a change, by addressing issues that make a difference in their social welfare. Let us send a message to the private sector so that they can sit back, plan and grow so that our kids can get jobs. I am saying, let us not scare investors. We need them to come into this country and invest.

Mr. Speaker, Sir, in conclusion, I want to thank the Government for the various projects that it has earmarked for Khwisero, including the rehabilitation of Ekero-Buyangu Road. They are

going to give us three boreholes and extend electricity lines in Khwisero.

With those remarks, I beg to support.

Mr. Musyoka: Mr. Speaker, Sir, thank you for giving me this opportunity to join the rest of my colleagues in contributing to this very important debate. In a country like South Africa, this Speech would have amounted to the nation's statement by the President.

Mr. Speaker, Sir, may I begin, first of all, by thanking my friend, Mr. Arungah, for his good wishes. But, in reality, I think we should be able to subsequently move from the culture of street demonstrations. The reason why our people have chosen to go to the streets has a lot to do with excesses committed by this Government. Even as I speak now, I am ashamed of the fact that in the year 2002, I went everywhere in the country campaigning for His Excellency the President and the NARC. Today, Kenyans are wondering which Government did they actually elect. Last weekend I had occasion to actually say it is official, on the authority of our good friend, Uncle Moody Awori, who is actually sitting here and for whom I have a lot of respect--- He also knows that there is confusion in this country with regard to which is the ruling party. If, indeed, there is a ruling party, how can the Leader of Government Business stand up and say that he supports another party that is not already in Government? These are some of the issues that have brought what the swahili people would call, *kukereka kwa nafsi za wananchi wa Kenya*.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, His Excellency the President referred to the outcome of the Referendum. In fact, the matter of the Referendum which was a watershed event in the history of this country should, in my view, have received a lot more attention in the Presidential Address than is actually evident. I listened to every sentence and even watched the body language of His Excellency the President as he spoke and addressed this august House and, by extension, this country. I want to congratulate the Kenyan people because they overwhelmingly voted to reject a bad Draft Constitution. Some of us burnt the midnight oil to make sure that Kenyans came along with us. The 3.5 million Kenyans who said "no" to bad law, as a matter of fact, had also at the back of their minds and in the absence of the necessary Referendum law, said "no" to bad governance. Because 152 of our own constituencies voted overwhelmingly for "Orange," this Government, therefore, does not enjoy the mandate and confidence of the Kenyan people. Ordinarily, in a democracy, this Government should have resigned and called for new elections, because that is the mood in the country.

(Applause)

Mr. Deputy Speaker, Sir, in the absence of the necessary Referendum law, what actually happened? Some of us had occasion to say that what happened on 21st November, 2005, was a wholesome application of the provisions of Chapter 7 of the laws of this country, namely; the National Assembly and Presidential Elections Act. This is because voting took place at every polling centre. The result, therefore, was exactly the same as would be the case in a general election. This is why some of us did not want to continue with this process. We thought we should give Kenyans a break. But in ordinary circumstances, what actually happened, and I want to repeat for his sake, was a vote of no confidence in this Government.

(Applause)

Mr. Deputy Speaker, Sir, my good friend, Mr. Wetangula, made an appearance before the so-called Bethwel Kiplagat Committee; the Committee of Eminent Persons. I really wondered why we even have Cabinet Ministers who cannot correctly advise His Excellency the President. My good friend, Mr. Wetangula, appeared before the Committee of Eminent Persons and said that the Referendum was illegal. Mr. Wetangula, to the best of my knowledge, is today still an Assistant Minister in this Government. When I met him later in the corridors I asked him: "Why is it that you never opened your mouth before 21st November and correctly advised the President?" My friend clearly did not have an answer; I am sorry to say.

Mr. Deputy Speaker, Sir, the only reference made to this absolutely watershed event in the Presidential Address is something to the effect that, "despite the outcome of the Referendum last year, the Government remains committed in delivering on its promise of a new Constitution." I just want to suggest, with all the humility that I can summon, that I do not believe that the President was sincere in still thinking that this Government has a commitment to the process. In fact, his Government lacks the moral authority to jump-start the constitutional review process. It is a Government that has demonstrated high levels of intolerance. A good example is what happened last year. I have just said that we are a precedent-creating Parliament. I think this is good for our democracy and country. For instance, for the first time, there was serious debate and discussion touching on the matter of the composition of the House Business Committee. But just to demonstrate how intolerant this Government is, I was fired by President Kibaki, for which I thank him. But I did not have a right to be fired by the Government Chief Whip as well. I understand that the President has, within the current Constitution, prerogative powers to hire and fire. But my good friend, Mr. N. Nyagah, does not enjoy similar powers.

(Laughter)

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. I think the hon. former Minister should confine himself to duties that he knows best. Is he aware that the Chief Whip has the powers to hire and fire people?

An hon. Member: Who gave you those powers?

Mr. N. Nyagah: That is why I did it!

Mr. Deputy Speaker: Order, Mr. N. Nyagah!

Proceed, Mr. Musyoka!

Mr. Musyoka: Mr. Deputy Speaker, Sir, the House can now witness for itself the visible demonstration of intolerance by this Government, and the absolute arrogance that has been visited on this House. How I wish, personally, that elections were held today, so that the people of Kamukunji Constituency can rid this country of this level of intolerance! Let them enjoy every moment now. But the moment the general elections are called, this Government will be fired absolutely by the Kenyan people.

(Applause)

Mr. Deputy Speaker, Sir, there is lip service being paid to the matter and importance of the youth of this country. I want to congratulate the President for one thing; that he decided to give a job to a good friend. If this Government was able to look at that, we would sometimes be able to applaud. The retired Major Murugu, is today the Permanent Secretary in charge of the new Ministry for Youth Affairs. But I suspect that the good friend has absolutely no idea of what he really should do apart from the fact that he was the leader of the regional scouts. Of course, he

comes from Nyeri as well. That is a fact, but he is an able officer and the scouting fraternity congratulated the President on that appointment.

But having said that, let me hasten to add that, if this Government believes in the future and proper empowerment of the youth of this country, the first and fundamental duty for it to do, is to ensure that all the Kenyan youth aged above 18 years get their national identity cards. But what stories do we hear? The story is that forms are missing. The story is depressing. So, can we begin, for once, to make some moral commitment to the people of this country?

Mr. Deputy Speaker, Sir, the last point I want to make has to do with the fact that we must congratulate our athletes because they have done us proud. They have come back with six gold medals from Australia. They are the true embodiment of the fighting Kenyan spirit. In fact, they are part of the Kenyan dream which NARC(K) has stolen.

(Laughter)

Mr. Deputy Speaker: Order! Order, Mr. Musyoka! Your time is up!

Mr. Musyoka: Mr. Deputy Speaker, Sir, I oppose the Motion.

Mr. Muriungi: Thank you very much, Mr. Deputy Speaker, Sir, for giving me the opportunity to join my colleagues in commending His Excellency the President for his very eloquent Speech which, indeed, shows that our President is a real statesman. Although the Speech was delivered at a time when some people were expressing their frustrations, it was ably delivered.

Mr. Deputy Speaker, Sir, let me start by congratulating the President, first of all, for taking over the Chairmanship of IGAD, a regional body whose membership includes countries beyond the East African region. That reminds me of what the immediate former Chairman of IGAD, President Yoweri Museveni, said about the famine ravaging the eastern region of Africa. He said that this should be a matter of concern to all of us.

The Government has done a lot in distributing food to the affected areas. However, as we give food to people, their feeding habits should also be taken into account. When people are affected by famine, we should not just give them maize, beans and oil. Let us remember that there are other foodstuffs like bananas and potatoes which they can also be given.

The President of Uganda spoke of bananas which are rotting in his country because nobody can move them from Uganda to the hungry. So, we should try to find a way of ensuring that all available foodstuffs reach the hungry.

Mr. Deputy Speaker, Sir, I would also like to commend the Government for the way it is tackling corruption. Corruption in this country is like a cancer. It is like a disease which has been treated with a half dose of a drug and which has now developed resistance to that drug. The only way of curing this disease, which has developed resistance, is hitting the individuals who have been associated with corruption harder than they have been hit so far.

The President promised to increase the number of judges and magistrates. However, it is not enough to increase the number of judges and magistrates without increasing the number of courts dealing with corruption cases. The longer corruption cases remain unresolved, the higher the chances of corrupt individuals bonding with prosecutors to have the charges against them compromised.

It is, therefore, my appeal that the number of anti-corruption courts be increased. Allocating a corruption case a hearing date of some time next year would be a typical example of the saying in judicial circles, that justice delayed is justice denied.

Another way of reducing corruption is by planning recruitment. I have in mind the recent recruitment exercise conducted by the Kenya Police. The initial exercise had to be cancelled because of corruption. Money had to be paid for young men and women to be recruited into the

Police Force.

I am glad that, after the cancellation of the first exercise, the subsequent exercise went on smoothly. If such exercises are cancelled in future, once it is established that they are riddled with corruption, the malpractice will be eradicated or reduced.

Mr. Deputy Speaker, Sir, I would now like to talk about eradication of HIV/AIDS. Some briefcase community-based organisations (CBOs) have been formed by some leaders, and have been allocated money by the National AIDS Control Council. Although the money was meant for campaign against the spread of HIV/AIDS, the persons behind those CBOs have put it to their personal use. Therefore, such persons should be arrested and charged in court with corruption because the money allocated to their CBOs has not been used for the fight against HIV/AIDS.

Mr. Speaker, Sir, one way of reducing unemployment in this country is by empowering the youth through education. Once they are educated, the youth can seek employment even in other countries. Right now, there are so many young men and women who have travelled to South Africa and Botswana in search of employment. Therefore, the loan portfolio for university students should be increased, especially that for teachers who have enrolled for university studies through the parallel degree programme so that they can acquire internationally acceptable qualifications, which will enable them to seek employment outside the country.

Mr. Deputy Speaker, Sir, I would further like to thank the President for waiving registration fees for people seeking to acquire national identity cards. In the first place, it should not have been necessary for a Kenyan citizen to pay to be recognised as Kenyan.

