

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 17th April, 2003

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DEFERMENT OF ORAL QUESTIONS

Mr. Deputy Speaker: Hon. Members, today there are many Questions. I wish to direct that we will defer all the ordinary Questions. These are Questions Nos.297, 296, 295 and 294, so that, this afternoon, we will deal with Questions by Private Notice only. Therefore, we want to ask hon. Members who had put those Questions to bear with us. I would like to ask Ministers who are ready with the answers, to understand that we have a very heavy schedule today. We will defer them to the first sitting day when we resume, assuming that we will go on recess. So, let us now move to Question No.1 by Private Notice.

Question No.297

CASH WITHDRAWAL FROM MERU
BARCLAYS BANK BRANCH

(Question deferred)

Question No.296

HEALTH CARE PRACTITIONERS TO
HANDLE GENDER VIOLENCE VICTIMS

(Question deferred)

Question No.295

MEASURES TO BOOST TV TRANSMISSION
IN KIBWEZI

(Question deferred)

Question No.294

REHABILITATION OF CHEPALUNGU
WATER SUPPLY

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

PRESENCE OF FOREIGN
ARMIES IN LOKICHOGGIO

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

- (a) Is the Minister aware that the integrity and security of Kenya is compromised by the presence of foreign armies in Lokichoggio?
- (b) What urgent measures is he taking to secure our borders?

Mr. Deputy Speaker: Is Mr. Ethuro not here. We will leave his Question until the end. Let us move on to the next Question.

Dr. Galgalo: On a point of order, Mr. Deputy Speaker, Sir. You know that hon. Members are not aware of the fact that we have done away---

Mr. Deputy Speaker: No! Members are aware that the Session starts at 2.30 p.m. Let us move on to the next Question by Mr. Mahamud.

UPGRADING OF KHOROF-HARAR
POLICE PATROL BASE

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

- (a) Is the Minister aware that Wajir East Constituency, which covers 15,000 square kilometres, has neither a police post nor a police station outside Wajir Township?
- (b) When will the Minister upgrade Khorof-Harar Police Patrol Base to a police station, considering its vast distance from Wajir Police Station, located 160 kilometres on the Kenya-Somali border?
- (c) When will he provide transport and permanent houses for police staff at Khorof-Harar to enable them to work effectively and efficiently?

Mr. Deputy Speaker: Is Mr. Mahamud not here? We will leave his Question until the end. Let us move on to the next Question.

RELIEF FOOD FOR GUCHA/
MIGORI CLASH VICTIMS

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

- (a) Is the Minister aware that there are clashes between Gucha and Migori districts where several lives have been lost and several people displaced?
- (b) What plans does the Minister have to provide emergency relief food to the victims and compensate the families of those whose lives have been lost and property destroyed?

Mr. Deputy Speaker: Is Mr. Omingo not here? We will leave his Question until the end. Let us move on to the next Question.

ROLE OF CACCS

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

What is the purpose of Constituency AIDS Control Committees (CACCs) since the HIV/AIDS funds are now being channelled through the Community Based Organisations (CBOs)?

Mr. Deputy Speaker: Is Mr. Obwocha not here? We will leave his Question until the end. Let us move on to the next Question.

INSECURITY IN MATUNGULU DIVISION

(Mr. M. Maitha) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that there is a spate of systematic raids and robberies in Matungulu Division of Kangundo Constituency, where recently, the houses belonging to Messrs. Mbondo, (Dr.) Mulinga, Muindi, Mbatha Ndilu and Thomas Munyaka were broken into and property worth millions of shillings stolen?

(b) Is he further aware that the house of the area Member of Parliament was broken into by robbers on the night of 10th, February, 2003 where the family members were seriously injured and household goods stolen?

(c) Could he state what goods have been recovered in all the incidents in "a" and "b" above, and how many suspects have been arrested as a result?

(d) What is the Minister doing to ensure that security prevails in the area?

Mr. Deputy Speaker: Is Mr. M. Maitha not here? We will leave his Question until the end. Let us move on to the next Question.

DESTRUCTION OF ST. PETER'S SCHOOL CLASSROOMS

(Mr. Mukiri) to ask the Minister for Education, Science and Technology:-

(a) Is the Minister aware that roofs of two classes in St. Peter's Girls' Day Primary School in Elburgon, Nakuru District, were recently blown off by the wind?

(b) Is he further aware that, as a result, over 200 pupils are, at the moment, learning in the open?

(c) What is the Minister doing to address the situation as the rains are around the corner?

Mr. Deputy Speaker: Is Mr. Mukiri not here? We will leave his Question until the end. Let us move on to the next Question.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. Could I ask what Questions you are calling because I did not hear my name?

Mr. Deputy Speaker: Is it on the Order Paper?

Mr. Koech: It is on the Order Paper as an ordinary Question!

Mr. Deputy Speaker: I do not quite understand what you are talking about!

Mr. Koech: Mr. Deputy Speaker, Sir, I have heard you calling Members of Parliament who have Questions on the Order Paper, but I did not hear my name being called and yet, I have a Question!

Mr. Deputy Speaker: But I deferred all ordinary Questions!

Mr. Koech: Sorry, Mr. Deputy Speaker, Sir! I did not hear that!

Mr. Deputy Speaker: Very well! Now you have heard! Let us move on to the next

Question by Mr. Ngoyoni.