Let the waiver of the registration fees not be the end of the support to the youth. We should harness their energy by offering them opportunities in sports. In the same breath, I would like to join my colleagues in commending our athletics team, which participated in the just concluded Commonwealth Games, for their excellent performance.

In his his Address, the President mentioned tourism as one of the leading income-generating sectors of our economy. As we all know, you do not milk a cow and fail to give it some food. Tourism is flourishing in Kenya but the roads which lead to tourism attraction sites are impassable. The roads that lead to Maasai Mara Game Reserve, which is a leading tourist destination in this country, are a shame to this country. Something should be done about the roads leading to our tourist destinations, including those leading to all the Game Parks and South Coast.

*(Maj. Sugow and Mr. J.M. Mutiso
were consulting while standing)*

Mr. Deputy Speaker: Order! Order! Maj. Sugow and Mr. J.M. Mutiso, I want to refer you to Standing Order No.85. You are not supposed to be standing as the business of the House progresses.

Proceed, Mr. Muriungi!

Mr. Muriungi: Mr. Deputy Speaker, Sir, the tourism sector earns this country a lot of money. It is, therefore, only fair that our visitors are driven on good roads to tourist destinations. The coastal region earns this country about 60 per cent of the total income generated by the tourism sector. Accessing the South Coast from Moi International Airport, Mombasa, is very difficult.

Therefore, there should be a way of accessing the South Coast direct from the airport, without having to go through the traffic jam in the City of Mombasa. The Government should think of developing a road from Moi International Airport direct to South Coast. Delays occasioned by traffic jams in Mombasa Island result in loss of a lot of money by players in the tourism sector.

The health facilities which we are putting up using the Constituencies Development Fund

(CDF) might turn out to be white elephants if the Ministry of Health does not post nurses to them. We should find a way of using the same CDF to employ staff for those health facilities, so that they do not become white elephants.

Mr. Deputy Speaker, Sir, let me finish my talking about the freedom of movement. Some strangers have found their way into this House. Even during last year's Jamhuri celebrations, a stranger---

Mr. Deputy Speaker: Your time is up, hon. Muriungi!

Mr. Muriungi: With those few remarks, I beg to support.

Mr. Deputy Speaker: Mr. Ahenda, the new hon. Member for Kasipul-Kabondo! I want to draw the attention of the hon. Members that this is the hon. Member's maiden speech and he should not be interrupted.

The Member for Kasipul-Kabondo (Mr. P. Ahenda): Thank you, Mr. Deputy Speaker, Sir. May, I, first of all, take this opportunity to inform the hon. Members that this is my first time to speak in Parliament and as such, I am not fully conversant with all the Standing Orders of the House. So, if I rattle any snake, please, protect me from the bite.

Let me start by thanking the people of Kasipul-Kabondo for overwhelmingly rejecting the candidate of the NARC Government of national disunity and electing me their hon. Member of Parliament. Particularly, I want to thank the women of Kasipul-Kabondo, who braved rains on the election day. Let me add that because of the overwhelming turn out of the women of Kasipul-Kabondo, I am here on that gender parity. Not all those who wear trousers are men. Women too wear trousers. On the same note, not all those who wear skirts are women. In Scotland, men too wear skirts.

At this juncture, allow me to pay some glowing tribute to the late former hon. (Member for Kasipul-Kabondo, the late Eng. Peter Owidi, for the time he spent in this House. I am the newest hon. Member of the House and I am more conversant and in touch with the people at the grassroots than most of my colleagues in this House because I have just arrived. The agenda on the ground is that the people of Kenya, overwhelmingly, are now represented in Parliament through the greatest mass movement ever seen in Africa, South of the Sahara and north of the Limpopo through the Orange Democratic Movement (ODM). I am here to represent the hon. Members of the Liberal Democratic Party (LDP). On that note, I would say that I am representing three-quarters of the Kenyan populace, who overwhelmingly rejected the Constitution under the ODM.

Mr. Deputy Speaker, Sir, during the Referendum, bribery was rampant and it came from the highest office in the land which bribed us with districts. We were given land and even animals in the parks and birds in the air. But after all these, Kenyans rallied behind the ODM. I am here representing the members of the that mass movement.

Yesterday, you must have seen our triumphant athletes arriving and triumphantly adorning the City of Nairobi with their medals. They were very happy for having made Kenyans proud. It is in only this Government that the losers are given gold medals. I have never seen such a scenario anywhere in the world. If Ministers were really worth their salt, the medals they are wearing should be given to us, the winners, on this side.

Mr. Deputy Speaker, Sir, allow me to comment on the Presidential Speech with regard to education. The corridors of Jogoo House have become corridors of confusion. I am talking about this as the hon. Member for Kasipul-Kabondo and a Member of the ODM through the LDP. Our education standards have fallen greatly due to the confusion that is at Jogoo House, which is manifested by tribalism. You will be lucky if you do not find that sometimes minutes in meetings in Jogoo House are written in vernacular. This is very strange. To this end, we should allow sanity to prevail upon us in order to reform our education standards.

Some years back, the hon. Members of this House had overwhelmingly voted against the 8-

4-4 system and they wanted to change it. What went wrong? Up to now, we have not changed the system. We should change the 8-4-4 system, so that our students who go abroad are not subjected to some pre-university entry requirements before they join any university.

Let me briefly talk about the Constitution. It is rather archaic and surprising that the Government still does not know why Kenyans rejected the Draft Constitution. If they do not know, here is the answer: Kenyans wanted the Bomas Draft Constitution and nothing else. Who is more eminent to make the Constitution that the Government wants to come up with other than the Wanjikus and the Atienos? The Wanjikus and the Atienos are the most eminent people in Kenya to tell us the type of Constitution they want. The Government should not come up with some hand-picked people along the streets of Nairobi and tell us that these are more eminent than the hon. Members of this House.

Mr. Deputy Speaker, Sir, on the issue of security, I would like to say that a hungry stomach knows no law. We should put the food on the table first and then give people laws that will govern our security situation in the country. There is a lot of food insecurity in this country and, therefore, there is no security. There are a number of people who are dying because of poor planning. There is food in other high potential producing areas of our country. However, to move the food from one point to another, you would have to go through red tape before that person in the other part of the country can access the food. We have heard about the insecurity in the North Eastern Province which my friends have complained about.

Could we first do something about putting food on the table before we move to other security issues? The people who engage in cattle rustling are actually hungry. They want food and jobs. Could the Government do something to ensure that people get food?

In my own constituency, the security situation has gone out of control because of unemployment of the youth. We cannot talk about the youth and good policies if we cannot employ them. I am shocked by this Government because people who retired many years ago are recalled to head the Ministry of Youth Affairs. Could we change our attitudes and ensure that the youth get identity cards (IDs)? If IDs were to be issued now, I can assure you that Kasipul-Kabondo would need to be sub-divided into three constituencies because registration will be overwhelming. Perhaps, this is one reason of keeping us down.

Mr. Deputy Speaker, Sir, let me now talk about agriculture. The people of Kasipul-Kabondo alone are enough to feed the entire Nyanza Province given proper agricultural inputs and planning. However, nobody has come with policies and plans on the ground that can make that potential constituency produce food even for the rest of Kenyans.

The growth that the President talked about in his Speech would be meaningless. Kenya is an agricultural country. I remember when I was a child there was a slogan of "back to the land". This thing got lost somewhere in between. Could we have a policy that will make people go back to the land and produce enough food for all Kenyans?

With those few remarks, I beg to support.

Mr. Deputy Speaker: Well done! I would like to congratulate the hon. Member for Kasipul-Kabondo.

The Assistant Minister for Labour and Human Resource Development (Ms. Mwau): Thank you, Mr. Deputy Speaker, Sir. I would like to, first of all, take this opportunity to inform the hon. Member who has just finished speaking that the women of this country will no longer be used to elect men to speak for them. We want women to speak for themselves. Moreover, gender is not about men. It is about the equal opportunities that men and women should access.

I stand to support the Motion and congratulate the President for his excellent Speech.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

The Assistant Minister for Labour and Human Resource Development (Ms. Mwau): Mr. Deputy Speaker, Sir, the President touched on very key issues that are affecting this country. In particular, he touched on the issue of drought and famine. He also talked of what the Government is doing to feed the over 5 million starving Kenyans. The Government has put a lot of effort by increasing the rations that people are getting. However, there is still need for more relief food. There is need for relief food in all primary and secondary schools because parents have very little to feed their children with.

This drought has affected Kenyans than ever before. The Kamba people are calling it *ndyaa una uu*. I come from the hills of Kilungu where we have never seen wells dry up but now they are drying up. Women are taking hours to look for water. They leave at 8.00 a.m. in the morning and come back at 8.00 p.m. in the evening because there is no water. Of course, the Government has tried to sink boreholes. They come up with water pans--

QUORUM

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

Mr. Deputy Speaker: Well, let me know how many hon. Members we have. Yes, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: Order, hon. Members! We now have a quorum. You may proceed, Ms. Mwau.

The Assistant Minister for Labour and Human Resource Development (Ms. Mwau): Mr. Deputy Speaker, Sir, before I was interrupted, I was saying that there is need for long term strategies to deal with the issue of drought. On the arid and semi arid (ASAL) areas, we are tired of getting relief food year in, year out. There is need to put in mechanisms to get water for irrigation. We need to do more on rain harvesting. All the big rivers; Athi and Tana Rivers, pass through Ukambani and there is, therefore, no reason why it should not be the buttress of this country. We are hard working and it is important that since the Minister for Water and Irrigation comes from Ukambani, this is his time. However, this is not to say that he should only concentrate in Ukambani but he should see that we have water so that we deal with the issue of famine.

The Ministry of Environment and Natural Resources needs to put in place mechanisms to curtail deforestation. Our environment has been degraded to an extent that our soils cannot sustain water. It is, therefore, important that this Ministry educates Kenyans on the need to protect forests and plant trees. People have cultivated near water wells and encroached the water catchments, no wonder we have no water. The Ministry of Agriculture in collaboration with the Ministry of Environment and Natural Resources should come up with laws and strategies to protect our water wells.

The President talked about the youth. It is important because 70 per of the population in this country is the youth. They are the leaders of today. They are no longer the leaders of tomorrow. It is, therefore, important to protect this sizeable population. They are more vulnerable to HIV/AIDS, particularly young girls who are lured into having sex by older men. They believe that if they sleep with a virgin, they will be cured of the HIV/AIDS. It is important that we protect our youth and especially young girls.

I am appalled because, in the last recruitment that was conducted by the Kenya Armed Forces, only one woman was recruited against 12 men. How did the young women who went for that exercise

feel? They turned out in good numbers but only one woman was recruited after every 12 men. That is unjust and unfair. We want the Sessional Paper on Gender and Equity to come to this House, so that we can address some of those issues. We will ensure equitable distribution of resources between men and women. There will no longer be jobs for men and jobs for women. What men can do, women can do better.

I want to talk about corruption. I would like to thank the President for appointing Ms. Karua the Minister for Justice and Constitutional Affairs. You can see how things are now moving. There are over 150 corruption cases in court. I request her to move quickly and ensure that those cases are concluded. We want our money back! Kenyans are sick of Anglo-Leasing. Kenyans are sick of Goldenberg. Kenyans are sick of corruption! It is being politicised! Kenyans want their money back. We are asking Ms. Karua to move in quickly and ensure that, that money is brought back. That way, our people who are suffering without food can have it.

Past, present and future corruption must be dealt with. We do not want those caught in corrupt activities to bring in the tribal angle. We are saying: "When you participated in corruption and "ate" the money, you were not doing so with your tribe. You were "eating" alone!" So, justice must be done. There is no need of making corruption a tribal issue. It is important that justice is done very fast. We are sick of the Goldenberg Scandal year in, year out. It needs to be concluded.

Mr. Deputy Speaker, Sir, I want to thank the President for appointing me an Assistant Minister in the Ministry of Labour and Human Resource Development. I am in charge of manpower development. I am not only in charge of men, I am also in charge of women-power. About 80 per cent of subsistence farming in this country is done by women. I do not agree to be in charge of manpower only.

Mr. Deputy Speaker, Sir, when the Sessional Paper on Gender Equity is brought to this House, we shall change our slogan; "For the Welfare of Society and just Government of Men", to, "For the Welfare of Society and just Government of Men and Women"!

Mr. Deputy Speaker, Sir, I am in charge of a very lucrative department - the *Jua Kali* sector. It employs over 500,000 people and contributes about 18 per cent of our economy. It accounts for 74 per cent of the jobs that are created annually. It is one of the departments that the Government needs to revamp. We require new technology. Land set aside for *Jua Kali* artisans has been grabbed. There is need for the Government to look at the Ndung'u Report and ensure that land belonging to *Jua Kali* artisans is returned to them. There is also need for the Government to increase money given to that sector. That is one sector that, if it is well managed, can deal with the problem of unemployment in this country.

Mr. Deputy Speaker, Sir, in conclusion, I encourage the team that was appointed by the President to look at the constitutional review process to go ahead with their work. Let us give them support. We have politicised the issue of Constitution making. We have even created myths about the new Constitution. There were people who went around the country telling men and women that, if the new Constitution was passed, women would go back to their homes and demand for land---

Mr. Deputy Speaker: Order, Ms. Mwau! Your time is up!

The Assistant Minister for Labour and Human Resource Development (Ms. Mwau):
With those few remarks, I beg to support.

Mr. Deputy Speaker: Proceed, Mr. Lesrima!

Mr. Lesrima: Thank you, Mr. Deputy Speaker, Sir. I want to congratulate the gracious lady who has just spoken. I agree with her that women are, indeed, marginalised, particularly by the Government. I know that she worked in Samburu District and she knows how marginalised the Samburu women are. I urge you to talk to your colleague in the Office of the President and request him to ask District Commissioners (DCs) to appoint women in the Food Distribution Committees.

The District Steering Group (DSG) in Samburu District is male-dominated. It has no women to distribute food.

Secondly, I would like to urge you to talk to your colleagues in the Government to appoint a woman Permanent Secretary an accounting officer. Why is the Permanent Secretary in charge of internal security the accounting officer for famine relief? There is a woman Permanent Secretary by the name Rachel Arunga. She is a Permanent Secretary without accounting powers. Let us not be told that we are waiting for the next financial year. The Permanent Secretary, Treasury can, by a stroke of a pen, appoint an accounting officer. We do not see any reason why men are dominating the distribution of food, other than *kukula hiyo chakula*.

Mr. Deputy Speaker, Sir, the agenda given to us by the President was very good. It targeted the improvement of the welfare of Kenyans. The agenda included irrigation, small and medium scale enterprises, micro-finance, deposit-taking and saving and co-operative societies. It also included information communication technology, cotton, sugar-cane and wildlife. All those are concerns of my constituents, and I am very happy about the President's agenda.

However, Mr. Deputy Speaker, Sir, there is a mis-match between the President's vision and that of the Executive. If you look at the agenda that has been given by his administration, it includes: The Kenya Maritime Authority Bill, the Retirement Benefits Bill, the Tobacco Bill, the National Museum Bill and the HIV/AIDS Bill. There is only one agenda that this administration has recognised in the vision of the President.

Mr. Deputy Speaker, Sir, I want to appeal to the Leader of Government Business to see what can be done so that he lines up the Bills which the President himself mentioned in his Speech so that we can begin to deal with issues affecting Kenyans. We also need to work a little bit more harder. We should extend our working hours so that we can cover those Bills that were mentioned in the Presidential Speech.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. I think it is good to set the record straight. There are several Bills that are yet to come through the House. He says that the Vice-President and Leader of Government Business has written to all Ministers and the Attorney-General for publication. They all cannot come in at the same time. So, in line with the President's Speech be assured that those Bills are coming.

Mr. Deputy Speaker: Mr. N. Nyagah, that is not a point of order but a point of information. I will have to ask hon. Lesrima whether he needed it. However, be that as it may, it is done.

Mr. Lesrima: Mr. Deputy Speaker, Sir, I thank hon. N. Nyagah for that clarification because indeed given the documentation that is already before us, the message that I got was completely different.

Mr. Deputy Speaker, Sir, we also need to do a lot of work in the Committees so that we speed up the passing of these Bills in the same manner we often pass Bills that are of great interest to us such as the Constituency Development Fund (CDF) and other Bills to do with our own welfare.

Mr. Deputy Speaker, Sir, I also want to mention something about drought. Clearly, the drought has affected the pastoralists in a very big way. I could say that it has turned pastoralists into internal refugees. I take this opportunity to thank the people of Central Kenya for hosting my people for the last two months and they have had no complaints at all. However, at the same time I wish to register my disappointment in the manner in which the Government is flushing out the pastoralists from Mount Kenya and the Aberdares when, in fact, the rains are yet to visit us. We have nowhere to go. If you drive us out of Central Kenya we will have no choice but to lose our animals.

Mr. Deputy Speaker, Sir, I also want to say that because of that severe drought it is not

possible for many of our children to go to secondary school. I wish to appeal to the Ministry of Education to increase the bursaries that are given because a number of the children are now out of secondary schools. If one cannot join Form One then he or she cannot qualify for a bursary.

Mr. Deputy Speaker, Sir, certain measures were taken to fight drought one of which was to grant Agricultural Finance Corporation (AFC) loans, but I must say that, that has very little impact because AFC loans tended to target the wealthy. For example, we are required to have title deeds and the capacity to purchase not less than 100 steers in order to obtain these loans. I must admit that my people have not been able to access those loans and I wish to appeal that the Government considers group loans and also facilitates the release of title deeds for the group ranches. We also want to appeal to the Government to increase abattoirs so that instead of depending on famine relief only we can also slaughter some animals and earn some money.

Mr. Temporary Deputy Speaker, Sir, I also want to touch on the question of security. I think there is something unpleasant going on in my constituency. There is selective disarmament which is not quite effective. We feel it is unfair for the Government to disarm the Samburu, who normally do not go raiding other communities and to leave our neighbours fully armed. The question of security requires some discussions with the people on the ground. There are reasons why people obtain arms. In 1996, they decided to defend themselves against a regime that was not protecting the people but when the new Government was elected and requested us to surrender arms, we did that voluntarily. We feel that we have disadvantaged ourselves by surrendering arms while our neighbours are not going to be disarmed.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to talk about cattle rustling which is related, of course, to availability of arms. Recently, in my constituency 3,950 goats and a total of 395 cows were taken away from 40 families and as of now, I believe about 50 cows have been recovered. However, the sad thing about these activities is that they happen when there is military presence in my constituency. In my constituency we have the army, General Service Unit (GSU) and police. Where do people get the courage to act with such impunity? The Government needs to investigate this matter to see if perhaps there is some kind of trade going on and I would like to recommend that the performance contracts of District Commissioners in that region should depend on how strongly they stop cattle rustling.

With those few remarks, I beg to support.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Thank you, Mr. Deputy Speaker, Sir. I wish to support the sentiments of His Excellency the President on the opening of this Session. I would also like to support the sentiments that were expressed by the hon. Speaker on that particular occasion.

Mr. Deputy Speaker, Sir, I think this House as an institution has a very big challenge and it has a serious credibility crisis. This House has an image crisis. As people look at us out there, they wonder whether we are performing as expected. This is the challenge that His Excellency the President raised that the expectations of our people are too high about this particular institution. So, how we conduct business and ourselves all adds up to the image of this particular institution. It does not matter whether we are from different political parties, or have different opinions on issues but I think we must understand that we have a corporate image which we must market out there to the people. When we were on recess, I heard my colleagues demand the reopening of the House. Failure to do so, they threatened to storm it on 14th February, 2006. They claimed they had very serious business to do. I remember making a statement somewhere and I said: "Give them seven days after the House reopens and there will be no quorum." Today was a very sad day. The Quorum Bell has rung twice. I do not know what Kenyan's think of us. Are we truly delivering what we should be delivering?

Mr. Deputy Speaker, Sir, it was a very sad occasion the other day when we had a debate on

the composition of the House Business Committee. The hon. Speaker kept asking us whether we understood the seriousness of that debate. If that Motion did not carry the day, this House would have proceeded to another long recess of six months unless His Excellency the President decided to prologue the House and recall it. I really wonder, if that Motion was not carried and we went home for six months, what message would we, as an important institution of governance in this country, have delivered to Kenyans?