COMPENSATION TO LAISAMIS FARMERS
FOR LOSS OF LIVESTOCK

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Resources Management and Development the following Question by Private Notice.

(a) Is the Minister aware that in the year 2000, about 7,000 animals comprised of goats, cattle, camels and dogs died en masse after drinking water from Korgi Borehole?

(b) Is he further aware that the deaths were as a result of activities of Amoco Oil Exploration Company that left behind poisonous chemicals that were swept into the well by the *El Nino* rains?

(c) What action has the Minister taken to safeguard water points and also ensure that the affected farmers are compensated?

Mr. Deputy Speaker: Is anybody here from the Ministry of Water Resources Management and Development? We will leave this Question until the end. Let us move on to the next Question.

CLOSURE OF MUMIAS SUGAR COMPANY

Mr. Oparanya: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture and Livestock Development the following Question by Private Notice.

(a) Is the Minister aware that Mumias Sugar Company has been closed for the last three weeks because of a strike by the tractor drivers and the reduction of sugar-cane price from Kshs2015 to Kshs1750?

(b) What action is he taking to ensure that the factory is opened?

(c) Who will compensate the farmers for the sugar-cane, which has already been harvested and is not collected?

Mr. Deputy Speaker: Is anybody here from the Ministry of Agriculture and Livestock Development? This is very serious! We will leave that Question until the end. Let us move on to the next Question.

ELECTRIFICATION OF GARISSA TOWN

(Mr. H.M. Mohamed) to ask the Minister for Energy:-

(a) Is the Minister aware that Garissa Town and its environs has a serious electricity problem?

(b) Is he also aware that on 26th March, 2003, there was a blackout for more than 48 hours in the whole town, including the Provincial General Hospital and water supply services?

(c) What plans does the Minister have to connect Garissa to the national grid since the town has been depending on very old generators?

Mr. Deputy Speaker: Is Mr. H.M. Mohamed not here? We will leave his Question until the end. Let us move on to the next Question.

ALLOCATION OF AMAPTICH PRIMARY
SCHOOL LAND

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) What urgent measures is the Minister taking to safeguard pupils and teachers of Amaptich Primary School, who are threatened with eviction, after their school ground was allocated to private individuals?

(b) Could the Minister cancel the allocation of the school land to the individuals?

Mr. Deputy Speaker: Is anybody here from the Ministry of Lands and Settlement? We will leave that Question until the end. Let us move on to the next Question.

REDUCTION OF GRAZING FEES
IN FOREST RESERVES

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Environment, Natural Resources and Wildlife the following Question by Private Notice.

(a) Why has the Ministry levied exorbitant and punitive fees of Kshs42 per cow per month for grazing in the forest reserves?

(b) Could the Minister consider reducing those charges from Kshs42 to the previous rate of Kshs3 per cow per month in order to cultivate the goodwill of the people in helping to conserve the forest reserves?

The Minister for Environment, Natural Resources and Wildlife (Dr. Kulundu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Although forests are not specifically managed to provide pasture, the grazing fee of 30 cents, and not Kshs3, was fixed on 12th December, 1941, to enable communities around the Elgeyo District forest to use them in times of extreme drought. That fee has been progressively increased over the years to the present Kshs42 per cow per month in accordance with Section 15, Subsection 7 of the Forest Act. That fee is not exorbitant nor is it punitive.

(b) The forest user fee is fixed every year after extensive consultations with the local community. The reduction of the current user fee from Kshs42 per cow would lead to a massive influx of livestock in the forest. That would, in turn, lead to environmental degradation through soil erosion, interference with natural regeneration and depletion of the inherent bio-diversity and habitat.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I thank the Minister for his answer. The Minister is aware that members of the local community were not consulted when the new grazing fee was levied in February this year. Members of the local community have been paying a grazing fee of Kshs3 per cow up to the beginning of this year. In 1942, the grazing fee was three cents per cow, and was raised to Kshs3 per cow in 1970.

Mr. Deputy Speaker: Mr. Chepkitony, you are just giving us a lecture. Ask a question!

Mr. Chepkitony: Mr. Deputy Speaker, Sir, the management of forests cannot succeed without the involvement of local communities and their participation. Could the Minister consider consulting members of the local community with a view to arriving at a reasonable grazing fee? Kshs42 is too high for the members of the local community, who are small-scale farmers.

Mr. Wetangula: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to continue giving us a lecture instead of asking a question?

Mr. Deputy Speaker: Mr. Chepkitony, I have cautioned you several times. Could you please ask your question or we discontinue debate on this Question?

Mr. Chepkitony: Mr. Deputy Speaker, Sir, could the Minister consider suspending the current grazing levy? He should consult members of the local community with a view to arriving at a reasonable levy.

Dr. Kulundu: Mr. Deputy Speaker, Sir, as I have said in part "a" of my answer, my Ministry has absolutely no intention of turning forests into pastures. It is also not true that up to the beginning of this year, members of the communities around forests were paying a grazing fee of Kshs3 per cow.

In fact, revision of this levy is done on a yearly basis. It is done on 30th June every year. For example, in 1998/99 the fee was Kshs33 per cow, in the year 2001/2002 it was Kshs40 per cow, and this year, it is Kshs43 per cow. The fee has been increasing over the years, but after close consultation with members of the local communities.