Mr. Deputy Speaker, Sir, the question of Bills is a major issue. I have read the experiences of other Houses in the Commonwealth. It is the Chief Whips who are supposed to decide how long a debate should last. They should have meetings with their political caucuses and decide that so many hon. Members from their groups want to contribute, and they want to manage time effectively. So, by the end of the year, we can then boast of having passed about 20 or 30 Bills. However, I think there is mismanagement of time. There is also lack of consultation on issues that are very important. So, there is a challenge on the Chief Whips to be able to meet more often and manage Motions and Bills that come before this House. A situation where time is open ended, that even when we discuss the Reports of the Committees, somebody can discuss here an issue for days on end, it is unattainable and in bad taste. We should be able to understand that, at the end of the day, we are being judged by the number of Bills we are able to deliberate on and translate into law.

Mr. Deputy Speaker, Sir, we are still reeling from the effects of the referendum. There are many misconceptions about the referendum. Listening to hon. Members today talking about the Orange Movement and so on, I think the hangover is still there. The referendum was about a draft constitution. Once Kenyans made a verdict, the debate should have ended there. I have heard comments and sentiments expressed today that it was a victory for the Opposition against the Government. That is far from it. For those of us who have sense of history, the Orange Revolution in the Ukraine came to an end on Sunday, 26th March. That was hardly 14 months, with people having a lot of zeal, talking about the Orange Revolution. Seven months down the road, the Prime Minister was no longer in the office. In another 14 months down the road, the entire Orange Revolution came to an end. That is why we say, one day in politics is too long. Nobody thought that the revolution in the Ukraine, labelled the Orange Revolution would have lasted for only 14 months. So, to my brothers who are still reeling from the hangover of last year's Referendum, you better learn a lesson from the Ukraine, that the euphoria of Kenyans cannot last forever. I can assure you today, as you talk of winning an election, the euphoria of the Orange Movement is already over. Let us learn some lessons of history and move forward as a country.

Mr. Deputy Speaker, Sir, an issue was raised about the Constitution and the way forward. It is critical to realise that even after the referendum, the current Constitution is the source of authority in this country. The President of this Republic is the one who can exercise Executive authority under the Constitution. He can do so through his Ministers and other appointed officers. When I hear questions being raised about the Kiplagat Committee, I wonder whether people reckon there is a Government in place with a mandate from the people. There is also a Constitution in place, from where we derive the Executive authority to do business for our people.

After all the heat in the referendum, it was time for politicians to step aside and give way to other persons who can distance themselves from the passions of the day. The Committee of eminent persons should be given an opportunity to chart the way forward. There are many scenarios to think about. Do we really want a new Constitution now? Can we get a constitution on the so-called 80 per cent we have agreed on and continue to dialogue on other issues that are still outstanding? This is the time to make our submissions before that committee. At the end of the day, we shall require a new legal framework. That new legal framework can only be made by this House. So, whatever the Kiplagat Committee will come up with, at the end of the day, each one of us in this House will have an opportunity to make a contribution as to the road-map towards a new

Constitution.

Mr. Deputy Speaker, Sir, I would like to say something about the economy. If you look at the stock market and the accounts of corporates in this country, the profits are really attractive. However, the question I keep asking myself is: "Yes, we have made dramatic steps in terms of growth, with a GDP in excess of five per cent, but to what extent do these benefits percolate to the grassroots level? That is the challenge. I am happy that His Excellency the President was able to underscore that particular point. He said that the challenge we, as a nation, have today is to ensure that the benefits of growth reach the ordinary people at the grassroots level. That is why I welcome the CDF initiative. It is one vehicle that has taken the benefits of growth to the ordinary people. I wish we could look at other possible initiatives to empower our people at the grassroots level. Otherwise enriching corporates with profits, year in, year out, when our people continue starving from famine, poverty and unemployment, that remains a big challenge for us.

Mr. Deputy Speaker, Sir, I would like to say something about the way leaders make statements out there. A number of us, in fact, 26 of us, had the benefit of visiting Rwanda last year and we saw what hate speech can do to a country. Today many countries have ratified the UN convention against discrimination. They have also ratified the UN convention on the freedom of speech. One of the basic tenets in those two conventions is that hate speech is a criminal matter. It is time that this country looked around to domesticating the UN convention against discrimination and on the freedom of information and expression, to have a domestic legislation to criminalise hate speech. Today we are so ethnicised that when leaders speak wherever they are, they talk about their tribes and clans. So, the country has become so polarised along ethnic lines. We stand up to use language that is beyond the pill, to label others this or that. I would like us to borrow from countries like the UK, Canada, the US, South Africa, Australia and Rwanda. They have domesticated the UN conventions to an extent where they have a hate crime court. When leaders use hate language, it should not be published by the media. When the media publish hate speeches, then they are liable criminally. That is the point we need to get to. I hope that in the fullness of time, before the end of this session, the Government will be able to bring a Bill to regulate the publication of hate speech, and to criminalise it. We need to stay as brothers and sisters. We need to understand that the ethnic diversity we enjoy today is an aspect of creation which should be respected. It should not be used as a basis of discrimination. This House requires direction to that effect.

Mr. Deputy Speaker, Sir, finally, I hope that during this Session we will be able to have the land policy document tabled. There is a committee looking into this issue. One area of concern is the way we handle the squatter issues. We need a legislation to protect squatters in this country.

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

[Mr. Deputy Speaker left the Chair]

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

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity you have given me to comment on the Presidential Speech. The Speech had a few good things here and there, but he also left out a lot. Generally, most issues were not adequately addressed.

One of the things that this House needs to address seriously is its calendar. We were on recess for four months. We were very unfair to the citizens of this country. The House is at the mercy of the President. He can decide to open or close it at his discretion.

Mr. Temporary Deputy Speaker, Sir, time has come for the Keter Bill to be brought to this House,

so that we can decide when to go on recess and when to resume. We will be unfair to the citizens of this country who elected us to Parliament if we do not do that.

Mr. Temporary Deputy Speaker, Sir, insecurity is causing a lot of anxiety amongst Kenyans. I do not see any difference between what the police is doing to those who settled in the forests and what is done by thugs. I was terrified to see what happened in the name of land clashes. Does this Government not have a more civilised way of evicting people from forests? Must it go out of its way and burn houses? What future does this reflect to our children who watch televisions and see their parents' houses being torched by police. What is the difference between that and what happened in Rwanda?

This morning hon. Wamwere suggested that some of us should watch a certain movie. I have watched that movie. What is the difference between what is in that movie and what the police was doing to citizens of this country in the name of evicting them from forests? What is the difference between that and what the late Amin Dada's soldiers used to do to the citizens of Uganda? I think the Government must come up with better ways of evicting its citizens, if they settle in a place they are not supposed to settle in. The Government should not burn houses and destroy the property of citizens. It is very unfortunate that it has happened. The Government is actually terrorising its own citizens.

Many Kenyans, including hon. Members of this House, have talked about the invasion of the KTN and the Standard Media Group. That was tantamount to terrorism. The only time I saw hooded armed people on a television screen was when terrorists hijacked a plane in the Arab world and kidnapped its passengers. Those were the only images of hooded terrorists I saw on TVs, otherwise I see others in movies. But people who claim to be police officers and servants of the people hooded themselves in order to terrorise unarmed civilian, who were doing their duties. Yet, we still assume that the Government is law abiding. The Government has to do something about this matter. The Government is claiming that it wants to cleanse or improve its image. I do not know how it will do so. It should do something to change what is in the minds of children who saw what they did to their parents' houses in the forest.

Mr. Temporary Deputy Speaker, Sir, there are these "Armenians" in this country, who sometimes become Indians, Czech or Russians. These people have committed a crime openly in this country. Concealing a number plate of a vehicle is a traffic offence. It was shown by TVs and we saw them doing that, but nobody has arrested them. When will these people be arrested for concealing the number plates of the vehicles they travel in. All over the world, it is a crime to do that. It is a crime, whether one is in Dubai, Armenia, Czech Republic, USA or Kenya. It is a crime to conceal number plate of a car you are travelling in. Even His Excellency the President himself does not do that. How come that these foreigners conceal the registration numbers of the cars they travel in and nobody says a word about it? And we still insist that we are law abiding people!

Mr. Temporary Deputy Speaker, Sir, we have famine in this country because of drought. The Government is saying that the food that it recently distributed to people affected by famine was locally acquired. That means we did not import food. Well and good. But where was this food when people were dying from hunger? Who kept it until a few people died from hunger? Why was the Government storing food in its silos until Kenyans died from hunger? Is there really, proper planning in this country? Does anybody care? It is sad to see Kenyans dying of hunger on our television screens.

Mr. Temporary Deputy Speaker, Sir, if you go to the affected areas, you will see people dying of hunger. It is such a painful death and yet someone is keeping food in stores! Farmers have maize in their stores. The House Departmental Committee on Agriculture, Lands and Natural Resources went and saw a lot of maize. Farmers were queuing to sell their maize but no one was willing to buy it. This was just because someone in Nairobi had not authorised its purchase while

Kenians were dying of hunger! I do not know whether anybody in the Government cares about the welfare of our people.

Mr. Temporary Deputy Speaker, Sir, in his opening Address His Excellency the President said something about the sugar industry. The sugar industry has been mentioned a number of times in his speeches and in the Budget Speech, but very little has been done for it. The COMESA safeguard period is ending in just about a year or so from today. But there is nothing on the ground that has been done by the Ministries of Agriculture and Finance and Kenya Sugar Board to make us survive when the COMESA safe-guard period ends. The President keeps talking about it every now and then when he makes a speech. Why does he repeat things that are not dealt with. The Government is not promoting the diversification of the sugar industry. Mumias Sugar Company is producing electricity, but is paid peanuts by the power company, KenGen. It adds its electricity to the national grid. That means Mumias Sugar Company and other sugar milling companies are being discouraged from producing electricity to add to our national grid, yet when drought strikes we do not have enough power. The Government is not keen on developing the sugar industry. Diversification of the sugar industry in terms of production of alcohol, which is done by M/s Spectre International in Kisumu and M/s Agro-Chemicals in Muhoroni, is not encouraged. These two companies suffer a lot. They pay very heavy Excise Duty on the alcohol they produce. They find it difficult to export their product. This Government even goes out to verify who exports alcohol from Kenya. What the hell does the Government have to do with who buys our alcohol?