Mr. Kaindi: Mr. Deputy Speaker, Sir, from what the Minister has said, it appears that there is selective application of the fee. The hon. Member has requested that the fee per cow be reduced because of the poverty which is experienced in the area. Could the Minister explain to the House what criteria he uses to determine at what stage he decides to lower the fee to Kshs20 or Kshs40 per cow?

Dr. Kulundu: Mr. Deputy Speaker, Sir, in fact, forest destruction is a major cause of poverty. If we allow people to graze their animals in our forests, this will lead to soil degradation and, therefore, increase poverty among Kenyans. I want to emphasise that this fee is normally arrived at after consulting members of the local communities living around forests throughout the country. The fee is applicable throughout the country.

Mr. Rotino: Mr. Deputy Speaker, Sir, the Meteorological Department has announced that there will be drought later this year. Some of us come from areas where there are small forests. Could the Minister consider reducing the grazing fee to, at least, Kshs10?

Dr. Kulundu: Mr. Deputy Speaker, Sir, it is true that we have been warned that we may experience severe drought later this year. This is the basis on which cattle and sheep have always been allowed to graze in forests. Under severe drought conditions, we will allow Kenyans to graze their cattle in forests where there may be pasture. The issue of reducing the grazing fee should not arise because we also need to raise money in order to replant destroyed forests.

Mr. Poghiso: Mr. Deputy Speaker, Sir, when a man is in charge of forests, his sympathy for cows tends to diminish or vanish. Livestock will die in the dry areas. Could the Minister consider working very closely with the people who are concerned with livestock development? He should seriously consider allowing people to graze their livestock in the forests free of charge or at a reduced fee. We are talking about livestock and the livelihood of a people. Could the Minister consider giving the issue a special consideration for the sake of the pastoralists?

Dr. Kulundu: Mr. Deputy Speaker, Sir, there is no intention whatsoever of turning our forests into grazing lands. But should the drought be so severe that it threatens the livelihood of the pastoralists, we shall give the issue due consideration.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, is the Minister aware that grazing in the forests is not done throughout the year? People graze their livestock in the forests only during the dry season. There is no way in which cattle could destroy forests. If the Minister is aware of this fact, could he reduce the grazing fee?

Dr. Kulundu: Mr. Deputy Speaker, Sir, I agree with Mr. Chepkitony that the necessity for grazing animals in forests only arises during dry seasons. This is an annual fee, and if Mr. Chepkitony so wishes, he should encourage his constituents to graze their cattle to the forest during the rainy season.

Mr. Chepkitony: On a point of order, Mr. Deputy Speaker, Sir. This is a monthly fee and not an annual fee.

Mr. Deputy Speaker: That is not a point of order. It is a point of argument.

Dr. Kulundu: Mr. Deputy Speaker, Sir, we have allowed people to graze their animals in the forests only during drought severe conditions. The fee covers a year, and Mr. Chepkitony is welcome to encourage his constituents to graze their animals in the forest, but only after they have paid a grazing fee of Kshs42 per cow.

Mr. Deputy Speaker: I will call out Questions by Private Notice for the second time. Mr. Ethuro's Question.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I apologise for coming late.

PRESENCE OF FOREIGN
ARMIES IN LOKICHOGGIO

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

(a) Is the Minister aware that the integrity and security of Kenya is compromised by the presence of foreign armies in Lokichoggio?

(b) What urgent measures is he taking to secure our borders?

The Assistant Minister Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, the Minister had requested that he answers this Question himself, and I hope he will have arrived before we are through with the Questions.

Mr. Deputy Speaker: Mr. Ethuro, what do you have to say? The Assistant Minister has requested that the Question be deferred.

Mr. Ethuro: Mr. Deputy Speaker, Sir, we might be going on recess today, and this is an issue that touches on the security of our people. The Question may be deferred, but in the meantime, the Minister should give me an appointment, so that we can sort out the issue.

Mr. Deputy Speaker: But surely, do you expect to get an appointment in the Chamber? Mr. Assistant Minister, I think you have heard what Mr. Ethuro has said. I want to emphasise the fact that Questions by Private Notice, in accordance with Standing Order No.36(2), are of urgent nature, and should be answered within two days following the giving of their notice. The Speaker approves them on the basis of their urgency.

Mr. Assistant Minister, be it as it may, the hon. Member is agreeable that the Question be deferred. In the meantime, since the Question touches on the security of our people, you should discuss with him how to handle the situation.

Mr. Poghiso: On a point of order, Mr. Deputy Speaker, Sir. This is no longer Ethuro's Question or the Assistant Minister's Question. By definition, a Minister is a Minister, including the Assistant Minister. When we are told that we have to wait for another Minister when there is an Assistant Minister--- Considering that this is a situation which is causing tension at the border, could we not consider having either the Leader of Government Business or some other Ministers here to answer the Question since the answer is there?

Mr. Deputy Speaker: But Mr. Poghiso, the Assistant Minister has no answer! Even if we give the Leader of Government Business a chance to answer this Question, he has no answer. Let us conclude the matter by asking the hon. Member to discuss it with the Assistant and see how they can resolve it. Is that okay, Mr. Ethuro?

Mr. Ethuro: Mr. Deputy Speaker, Sir, it is okay. I appreciate your guidance on this matter. I hope that the Assistant Minister will consider the seriousness of the matter, given the fact that we are talking about 40 kilometres inside our border and our people are not safe.