With those few remarks, I beg to support.

Prof. Maathai: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to thank His Excellency the President, for his excellent Address. I want to remember the fact that we had and still have a prolonged drought in this country. Many of our people and animals have died. Many of us were involved in mobilising support in the form of food for the affected people. We also had animals trekking long distances and ending up in forests in the Central region, in an effort to survive. I want to believe that, that drought taught us something. I am encouraged by the fact that many hon. Members have told me they want to do active tree planting in their respective areas. That is the only way to save our people and manage our environment.

There is an hon. Member who spoke earlier and said that animals were moving to the Central region and had to enter Mount Kenya because there was nowhere else to go. Let us remind ourselves that two-thirds of this country is arid, semi-arid and desert. That is a lot of land which is almost wasted because it is virtually desert and very unproductive, as far as subsistence agriculture is concerned, or even for grazing. However, I have never understood why we do not invest in rehabilitation of the arid and semi-arid areas. I do not understand why we do not harvest rain water.

Rains finally came, and they are still coming. Most of the water, after it rains, runs downstream, getting to the hydro-electric dams down the Tana River and to the lakes. This is almost ironical. People look at us and remember that a few months ago, we were begging for food. Now, the rains have come, yet we are not harvesting rain water. That does not make sense. Sometimes, I wonder what it will take for us to realise that rain water is a major resource that should be harvested. We also saw our people getting animals into forests and also trying to cultivate there. Forests are some of the few areas which are still wet and fertile. But, if we destroy the remaining forests, we will be literally killing ourselves. We should be working towards enhancing forests. People keep on saying that the *shamba* system is a good thing, but the *shamba* system is a bad thing. We should be trying to cultivate the two-thirds of our land, especially arid and semi-arid areas. We should make sure that on the one-third of our land which is arable, where we have most of our agricultural production, we protect the soil by making sure that we have terraces, benches, and trenches so that we can harvest rain water and prevent it from taking our soil.

Our country is one of the richest in the world, and one of our best natural resource is the

soil. However, it seems as if we are determined to do everything possible to make it disappear, for instance, in the way we make the roads. I see the bulldozers going up the roads and tearing the sides and when the rain comes, the soil is carried down into the streams. I wonder why we prefer to have exposed soil, making it possible for the rain and wind to take it away and when we are faced by drought, we go round the world begging for food from countries which grow their food only for six months, because in the rest of the months they experience winter. I want to emphasise the point on drought by encouraging hon. Members and commend them for the interest they have shown in protecting our environment. I am sure that the Ministry of Environment and Natural resources and the organisations it is associated with, will do anything to support us. I will do everything within the time I have, to support your efforts at the constituency level to protect our environment. It is the best thing we can do for ourselves.

I want to say that as part of the Government, I get embarrassed sometimes when I see ourselves going into forests and evicting people as if they are foreigners in this country. We know those people are there. We watched them as they settled and allowed them to settle. Therefore, when we want to remove them, we have to remove them with compassion. We must put a human face to eviction. We cannot be seen to be burning people's property, simply to protect a forest which when you look at keenly, there is none because it was destroyed a long time ago. What we should do is to find a way of settling those people. I know that Mr. President is very concerned about settling squatters. We have to find land, settle those people, then re-engage in re-forestation. In fact, we can use the same people to do re-forestation. However, I get embarrassed when I see the Government moving into the forests to evict people in the name of protecting forests which are already destroyed, and making children cry because their houses are burning.

Recently, I looked at Mount Kenya. Those who have seen Mount Kenya of late, know that there is very little ice left. The glacier has melted to an extent I have not seen before. That is the same situation on Mount Kilimanjaro. There was an article recently in the newspapers, that highlands have warmed up by 0.5 per cent. That, according to the author, was encouraging mosquitoes to move to the highlands and thrive there, bringing about the new phenomenon of highland malaria that has become quite frequent. When you look at the mountains and see the glaciers melting, we must consider ourselves endangered. Climate change is a reality. The barometer that is being used in this region is the melting of the ice on our mountains. So, we need to do everything we can to save the situation.

Finally, I want to appeal to our people, especially those who formed the NARC Government and given the mandate in 2002, for forgiveness and reconciliation. I also appeal for us to be humble, for us to respect each other and rediscover the trust we had when we started, so that we can give ourselves a chance to give good leadership that our children and our grandchildren need. We have been observed both locally and internationally, and people are alarmed at how fast we lost the goodwill that Kenyans had given us. I think it is important for us to learn how to respect each other and accept dialogue. I am quite sure that at the end of dialogue, a sense of forgiveness and respect for each other is what will help us to restore the confidence and the good will Kenyans had for all of us. Therefore, as we move towards what appears to be a very unstable time, it is important to be careful about how we treat, talk to each other and talk about each other, and give each other the respect we deserve. We should understand that if we give each other respect, the public will also respect us. I know this is the appeal the President called us to practice. I want to call for a peaceful reconciliation in our country, especially among our leaders.

With those few remarks, I beg to support.

Mr. Kimeto: Thank you very much, Mr. Speaker, Sir, for this opportunity.

The Presidential Speech can assist this country if it could be implemented. In his Speech,

the President said that the Gross Domestic Product (GDP) of this country has grown while people in the rural areas are dying because of famine. What can we do to ensure that this growth of the GDP reaches the village so that villagers do not die of hunger?

Mr. Speaker, Sir, the Minister for Sports, Mr. Kamanda, welcomed the athletes who returned from Australia, and that is the only way we can motivate our sportsmen and women. If those in authority could exploit the talents in the youth, then this country will be marvelled by others. If you appreciate what the youth do, like hon. Kamanda did by showing them respect, sooner or later, we will have youth with diverse knowledge in different activities which will be appreciated worldwide. We need to find ways of exploiting the talents of our growing youth. This country has a population of 33 million people. Out of this, about 20 million are youth but they are jobless. They are useful and their talents should be tapped. We should use money from the Constituencies Development Fund (CDF) to help them. But we cannot use money from the CDF to help the youth because it is not allowed by law. Why do we not do away with this law to allow money from the CDF to be used to assist the youth in developing this country? If we do not do that, the same youth will soon vote out the Government.

Most of the youth have kept their degrees at home and are idle. What is the President and leaders of this country doing to help the youth? This Government promised Kenyans that they were going to create 500,000 jobs each year. What are they doing to achieve this goal? It is simple because if the Government implements what hon. Members say in this House, this country can employ more than one million or even three million people if they allocate some money in the Budget for the youth in the same way we are allocating money for the CDF.

Mr. Speaker, Sir, last year, we passed a Motion where the funds from the Fuel Levy Fund should go directly to the District Roads Board. But up to now, this has not been implemented to enable the Kenya Roads Board to disburse the money directly to the constituencies. This would have enabled hon. Members to employ some youths to do the roads and bridges. This would have also helped to create over 2 million jobs. If the money can go directly to the constituencies and we allow hon. Members to use it to the best of their ability, sooner or later, very many people would have been employed. The President would then only have asked every hon. Member what they have done with the monies given to them.

Mr. Speaker, Sir, we should implement what we have adopted in this House. We do not want to be passing Bills and Motions here yet they are not being implemented. Agriculture is the backbone of this country. I wonder when we say that Kenya is an agricultural country yet people in North Eastern Province are dying of hunger. We should ask ourselves: If Mr. Kimeto was the President, would people surely die in this country when we are an agricultural country? Why do people have to die in this country? Why do we spend money to import food instead of spending Kshs4 billion right now on every constituency so that they can produce enough food for domestic consumption? Why does the Head of State have to wait until some people die of hunger? The Minister for Agriculture should be here to listen to us! We should teach these Ministers on the way forward and how to assist Kenyans! We should not allow people to die of hunger in this country. If we look at Egypt, the Egyptians are using barrier lakes to grow wheat in their own country using water from Lake Victoria. Why do we not block the same rivers to produce food before that water reaches Egypt? This will enable Kenyans to live better lives.

Mr. Speaker, Sir, recently, the Ministry of Health disbursed money to districts and it was misused by the Medical Officers of Health (MOHs). Why do we not disburse the money directly to the constituencies and allow hon. Members to hold consultations with the management committees of the health centres and dispensaries on how to use it properly? This Government knows how to tax its citizens, but it does not know how to serve them. That way, every Kenyan will soon have access to good health care.

Mr. Temporary Deputy Speaker, Sir, I wish to talk about the constant complaints against traffic policemen who demand for *kitu kidogo*. You can create a lot of jobs in this country if only you could have traffic policemen on the roads with magistrate courts nearby. The moment a person is arrested for committing a traffic offence, he should be charged immediately. Why should the police lock up persons for too long in cells just because they have committed traffic offences on the road? By the time these offenders are charged in court, the Government has already spent a lot of money on them. Why can the Government not employ some more magistrates? There are too few magistrates in this country to handle cases affecting the 33 million people in this country. There must be a magistrate in every traffic police station.

In other districts there are no judges. For, example, in Bomet District, there are no judges. There is no High Court in Kericho District. Why do you not employ more judges so that cases can be expedited and Kenyans served well?

There are so many Law graduates from our universities, but they have not been employed. Why can the Government not employ them? The moment you ensure that there are enough magistrates to handle traffic offences, things will run smoothly the way this Government intends them to run.

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

The Assistant Minister for Housing (Mrs. Tett): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this Motion.

The President, in his Speech, challenged us by telling us that we are not working hard enough. I agree with him because we must really pass laws in this House in order to be at par with other African countries, or even overtake them. Our core function here is to pass Bills. There are very many challenges ahead of us and we must soldier on as one unit and one country. We must, therefore, improve our performance in this House. As a supreme organ of the State, we must be united and support each other. We must not be partisan, biased or bear personal suspicions, hatred and mischief.

Mr. Temporary Deputy Speaker, Sir, a lot of us have talked about the youth. Indeed, we should talk about them because they are the leaders of tomorrow. For the first time in the history of Kenya, we have the Ministry of State for Youth Affairs. This Ministry is long overdue because the youth really need to be supported.

The other day, we went to see a women's football match between Kenya and Djibouti. Our girls performed wonders. They scored six goals against zero. These girls should be supported because they do not have enough resources. These are the leaders of tomorrow and they are trying to do something for this country.

Mr. Temporary Deputy Speaker, Sir, there is, equally, a very talented lady called Conjestina Achieng. She has won many boxing titles; in fact, more titles than the male boxers in this country. However, she is really demoralised. Even look at the place where she does her training. We really need to support our youth. I, therefore, wish to take this opportunity to tell hon. Members that Ms. Conjestina Achieng will be fighting an American lady next Saturday, in the afternoon, at the Moi International Sports Centre, Kasarani. As a Government, we should be there to support her because she has done a lot for this country. No matter what tribe she comes from, she has done a lot for this country. I am urging the Minister for Gender, Sports, Culture and Social Services who is very gender-sensitive to look for ways and means to support this lady. She can even be given uniforms so that she does not feel demoralised.

Mr. Temporary Deputy Speaker, Sir, today I was encouraged to hear that our President has increased the remuneration for our athletes from Kshs300,000 for gold to Kshs500,000; from Kshs200,000 to Kshs300,00 for silver and from Kshs150,000 to Kshs200,000 for bronze. This is

what we are talking about. We should appreciate these people. We should show them that we love them and that whenever they go out they will at least have some food on their table when they come back home. This is very commendable.

I would also like to touch on the issue of the youth who are in the music industry. In Sweden, music is the second biggest foreign exchange earner apart from the Nokia phones because they protect their musicians and their youth who want to become musicians. A lot of piracy goes on in this country. Some of these musicians grow old and die poor. They do not even have somebody to bury them because the moment they release a hit record into the market it is pirated and the poor musician gets nothing. If we are really serious, we should look at all these areas where our youth can benefit. I am quite sure a lot of our youth can concentrate on athletics because they will get something out of it and, in the music industry because the Government will protect them. This way they will be self employed. There are so many things these youth can do. If you switched on your radio today and all you heard is discussions and no music you would be so bored. Why do we not appreciate these people?

Mr. Temporary Deputy Speaker, Sir, this House needs to adopt very strict laws to protect this industry which is one of the biggest industries in the world today. We can also export our music. We can do a lot with music if those found to be pirating it will be made to face the law. Today when arrested they are taken to court and told to pay a fine of Kshs1,000 or Kshs2,000 and that is the end of it. We should empower the youth of this country.

Mr. Speaker, Sir, without the youth of this country, we are doomed. We should not say that they are the leaders of tomorrow. They are leaders even today. We also need to encourage women. We are very few in this House. There is no woman working as a provincial commissioner. We have eight provincial commissioners, but none of them is a woman. We urge the people who do all those things to look at the plight of women. I am sure that there are many women who can be very good PCs in this country. We are told that Mrs. Mwatela is now the Acting Governor. Why should she be acting? She is capable of steering the Central Bank of Kenya (CBK). But since she is just a woman, you will hear that somebody else has been appointed to that position. It is time to recognise the youth and women of this country. When we are appointing people even at the lowest level, for example, the chiefs; how many women chiefs do we have? Is it that they are not capable? They are capable and highly educated, but they are not appointed! I urge everybody, even you Members of Parliament, to consider women when there are openings in the constituencies. Without all of us together, we are doomed as a country.

With those few remarks, I beg to support.

Mr. Khamisi: Bw. Naibu Spika wa Muda, ahsante sana kwa kunipa nafasi hii. Waswahili walisema: "Mvumilivu hula mbivu!" Nimevumilia tangu jana na sasa, nashukuru kupata nafasi hii.

Bw. Naibu Spika wa Muda, wakati Rais alitoa Hotuba yake, alizungumzia kuhusu Katiba. Alisema kwamba ameteua kamati itakayoshughulikia maswala ya Katiba. Nafikiri kwamba Rais hakupewa ushauri bora katika jambo hilo. Wakati tulipiga kura ya maoni na sisi upande wa chungwa tukashinda, ilitumainiwa kwamba tutarejelea kielelezo cha Bomas kilochotokana na maoni ya wananchi, taarifa na ripoti mbali mbali. Ingekuwa kazi rahisi kwa Bunge hili kushikilia usukani wa kusukuma jitihada hizo. Lakini kwa kutoa kazi hii kwa kamati au jopo kutoka nje--- Namheshimu sana Bw. Bethwell Kiplagat kwa sababu alikuwa Katibu Mkuu wangu katika Wizara ya Mambo ya Nje. Lakini naona kwamba hali hiyo ni hali ya kupotosha wananchi wa Kenya. Ningeomba kwamba jitihada hizo zirudishwe mikononi mwa wananchi wenyewe, badala ya kuwekwa chini ya mikono mwa jopoo lenye watu ambao hawakuwako tangu mwanzo, katika harakati za kutengeneza Katiba mpya.

Bw. Naibu Spika wa Muda, ningependa pia kutilia mkazo swala la ardhi ambalo sikulisikia likitajwa katika Hotuba ya Rais. Swala hilo ni nyeti sana katika nchi hii. Linafanya wananchi wetu

kutaabika, kufukuzwa na kuchomewa manyumba na Serikali ambayo haitilii maslahi ya wananchi maanani. Ikiwa Serikali hii haiwezi kushughulikia swala la ardhi wakati huu, naona hatari zitakazokuja siku zijazo! Zinaweza kuadhiri utawala na shughuli za maendeleo katika nchi hii. Tumeona mambo hayo yakiadhirika katika nchi za Zimbabwe. Tumeona msukosuko kule Brazil na katika nchi zingine ambazo zimepuuza maswala ya ardhi.

Tukizungumzia ripoti mbalimbali ambazo zimetengenezwa na Serikali - kama vile *Goldenberg* na *Anglo Leasing* - na ambazo zimetajwa hapa mara nyingi, ningependa kurudia na kusema kwamba kuna umuhimu kwa Serikali kutekeleza Ripoti ya Akiwumi.

Bw. Naibu Spika wa Muda, ni zaidi ya miaka mitano sasa tangu michafuko ya kule Likoni ilipotokoea. Na tangu wakati huo, hali ya maisha katika sehemu ile haijarejea jinsi ilivyokuwa kabla ya mashambulizi hayo. Tunajua wazi kwamba ripoti ilitengenezwa na baadhi ya watu waliotajwa wako katika Serikali hii kama Mawaziri. Sielewi kwa nini Rais anaweza kuteua watu wanaojulikana wazi na ambao wametajwa katika ripoti za Serikali, kuwa ni watu ambao wanachochea hali ya kutokuwepo na amani.

Bw. Naibu Spika wa Muda, nikizungumzia kuhusu elimu, ninashukuru Serikali kwa kutekeleza elimu ya bure. Lakini kwa sababu ya kufurika kwa wanafunzi katika shule za msingi, kimefika wakati ambapo kuna umuhimu wa kuendeleza elimu ya bure katika shule za upili. Haina maana yoyote kuelimisha watoto wengi, maelfu na maelfu, ambao baada ya miaka minane hawana tena la kufanya. Hakuna polytechnic ambapo wanaweza kuchukuliwa na hakuna mipango yoyote ambayo inafanywa na Serikali kuweza kuwatumia vijana hawa kwa njia bora za maendeleo ya nchi hii. Kwa hivyo, ni muhimu kwamba elimu ya shule za upili itolewe bure halafu tuangalie ni watoto wangapi ambao wataweza kufaidika katika mambo ya elimu na waweze kupata nafasi ya kuendelea na kuingia katika vyuo vikuu.

Bw. Naibu Spika wa Muda, ningependa kuzungumzia juu ya taarifa ambayo imetolewa na Waziri wa Habari kuhusu kuajiri Wazungu kutekeleza mauzo ya nchi hii katika nchi za ng'ambo. Ninaona kwamba hatua hii ni haribifu, inaturudisha nyuma na itaendeleza ufisadi katika Serikali. Ninasema hivi kwa sababu niliwahi kufanya kazi kama ofisa wa habari katika ubalozi wetu katika nchi za ng'ambo.

Ninajua kwamba wako maofisa ambao wana ujuzi na nafasi bora za mafunzo za kuweza kutekeleza kazi. Na watafanya hiyo kazi kwa sababu wanaifanyia nchi yao. Watakuwa na moyo na bidii, badala ya kutoa pesa nyingi kuandika Wazungu ambao hawana maslahi ya nchi hii katika akili zao.

Kinachotakikana ni kwa Serikali kutoa vifaa vya kutosha kwa maofisa wetu wa kibalozi walio ng'ambo, kuwapa marupurupu yanayofaa kulingana na marupurupu yanayotolewa na nchi nyingine ili kuwapa uwezo wa kuuza nchi hii katika nchi za ng'ambo. Lakini ikiwa tutaanza kutajirisha Wazungu ambao, kusema kweli, hawahusiani na nchi hii, tutakuwa tunafanya makosa makubwa. Kwa hivyo, ninamwomba Waziri wa Habari afikirie tena shauri hilo ili tupate kufunza maofisa bora katika nchi hii na kuwapeleka nje wapate kufanya kazi hiyo.

Kuhusu mambo ya kazi, ningependa kusema kwamba unyanyasaji katika mashamba yetu makubwa unaendelea. Katika mashamba ya kahawa, majani chai, mikonge, na mengine, wafanyakazi wanaishi maisha mabovu. Wanadhulumwiwa kikazi, wakiwa wagonjwa hawashughulikiwi na kampuni hizo, na wanapata malipo duni. Hii ni aibu kubwa. Hii inaonekana kama utumwa mamboleo ambao unatokea katika mashamba yetu.

Mimi ningemwomba Waziri ambaye amekuja hapa mwaka baada ya mwaka akituahidi kwamba atarekebisha sheria, za wanfanyi kazi kuwezesha mambo haya yaweze kurekebishwa afanye hivyo bila kukawia. Mpaka leo, Waziri yule angali anapiga usingizi. Tunataka tumuamsha na tumwambie kwamba wakati wa kuangalia masilahi ya wananchi wa Kenya umefika.