Mr. Deputy Speaker: Mr. Assistant Minister, what do you have to say about that?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I will discuss this matter with the hon. Member with a view to resolving the problem.

Mr. Deputy Speaker: Very well! Mr. Ethuro, you still reserve the right to bring the matter back to the House if it is not fully resolved!

UPGRADING OF KHOROF-HARAR
POLICE PATROL BASE

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

- (a) Is the Minister aware that Wajir East Constituency, which covers 15,000 square kilometres has neither a police post nor a police station outside Wajir Township?
- (b) When will the Minister upgrade Khorof-Harar Police Patrol Base to a police station considering its vast distance from Wajir Police Station located 160 kilometres on Kenya-Somali border?
- (c) When will he provide transport and permanent houses for police staff at Khorof-Harar to enable them work effectively and efficiently?

Mr. Deputy Speaker: Is Mr. Mahamud not here? He is not here! We will drop that Question!

(Question dropped)

RELIEF FOOD FOR GUCHA/
MIGORI CLASH VICTIMS

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

- (a) Is the Minister aware that there are clashes between Gucha and Migori Districts where several lives have been lost and several people displaced?

- (b) What plans does the Minister have to provide emergency relief food to the victims and compensate families of those whose lives have been lost and property destroyed?

Mr. Deputy Speaker: Mr. Omingo is not here and, therefore, his Question will be dropped!

(Question dropped)

ROLE OF CACCS

(Mr. Obwocha) to ask the Minister of State, Office of the President what is the purpose of Constituency AIDs Control Committees (CACCS) since the HIV/AIDs funds are now being channelled through the Community Based Organisations (CBOs)?

Mr. Deputy Speaker: Similarly, Mr. Obwocha is not here! His Question is dropped!

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. I am sorry I did not tell you in advance that Mr. Obwocha lost his step-mother, and he had to attend to the matter. Please, defer that Question because you had deferred it three times earlier on.

Mr. Deputy Speaker: Very well, if it a question of death, I will defer the Question!

(Question deferred)

INSECURITY IN MATUNGULU DIVISION

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

- (a) Is the Minister aware that there is a state of systematic raids and robberies in Matungulu Division of Kangundo Constituency where recently, the houses belonging to Mr. Mbondo, Dr. Mulinga, Mr. Muindi, Mr. Mbatha Ndilu and Mr. Thomas Munyaka were broken into and property worth millions of shillings stolen?

(b) Is he further aware that the house of the area Member of Parliament was broken into by robbers on the night of 10th February, 2003 and family members were seriously injured and household goods stolen?

(c) Could he state what goods have been recovered in all the incidents in parts "a" and "b" above and how many suspects have been arrested as a result?

(d) What is the Minister doing to ensure that security prevails in the area?

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

(a) Yes, I am aware that the people mentioned, except Thomas Munyaka, were victims of robberies that took place between 8th February and 14th March, 2003, and property of unknown value was stolen.

(b) I am aware.

(c) Two motor vehicles, an Isuzu and a Nissan Sahara pick-up have been recovered and a total of nine suspects arrested.

(d) Efforts are still on-going to track-down all the suspects who have been involved in the robberies. Adequate security measures, including enhanced foot and mobile patrols which have been put in place are already having a positive impact on the security of the area.

Mr. M. Maitha: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for his answer, I dispute the fact that after the armed robbers raided the house of the hon. Member, they went and broke into the house of Mr. Munyaka and injured his wife and dependants. Because of insecurity, many people in Kangundo spend sleepless nights because of the armed gangs which terrorise them. Could the Assistant Minister send Flying Squad officers to Kangundo Constituency to flush out those armed gangsters?

Mr. Tarus: Mr. Deputy Speaker, Sir, we shall contact the OCPD of the area with a view to addressing the problem adequately.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is aware that the home of the hon. Member of Parliament was raided. What has he done to make sure that homes of hon. Members of Parliament are safe?

Mr. Tarus: Mr. Deputy Speaker, Sir, for the time being, we have provided, at least, one security man for each hon. Member although we do appreciate that the problem of insecurity should be addressed in such a manner that every person in that particular area is safe. **Mr. Mwanicha:** Mr. Deputy Speaker, Sir, the issue of citizens being terrorised at night has become common in this country these days. Could the Assistant Minister consider, in view of the fact these gangsters attack citizens in police uniforms, changing police uniforms so that it will take them time again to get new police uniforms?

(Laughter)

Mr. Tarus: Mr. Deputy Speaker, Sir, I am sure that, that is not the best solution. But we shall look at a more innovative way of addressing the problem of insecurity.

Mr. Ndile: Ahsante sana, Bw. Naibu Spika. Mambo ya usalama si mambo ya kuchezea. Mimi mwenyewe nilivamiwa na majambazi katika barabara ya Mombasa-Nairobi, na wakati nilipopigia polisi simu nilikuta kwamba hawana gari. Waziri Msaidizi atafanya nini kuhakikisha kwamba kituo cha polisi cha Salama, ambapo kuna wezi wengi, kimepata gari mpya?

Mr. Tarus: Mr. Deputy Speaker, Sir, the first batch of the vehicles has been distributed and the process is on-going. I am sure that before too long, we shall address the problem of lack of transport for police officers.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I think these gangs which terrorise people in Kangundo Constituency have found their way to Machakos Town. On 3rd this month, a policeman

was shot by armed gangsters. These gangsters also raided another shop in Machakos Town during the day. Last night, they hijacked a tax, and we do not know where the driver is, as we are sitting here. If you look at today's *East African Standard* on page six, you will find that it is purported by the businessmen in Machakos Town that the police officers in Machakos Town are involved in this thuggery. What has the Assistant Minister done to transfer those police officers who have stayed in Machakos District and particularly Kangundo Division for the last ten years because they are the ones who are perpetuating these crimes? This is a new setback!

Mr. Tarus: Mr. Deputy Speaker, Sir, it is not only enough to transfer those officers. Disciplinary action will be taken against police officers who are lazy in their duties.

Mr. Deputy Speaker: Hon. Members, by the way, when you transfer a police rogue from Kangundo to another station, you are still transferring the same police rogue.

(Laughter)

Mr. M. M. Maitha: Kangundo Constituency has two police stations. In Donyo-Sabuk the Officer Commanding Station (OCS) is related to the officer in charge of prosecutions in Kangundo law courts. They are brothers, and, in fact, some of the suspects, instead of being charged with criminal offences, are charged with being in possession of *chang'aa*. We also hear that money changed hands and that is why a notorious lady gangster was released from custody in Donyo-Sabuk Police Station. What is the Assistant Minister doing to

[Mr. M. M. Maitha]

ensure that the two brothers; an officer in charge of prosecutions and the OCS, do not work in the two police stations in the same constituency?

Hon. Members: He is not aware.

Mr. Tarus: Mr. Deputy Speaker, Sir, you hear the hon. Members being in consensus, but I am not be aware of that kind of situation. However, that is a sensitive matter and we shall address it.

DESTRUCTION OF ST. PETER'S SCHOOL CLASSROOMS

Mr. Mukiri: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science, and Technology the following Question by Private Notice.

(a) Is the Minister aware that the roofs of two classes in St. Peter Girls Day Primary School in Elburgon, Nakuru district, were recently blown off by wind?

(b) Is he further aware that as a result, over 200 pupils are at the moment learning in the open?

(c) What is the Minister doing to address the situation as the rains are around the corner?

The Minister for Education Science, and Technology (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the two roofs in St. Peter Girls Day School in Elburgon, Nakuru District, were blown off by the wind on 5th of March 2003.

(b) At the moment the schools are closed and, therefore, over 200 pupils of the school are at home for the Easter holidays.

(c) The District Education Officer (DEO) is co-ordinating the community and parents of the school to have all the roofs of the school repaired before the it reopens on the 5th of May.

Mr. Mukiri: Mr. Deputy Speaker, Sir, could the Minister tell us what specific measures he has taken, because his answer to part "c" of the Question is too general? Could he tell us the specific measures the District Education Officer is taking?

Prof. Saitoti: Mr. Deputy Speaker, Sir, according to the guidance that we have given

regarding the implementation of free primary education, we have made it quite clear that, education is a partnership between the Government and the parents. Where the parents feel that they want to contribute, and that is democratically agreed, then, that can be done. And we have said that on no account, therefore, should they do anything without liaising with the DEO. So, the DEO is liaising with the parents to see whether they can reach at an understanding.

Mr. Deputy Speaker, Sir, may I also inform parents that the Government will be releasing money, fairly soon, to every primary school the larger portion being for tuition and then there will be another account for other items including repairs. In the event that is not enough, then they have to see the best way of working in partnership to have the schools repaired.

Mr. Sasura: Mr. Deputy Speaker, Sir, this is the third Question about schools' roofs being blown off by wind in this country. The other day it was in Isiolo. We are always receiving the same answers. We always hear the Minister saying that the DEO is liaising with the parents. Considering that education is deemed to be free and the Ministry is talking about partnership, are they bringing back non-free education through the back door. What is this partnership all about?

Prof. Saitoti: Mr. Deputy Speaker, Sir, I want to state quite categorically that on no account are we reviewing the policy on free primary education. We are committed to offering free primary education. I do want to make it clear, as I had done when I was pronouncing the free primary education that, the tuition and all those other levies that were being charged will not be charged in any way. That includes the building levies.

Mr. Karaba: Mr. Deputy Speaker, Sir, I would like the Minister to clarify the position of Building Fund *vis a vis* the payment of other levies and the free primary education, because he is not very clear. What is the role of parents in the case of this nature?

Prof. Saitoti: Mr. Deputy Speaker, Sir, let me inform the hon. Member that fairly soon we shall be releasing an equivalent of Ksh630 per pupil, out of which Kshs498 will cater for tuition materials.

(Applause)

There will be another balance of Kshs135 which is supposed to cover, among other things, the repairs. That is where the parents come in.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, I feel that the questions which we are asking the Minister are outside the context of this Question. The Question is very precise as far as the disaster preparedness of the Ministry is concerned. Could the Minister explain the disaster measures that they are taking and state the amount of funds available to counter such emergencies when they happen in schools?

(Applause)

Prof. Saitoti: Mr. Deputy Speaker, Sir, indeed, the hon. Member was referring to the fact that there has always been a provision of some money in the Ministry for the purpose of such interventions. I would like to put it clearly that the money is not so much, however, it is true, it is there. Over and above that, I would want to give information to this House, that within the framework of providing free primary education, apart from tuition, equally, there is another account dealing with other things besides tuition.