Nimefurahishwa na hatua ya Serikali ya kutangaza kwamba itafufua kiwanda cha Kenya

Meat Commission (KMC) hapa Nairobi. Nafikiri hili ni jambo nzuri. Wananchi wamekuwa walingojea hatua hii kwa sababu wafugaji wamekuwa wakipata shida kubwa sana ya ukosefu wa soko la nyama na mifugo yao.

Hata hivyo, ningependa pia kuikumbusha Serikali kwamba kiwanda cha KMC kilichoko Mombasa bado kimefungwa. Ingekuwa bora kwa Serikali wakati inafikiria kukifungua kiwanda cha Nairobi, pia ifikirie kukifungua kiwanda cha Mombasa ili wafugaji wapate soko.

Naikumbusha tena Serikali kwamba tunazo kampuni ambazo zilifungwa wakati wa utawala uliopita na mpaka leo hazijafunguliwa. Moja ya kampuni hizo ni Kiwanda cha Korosho cha Kilifi. Ahadi za Serikali za kukifungua kiwanda hiki zimekuwa ni tupu. Ningependa Serikali ianze kufanya kazi na kutekeleza ahadi zake ilizotoa wakati wa uchaguzi ili kampuni hii ya Kilifi na kampuni za sukari na maziwa kule Kwale na Mariakani zipate kufunguliwa.

Bw. Naibu Spika wa Muda, nilimsikiliza kwa makini mhe. Mathaai akijaribu kuwatetea wanyama-mwitu na misitu badala ya kuwatetea binadamu. Kuna msitu wa Arabuko Sokoke katika sehemu yangu ya uwakilishi Bungeni. Msitu huu umejaa ndovu ambao wanawasumbua na kuwahangaisha watu wangu. Ningependekeza msitu huo ukatwe nusu ili wananchi wapate kuitumia ardhi hiyo badala ya kuwepo maskwota kila mahali.

Kwa jumla, Hotuba ya Rais ilikuwa ni mchanganyiko wa mambo pocho pocho. Lakini natumai kwamba pengine kuongoza vyema na kutimiza ahadi zake.

Bw. Naibu Spika wa Muda, kwa hayo machache, naunga mkono.

Mr. Muriithi: Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to contribute on the Presidential Speech.

Whilst appreciating the growth of all the sectors of our economy as outlined in the Speech, I still strongly feel that there are areas where the Government needs to put more effort. Last year, we were told in this House that we have 15,000 Kenyan students in Uganda pursuing A-Level education. I do not see the reason why the Government cannot reconsider our 8-4-4 system of education. The increasing number of students going to Uganda to pursue A-Level education is a clear indication that they are not satisfied with the system of education in this country. I thank the Government for providing free primary education. But if you cook food, you must be prepared to eat it yourself, or have enough visitors to eat it. The Government is educating pupils free of charge up to Standard Eight and the results are wonderful. However, when they cannot pursue secondary education, it beats the logic. The same applies to university education. When the minimum entry points to universities are raised and over 400,000 students are cut off, where does the Government expect them to go? The Government should encourage private high schools and universities and not ask for high tax quotations that hinder people from starting such institutions. What does Uganda do to attract most students from other parts of Africa? Kenya should be able to do the same, so that our children can access education locally.

Mr. Temporary Deputy Speaker, Sir, last year, I requested the Government to convert Mombasa port into a free port. We were told plans were on the way to do so. Why has it not been done? It worries me to see Kenyans flocking to Dubai to buy wares, including vehicles. As a result, there are many goods in the country which were imported from Dubai. It, therefore, means that Kenyans are prepared to buy wares and bring them to Kenya, so that they can attract other traders in Africa. We will gain even through tourism because traders will be paying some fees when they visit the port. The traders are now moving to Turkey to purchase merchandise from there. I am so worried because Turkey does not buy anything from Kenya, but we flock to that country to buy clothes. When will the Ministry of Agriculture revive our cotton sector to avoid this trade imbalance?

Mr. Temporary Deputy Speaker, Sir, we have so many people living on the road side. I can say with a lot of authority that in Nyeri, we have about 18,000 families living on the road side. This

is now the time for the Government to revert to the village concept and improve it very fast. This is where the people will live together, have lighting, clean piped water, clinics, schools and other essential facilities provided by the Government.

Mr. Temporary Deputy Speaker, Sir, I am sure that most of the people who live on an acre or a half an acre or two acres or three acres, should be prepared to move to such improved villages to allow for communal funding system to provide for people living in a village. If able bodied people are on the road side, begging, what happens with people with disabilities?

I cannot remember when I last saw accounts of funds of organisations which deal with the welfare of people with disabilities being displayed publicly. I have not seen any funds being disbursed to the disabled people. Some of these organisations have a lot of buildings from which they collect a lot of funds in rent. What is happening to these organisations? Could their accounts be published so that we, leaders, can know what happens with their funds?

Mr. Temporary Deputy Speaker, Sir, the President said that the Government will bring to this House a Bill to provide for free healthcare to Kenyans. I agree with that proposal. However, even the resources being directed to healthcare right now are not being well-managed. In Nyeri District, we do not even have functional maternity clinics.

How can we expect to have free healthcare for all Kenyans if the labour wing at Nyeri District Hospital is not functional? The maternity wards have collapsed. Expectant mothers in that district have to seek alternative venues for delivery. Some of them go to Karatina District Hospital or to private hospitals.

Mr. Temporary Deputy Speaker, Sir, they cannot afford to pay for maternity fees because it is very expensive. A single delivery in a private hospital will cost Kshs50,000. When an expectant mother is due for delivery she must be rushed to the nearest private hospital. Therefore, the Government cannot convince us that there will be free health services for all Kenyans if the existing public healthcare institutions are not operational.

Even the clinics we have put up using the Constituencies Development Fund (CDF) money are not operational because there are no medical personnel. No medical supplies have been supplied to those clinics. So, before promising Kenyans free medical care, the Government should, first, improve the existing medical infrastructure.

Mr. Temporary Deputy Speaker, Sir, even as I speak, I am concerned about the security situation in the country. The so-called mercenaries even challenge people holding the highest offices in this country. Even Government Ministers are nothing to them. I was surprised the other day when one of the alleged mercenaries dared the Commissioner of Police, who has the best trained dogs in this country, to go and arrest him.

He said: "Even if the Police Commissioner himself tries to jump over the fence to my house to arrest me, I will set my dogs on him." Who is protecting these people? Kenyans are tired! Therefore, these people should be deported back to their countries. Otherwise, we should be told the kind of business they are doing in this country.

It is inconceivable that a white person, who does not even hold a proper passport can stand up on Kenyan soil and challenge the authorities: "Try to arrest me. I have the best trained dogs, which I brought from Dubai. I will set them on you." I have better dogs than his. He should dare me and I will go to Runda Estate and challenge his dogs.

With those few remarks, I beg to support.

(Laughter)

Mr. L. Maitha: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I wish to comment on the Presidential Speech. I am one of those who never had the

privilege to be physically present on that day as I was out of this country on Parliamentary business.

First of all, the Speech looks very good. However, all along, speeches of this kind have been good, but the difference is on the implementation on the ground. In his Speech, His Excellency the President has given us hope on the performance of the economy. The economy has grown from 2.8 per cent in 2003 to 4.3 in 2004 and to 5 per cent in 2005. That is very good. Again, in his Speech, he has stated that the manufacturing and the export sectors have expanded and everything is on an uphill trend. But what is the situation on the ground? This Speech as good as it is, is too elitist. It is for the consumption of the rich. The people who already have money are the ones who are going to understand this Speech. People in the villages and in shanty towns will only understand the growth of the economy when the price of a packet of unga will go down from Kshs50 to Kshs20. They will only understand that the economy has grown when the price of petrol will go down from Kshs70 to Kshs40 per litre. People understand issues in terms of the cost of living.

So, what is happening? Our economy is growing and the cost of living is also growing. Where are the profits accruing out of the growing economy going? This means that there is something wrong. It means that the effect of the growth is consumed by a few individuals. This is an indication that there is something wrong with the way our Government makes decisions. It is a decision that affects a few people.

Mr. Temporary Deputy Speaker, Sir, when this Government came into power, there were a lot of chaos and it was supposed to address specific systemic deficiencies, for example, land problems. Land distribution had been taken to the highest level of corruption during the previous regime. How much has this Government done? Today, we are talking about food insecurity and hunger. Among other issues, the land problem is one of the causes of hunger. How much has this Government done to address land issues? It tried during the referendum to dish out a few title deeds, but this was about politics. Where is the Minister for Lands now? I do not think we have one. We have an acting Minister for Lands. When hon. Kimeto was speaking, he gave an example of Egypt. I was in Egypt two weeks ago and I was surprised to see people who have never seen rain. I talked to a 50 year old man who told me that he can even come to Kenya as a tourist to see rain. He has never seen rain. In Cairo, it has never rained for the last 50 years.

Yesterday, I was in the market buying oranges and I was ashamed to learn that I was buying Egyptian oranges at Kshs50 per orange. I was ashamed to buy Tanzanian oranges at Kshs15 per orange. Why do we import foodstuffs from a country that has never seen rain for the last 50 years? We have famine in Kenya. This is a natural calamity, maybe, due to factors that are beyond our control as a Government, but what are we doing to stop famine in the future?

Mr. Temporary Deputy Speaker, Sir, the President in his Speech has said that so far the Government has spent well over Kshs5 billion out of its money, donor money and other contributions. He also said that up to June, 2006, we need about Kshs6.3 billion to fight the hunger. Why do we need to spend so much money on relief food yet we have two major rivers; Athi and Tana Rivers passing there? What are we doing in these two valleys to stop future hunger like what the Egyptians have done with The Nile? Egypt has a population of Kshs74 million and they have never seen hunger for the last ten years. They are even exporting wheat and milk to Kenya with only one river. We have so many rivers. Why can this Government not make the right decisions? In their next Ministry allocations, they should allocate enough money to the Ministry of Water and Irrigation so that we sink dams and establish viable and major irrigation schemes to fight hunger. I do not want to pre-empt the next Budget allocations but I am sure that we might see again, the most needy areas getting the least allocations. That has been the trend in this country and that is how we want to develop.