Mr. Mukiri: Mr. Deputy Speaker, Sir, part "c" of the Question was not properly answered by the Minister. However, now that he has admitted that there is a fund for some other purposes, could he ensure that before the schools open on the 5th of May the roofs of this particular school have been put in place?

(Laughter)

Prof. Saitoti: Mr. Deputy Speaker, Sir, I will do the best I can bearing in mind that there are several such requests.

(Laughter)

Mr. Deputy Speaker: What is it Mr. Ndambuki?

Mr. Ndambuki: Mr. Deputy Speaker Sir, I need some clarification from the Minister.

(Laughter)

Mr. Deputy Speaker: No! No! Is it a point of order?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the Minister has said that he is sending a portion of the money for maintenance. When the parents hear this, they refuse to repair the toilets or even blown off roofs. Could the Minister tell this House whether there is any provision to cater for such repairs, or whether the parents can help in their own way, because presently they are not helping?

Mr. Deputy Speaker: I will only allow the Minister to answer that in public interest although it was not a point of order.

(Laughter)

Prof. Saitoti: Mr. Deputy Speaker, Sir, I think I made it clear that education is a partnership between the Government and the parents. I want to call it partnership because we have cases where some schools have facilities that are not essential, for example, a swimming pool. Definitely, the parents who want to maintain the swimming pool can do so. The only thing we made clear is that the money they pay must be agreed by all the parents. Not even that, if one parent fails to pay, no child will be denied admission simply because of lack of tuition fees because it is paid for by the Government.

Mr. Deputy Speaker: Next Question, Mr. Ngoyoni!

COMPENSATION TO LAISAMIS FARMERS
FOR LOSS OF LIVESTOCK

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Resources Management and Development the following Question by Private Notice.

(a) Is the Minister aware that in the year 2000, about 7000 animals comprising goats, cattle, camels and dogs died *en masse* after drinking water from Korgi Borehole?

(b) Is he further aware that the deaths were as a result of activities of Amoco Oil Exploration Company that left behind poisonous chemicals that were swept into the well by *El Nino* rains?

(c) What action has the Minister taken to safeguard water points and also ensure that the affected farmers are compensated?

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Deputy Speaker, Sir, I apologise for coming later. However, I beg to reply.

(a) I am aware that a number of livestock died after consuming water from Korgi Borehole on 17th January, 2000. This matter was also attended to by a rapid response Inter-ministerial team comprising of officers from my Ministry, the Ministry of Health and the Veterinary Department. The

rapid response team established that a total of 670 sheep and goats had died as a result of drinking the borehole water.

(b) Samples of water sent for analysis to the Government Chemist Laboratory indicated that the water from Korgi Borehole was mineralised and contained high levels of inorganic salts. In addition, a postmortem analysis of carcasses of the animals showed damage to have occurred to the animals' internal organs leading to the conclusion that deaths may have been related to chemical toxicity with salt intolerance as the most probable cause. I am also aware that despite the water quality being objectionable due to its high mineral content, nevertheless, the borehole has continued to be used for livestock watering from 1973 by the local community. My Ministry is not aware of the details of the oil exploration activities by Amoco Oil Company, as these are handled by the Ministry of Energy.

(c) My Ministry implements appropriate designs for all water points including boreholes and pans to ensure that they are safeguarded from contamination. My Ministry has no plans of compensating the farmers for the loss of livestock. However, the best my Ministry can do is to guard against the recurrence of such cases in the future by developing a proper water source for the community. A team of officers from my Ministry has been formed to carry out exhaustive investigation and identify an alternative source of water for the community. The team is expected to visit the site on 12th May, 2003, and the Ministry will take appropriate action based on the outcome of the investigation.

Mr. Ngoyoni: I know the Minister is honest, but I think she was misinformed by her officers.

It is not true that it was only 670 livestock which died that day. Could the Minister confirm to this House whether the animals that died are 670 or 7,000 as indicated in my Question?

Ms. Karua: The information I have is 670. If the hon. Member has information to the contrary, I invite him to table it and then I will take action.

Dr. Galgalo: Mr. Deputy Speaker, Sir, the Minister has said that the animals died because of toxicity caused by salt. The worst that, that can cause is some form of electrode imbalance. It does not cause immediate death and certainly not this number of animals dying because of drinking inorganic salts. There must be some other chemicals. Would the Minister consider dispatching experts on chemical poisoning to the area so that water is tested, again, thoroughly for all kinds of chemical waste?

Ms. Karua: I want to agree with the hon. Member, who was a member of the previous Government when this incident occurred. The answer I have given is based on the records dating back to that time. I have already indicated that a team will be dispatched on 12th May to do further investigations. We are going to open up the matter and do thorough investigations.

Mr. Haji: Mr. Deputy Speaker, Sir, in view of the impending drought, what arrangements does the Ministry have for the people in that area to have water?

Ms. Karua: I have just indicated that we are waiting for the recommendations of the team constituted to visit the area and carry out investigations. But just like for every other part of the country, we have plans subject to the availability of funds to take water with special attention being paid to the arid and semi-arid areas.

Mr. Sasura: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to talk about the design of the water pans and boreholes when this water has to be tested regularly? Her officers are only treating the urban water with chlorine and aluminium sulphate and not the boreholes and water pans?