We have achieved a lot of progress as far as education is concerned. We appreciate the free

primary education. It has assisted parents and today, every Kenyan, who is of primary school age, can access education. That is a credit to the Government. However, it should sit down and assess the effects of that free primary education. What is the quality of education we expect if one teacher is supposed to teach a classroom of 200 pupils simply because primary education is free? The Government should, therefore, have some counter planning. We expect this Government to come up with a proper policy of employing teachers. This Government has never employed teachers for the last three or four years. We are only replacing those who have left the service through natural attrition. We have never employed new teachers. Today, the quality of primary education is very poor simply because teachers, first of all, cannot handle the work load. Secondly, they are frustrated because of the pay. Here is a frustrated man because you are paying him peanuts and you are telling him to teach 200 pupils in one class. Nobody can handle that!

Unless this issue is addressed, we are not going to reap the benefits of the free primary education. It will remain a political tool to tell Kenyans that we offered free primary education and it will never be translated into actual gains in the population. We urge the Government to do something about this.

Mr. Temporary Deputy Speaker, Sir, there is something else that is related to this issue and it is the health sector. I am a member of the Constituencies Development Fund (CDF) Committee of this House. I have, therefore, had the privilege of moving around the country inspecting various constituencies. I would like to congratulate hon. Members because we have seen a lot of progress. As much as there is a lot of politics that the CDF is not doing anything, we have seen that this country is being transformed. There is a lot of infrastructural development, education and health. However, another problem is coming up; manpower. In two years, we have built so many dispensaries and they are not manned. District hospitals have drugs but there is no personnel.

In next year's Budget, we expect the Government to address this issue. Otherwise, we are wasting public money and it will not be translated into actual gains to our people. We need more medical personnel to man those institutions in order to give Kenyans value for their money.

The Temporary Deputy Speaker (Mr. Poghiso): Mr. L. Maitha, your time is up!

Mr. L. Maitha: Well, Mr. Deputy Speaker, Sir, I would have wished to talk more. However, with those few remarks, I beg to support.

Dr. Manduku: Thank you, Mr. Deputy Speaker, Sir. Let me also say a few words on the Presidential Speech. The Speech was very elaborate. It had the programme of what needs to be done to develop this country. We should also congratulate the President for keeping the peace in this country.

Mr. Temporary Deputy Speaker, Sir, the President should be commended for allowing democracy in this country. Unfortunately, some people want to abuse that democracy. We should support that democracy. In that respect, I would like to say that, because of good management by the President and the Government, a lot of development has been realised within the last two years. That development is more than what we have realised in the last 40 years since Independence. You can see what has been done in our rural areas today.

Mr. Temporary Deputy Speaker, Sir, we should commend the introduction of the Constituencies Development Fund (CDF). At least now, people can say that the Government has done something for them. There are places where we never saw rural access roads. Those roads are now being rehabilitated by funds from CDF. Some schools did not have classrooms built using bricks. In many areas, school children were infested with jiggers because of dusty classrooms. Jiggers harbour and reproduce in the dust. As such, we used to have children with deformed feet. I am talking as a doctor now! If you look at their toes, they are deformed. But with the CDF, we are, at least, able to build classrooms without dust. We now have staff rooms. We also have some *mabati* structures which were not there before.

I think that is as a result of the good management by this Government, even if some people are not happy. Those who are not happy are jealous. They want to bring them down. They want to be in the same position. For example, how many Presidents do we have in Kenya today? Everybody says: "I am President so and so!" The other day, I saw one president from the Coast Province. *Wazee wa kijiji kule walikuwa wanamvalisha vitambaa na kumwambia*: "You are the president of the Coast Province".

The Temporary Deputy Speaker (Mr. Poghisio): Order! What language have you decided to use?

Dr. Manduku: I apologise, Mr. Temporary Deputy Speaker, Sir. I will continue my contribution in English. *Unajua*, because those people at the Coast Province speak in Kiswahili, I wanted to imitate them. But, I cannot! Let me continue.

The Temporary Deputy Speaker (Mr. Poghisio): Then, why are you still mixing the two languages?

Mr. Temporary Deputy Speaker, Sir, I can now continue. So, I want to say that so many of those presidential candidates in every constituency are misleading our people until they think that we do not have a Government. The generosity of our President---

The Temporary Deputy Speaker (Mr. Poghisio): Order! Why are you going on along that line of our President?

Dr. Manduku: I am sorry, Mr. Temporary Deputy Speaker, Sir. There are so many presidential candidates. People in the village do not understand who a presidential candidate is since they think he is a president and that is why I referred to that term. However, the main presidential candidates who are roving all over the country are misleading our people. In this respect, development is being reduced. Therefore, I want to say that let us respect authority and elected people.

Even in the Bible leaders were appointed by God and we cannot change it. Even if one came today and ran all over the country the president will be one. Therefore, let us support the Government and do everything possible to develop this country. If we continue at this rate, in another ten years Kenya will be a very different country.

Mr. Temporary Deputy Speaker, Sir, I commend the Chairman of the CDF Committee for bringing another Motion to increase the CDF funds to 7.5 per cent yesterday. If we use the 7.5 per cent for another two to three years, Kenya will be a different country. I think we need to support it. In other words, we should support the idea that the Kenya Roads Board (KRB) funds should be increased and allocated to the CDF because we are now able to manage those funds in the constituencies. Because of poverty I think the Government should be able to add more bursary funds to the secondary schools and even in the universities. The little 5 per cent in the CDF is not adequate to educate our children because we need manpower in this country. We do not want illiterate people and, therefore, we want these children to go to school so that we can have hard working skilled people in the future.

Mr. Temporary Deputy Speaker, Sir, I am talking from experience as far as our hospitals are concerned. We have a big problem. Much as I know the Minister for Health has tried as much as possible to make things start working but staffing is impossible. Two days ago I visited one of my health centres where deliveries take place. There are about 10 to 15 beds and patients come in an emergency state at night and yet they have got only one clinical officer. This clinical officer also doubles as an administrative officer and comes at 8 o'clock and leaves at 5 o'clock. What happens to emergency cases which come at night and there are no good roads to take them to the district hospital? They have no ambulance. So, I think it is a matter that we should look at very seriously and we should spend a bit of our money to train nurses, doctors and health officers to manage our hospitals. Sometimes we sympathise.

Mr. Temporary Deputy Speaker, Sir, I want to talk about what has befallen this country recently which is famine and drought. It will continue occurring. At least, we should have a programme on how to be self-sustaining. I am happy the Minister for Agriculture is here and listening. I want to commend him for what he is doing but I think we should be self-sufficient in food production. There are many areas in this country which are very productive but the kind of farming we practice in these areas is dubious. If the Government and the Ministry of Agriculture came up with a system to support those farmers in those areas where land is vast-- I am talking about land in Eldoret and Kitale. I have no land there but those people with land there tell us that they can produce anything. Go to Narok here and you will get high quality maize and beans. Therefore, farmers in these areas should be supported to supplement those areas which are hit by drought perennially. Those areas which experience severe drought like the North Eastern Province should also be supported through various programmes. Most communities in those areas are pastoralists. Therefore, the Government should come up with programmes to develop pastoralism. Since agriculture is practised in the very fertile parts of this country, we should increase production, so that we help people living in the dry parts of this country.

Mr. Temporary Deputy Speaker, Sir, on the other hand, people living in the ASAL areas are renowned pastoralists and, therefore, they should sell their animals to us. There should be that kind of exchange. By so doing, this country will be self sufficient in food production. Famine will be a thing of the past. Unfortunately, this year, famine hit the citizens of this country very hard. If we focused on such programmes, we would be able to sustain ourselves rather than depending on donations from other countries.

Agriculture is the backbone of the existence of our people. We must make sure that our people have sufficient food. We recently witnessed a very pathetic state where animals and human beings were dying in large numbers because of persistent drought. This should be a thing of the past in this country.

Mr. Temporary Deputy Speaker, Sir, I also want to comment on the issue of electricity. Electricity is very important in the development of any country. In those areas that small scale industries can blossom, electricity should be supplied, so that our people manufacture various items locally. If we do this, we will reduce importation of some very simple implements and equipment, that we can manufacture locally. So, the Ministry of Energy should fully implement the Rural Electrification Programme (REP) in the country, so that quite a number of our people benefit and become self-employed.

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

The Assistant Minister for Roads and Public Works (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I stand to support the Presidential Speech on the official opening of this Session of Parliament. A lot has been said by various hon. Members of Parliament on the contents of the Presidential Speech.

Mr. Temporary Deputy Speaker, Sir, I would like to remind hon. Members, where we are coming from. If you look at the economic state of this country when NARC took over, and when His Excellency the President became the third President of the Republic of Kenya, and how far we have moved for the last three years, I would expect every hon. Member standing here to compliment the President for a job well done. It is not possible to do everything and rectify mistakes of yesteryears within one year. It is not possible to deliver on election pledges in a short period of one to two years. That is not practically possible. This is what hon. Members should really appreciate,

that even the City of Rome was not built in a day. As we all know, the City of Rome took a long time to be built, but, to date, it is a historical city.

Mr. Temporary Deputy Speaker, Sir, when the President enumerated in his Speech all that has been

done and what is to be done this year, all the legislative measures that Parliament must undertake this year, so that the country can move forward, the challenge was left to us, hon. Members, to pass the necessary Bills so that this country develops. We should be addressing the issue of how to pass all the Bills that will be presented in this House this year. Instead of mourning about what has not been done, we should be able to give direction to the Government through legislation. Once the Bills pass through this House, the Government has no choice, but to use the Bills, which are Acts of Parliament to run this country. Once Parliament is in Session, and there is a need for hon. Members to address certain issues, that is---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghio): Order, hon. Members! Eng. Toro, you have a balance of eight minutes.

Hon. Members, it is now time for interruption of the business of the House. This House is, therefore, adjourned until tomorrow, Thursday, 30th March, 2006 at 2.30 p.m.

The House rose at 6.30 p.m.