Ms. Karua: Mr. Deputy Speaker, Sir, I am unable to understand what the hon. Member is alluding to. This incident occurred in the year 2000. He was a member of the Government then. I can only answer the Question based on records. I do not know whether during that time water was being tested. But I have said that my Ministry is conducting investigations. What was not done by the previous Government, of which he was a member, is now going to be

redone by the current Government.

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

Mr. Deputy Speaker: Order! Order, Mr. Sasura!

Mr. Ngoyoni: Mr. Deputy Speaker, Sir, I want to put it on record that the borehole is

not in use as we talk now and because of that, women and girls who normally draw water in our community are now restricted to two jerry cans for three months. That water is for drinking and cooking. Livestock are drinking water from a borehole which is 120 kilometres away. This is due to the toxicity which was left behind by an oil exploration company called Amoco. Could she confirm that? That borehole has been in existence since 1973 and no death had occurred except on that day.

Ms. Karua: I will be able to confirm that after the investigation. I sympathise with the situation and my Ministry will do its best to get an alternative water source for the community.

Mr. Deputy Speaker: Next Question, Mr. Oparanya!

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

Mr. Deputy Speaker: Dr. Ali, there is no point of information on Questions. If you want to give information to the Minister, come and talk to her.

(Laughter)

CLOSURE OF MUMIAS SUGAR
COMPANY

Mr. Oparanya: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture and Livestock Development the following Question by Private Notice.

(a) Is the Minister aware that Mumias Sugar Company has been closed for the last three weeks because of a strike by the tractor drivers and the reduction of sugar price from Kshs2,015 to Kshs1,750?

(b) What action is he taking to ensure the factory is opened?

(c) Who will compensate the farmers for the sugar-cane, which had already been harvested and is not collected?

Mr. Deputy Speaker: This Question should be deferred, but it seems to be a very urgent matter. What can we do, Mr. Oparanya?

Mr. Oparanya: Mr. Deputy Speaker, Sir, I think the Minister is avoiding to answer this Question because there are a lot of problems in my constituency. He has reduced the price of sugar and farmers have refused to deliver sugar cane to the factories. This is because he never consulted all the stakeholders on the issue. He went ahead and formed a bogus task force.

Mr. Deputy Speaker, Sir, the Assistant Minister for Agriculture and Livestock Development was here and has just walked out of the House while he knew the Question was there on the Order Paper to be answered.

Mr. Deputy Speaker: Mr. Oparanya, what the Chair can do to assist you, in these circumstances, is to order now that the Minister attends to this matter in the meantime. This is an urgent matter, and we can see that some people are on strike, sugar cane is drying up in the field and certainly it cannot wait until we come back from recess. Therefore, I am asking the Leader of Government Business to assist in this matter and ensure that the Minister for Agriculture and Livestock Development attends to the matter of Mumias Sugar Company where farmers are on strike and sugar cane is drying up.

So, Mr. Oparanya, I ask you to see the Minister and see how it can be dealt with. If he comes back, assuming we go for recess, if the matter is still outstanding, it can be dealt with at that time.

Mr. Oparanya: Mr. Deputy Speaker, Sir, I hope the Minister will be here before 8.30 p.m. today.

Mr. Deputy Speaker: No, Mr. Oparanya, I have asked the Vice-President and Leader of Government Business to handle this matter. So, it is in very good hands; perhaps, better than the Minister for Agriculture and Livestock Development.

Next Question, Mr. Maalim Mohamed!

(Mr. Osundwa entered the Chamber)

Mr. Oparanya: On a point of information, Mr. Deputy Speaker, Sir. The Assistant Minister has just come in!

(Laughter)

Mr. Deputy Speaker: Order! Mr. Oparanya, the Assistant Minister can be there but he may not have the answer. Mr. Osundwa, do you have an answer to this question?

The Assistant Minister for Agriculture and Livestock Development (Mr. Osundwa): No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: He has no answer and, so the ruling of the Chair still stands.

(Question deferred)

Next Question, Mr. H.M. Mohammed!

ELECTRIFICATION OF GARISSA TOWN

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Energy the following Question by Private Notice.

- (a) Is the Minister aware that Garissa Town and its environs has a serious electricity problem?
- (b) Is he also aware that on 26th March, 2003 there was a blackout for more than 48 hours in the whole town including the Provincial General Hospital which affected water supply services?
- (c) What plans does the Minister have to connect Garissa to the national grid since the town has been depending on very old generators?

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, Garissa Town and its environs occasionally experience serious electricity problem. The area is served by three diesel power generating machines installed in August 1994, with varying capacities of 1060 KW, 674 KW and 655 KW, giving a total capacity of 2393 KW against a maximum demand of 1500 KW. However, when the 1064 KW machine is taken out for preventive maintenance or repair, the remaining capacity cannot meet peak demands. In view of the generating capacity constraints, KenGen is making arrangements for procurement of an additional 1000 KW generator in the year 2003/2004 fiscal year. This is estimated to cost Kshs124 million.

(b) We are aware that there was power interruption for about 24 hours on 26th March, 2003, which started from 18.27 hours. This was occasioned by the breakdown of the 1064 KW machine, while the 674 KW generator was undergoing routine maintenance. The repairs were, however, carried out expeditiously and power restored by 6.00 p.m. on 27th March, 2003.

(c) The cost of connecting Garissa to the national grid is currently estimated at Kshs1.5 billion, and this is not economically viable in the short-term, compared to the current supply arrangements. It should be noted, however, that with the installation of the proposed 1000 KW generator, power

supply reliability will be at par with those areas getting the supply from the national grid.

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, I thank the Minister for that answer although I have not received a written answer.

In 1994, when these machines were bought, they were supposed to be brand new. Is the Minister aware that somebody bought an old machine which has no spares available in this country? When the machine breaks down, spares have to be ordered from abroad. What will the Minister do about that?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, I am not aware of the information being given by the former Minister. But the hon. Member must be aware that we are probing Kenya Power and Lighting Company and Kenya Electricity Generating Company. In fact, I call upon the former Minister to supply us with that information and probably by next week, that person will be arraigned in court.

Mr. Haji: Mr. Deputy Speaker, Sir, people in Garissa say their prayers five times a day, three out of these five is done in the evenings and at night when people really need light. Most of the time lights go off when people are in the middle of their prayers. What will the Minister do to hasten the availability of power and light before they buy new generator that he is talking about?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, the best we can do for the people of Garissa is to ensure that KenGen has the Kshs124 million that is needed to bring this additional generator. I can assure the hon. Member that we will do our best to expedite this procurement.

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, the Minister said that to connect Garissa to the national grid is very expensive. He is talking about Kshs1.5 billion, when we know that a lot of money has been spent on electricity in other parts of the country. How can Kshs1.5 billion be expensive considering the size and importance of Garissa Town? What will the Minister do to make sure that this problem is solved once and for all?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, for an active economy like the one we have and because NARC Administration has promised economic recovery, I know it is possible, in the long-run to get Kshs1.5 billion, but the measure we are taking is a short-term one. We want the people of Garissa to have a stable supply of electricity in the short-term, but in the long-run we will get Kshs1.5 billion and they will be happy to have it and probably join NARC.

Mr. Deputy Speaker: For the second time, Question by Mr. Kipchumba.

ALLOCATION OF AMAPTICH
PRIMARY SCHOOL LAND

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) What urgent measures is the Minister taking to safeguard pupils and teachers of Amaptich Primary school who are threatened with eviction, after their school ground was allocated to private individuals?

(b) Could the Minister cancel the allocation of the school to the individuals?

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Deputy Speaker, Sir, I would like to apologize for coming in late. However, I beg to reply.

(a) Yes, it is true that the piece of land where Amaptich Primary School now stands was allocated to a private developer in the year 1992. I have instructed the local district lands officer or registrar to restrict the title deed to safeguard the interest of the teachers and that of the pupils of the said school.

(b) I have also directed that the allocation be cancelled and the allottee be requested to effect the surrender of the title documents immediately.

(Applause)

Mr. Kipchumba: Mr. Deputy Speaker, Sir, that is a very good answer and I do not think I have anything else to add.

Mr. Khamasi: I think it is worthwhile to let the House know under what circumstances a public utility land was allocated to a private individual and what the Ministry is going to do about the officers who actually did that act?

Mr. Ojode: Mr. Deputy Speaker, Sir, this parcel of land was applied for the construction of a commercial school by a lady known as Rodah Cheruto Bett. The parcel number was measuring 150 acres, and she took a lot of time because we gave her the allocation for a period of 99 years from 1st January, 1992. The local residents decided that because she did not construct the school within the stipulated period, the local residents, together with the county council people, constructed this particular school, known as Amaptich.

I have also directed that a Government caveat should be put on this particular land so that the title should be restricted and nothing else should happen to this land.

Mr. Deputy Speaker: Very well, next Order!

MINISTERIAL STATEMENT

NOMINATION OF KENYA TO ILO CONFERENCE PRESIDENCY

The Minister for Gender, Sports, Culture and Social Services (Mr. Balala): Mr. Deputy Speaker, Sir, I wish to seek your indulgence in making the following statement.

The African Union Labour and Social Affairs Commission held its first session at Grand Baie, Mauritius, from 10th April, 2003. Kenya was represented by a full tripartite delegation. As it is consistent with the ILO Convention and Practices, the delegation was headed by the Assistant Minister for Labour and Human Resource Development, Mr. Peter Oduyo. It included top officials from the Central Organisation of Trade Unions (COTU) and the Federation of Kenya Employers (FKE).

Mr. Deputy Speaker, Sir, I wish to take this opportunity to announce that Kenya was nominated by the entire membership of the African Union Labour and Social Affairs Commission to attend to the coveted post of the Presidency to 91st Session of the International Labour Conference to be held in June 2003 in Geneva, Switzerland. By this nomination, therefore, the Kenya Minister for Labour and Human Resource Development becomes the 91st President of the ILO Conference.

This is significant to Kenya, as a nation, as it signifies the confidence of the entire continent to the political maturity displayed during the recent concluded elections and peaceful political transition. It shows the high esteem that other African states have placed on the leadership of the NARC Government. It is a demonstration of how a people-driven movement which is democratic and transparent can have overwhelming appeal to the entire continent. It is in this context, that Kenya has been honoured by being nominated to the Presidency of the ILO Conference. This honour is to all Kenya and a credit to the dynamic leadership of the NARC Government which is slowly enabling this country to regain her rightful place in international fora.

Mr. Deputy Speaker, Sir, it is important to mention and appreciate the role played by our social partners, COTU and FKE, who spoke with one voice on this issue. This not only culminated in our nomination, but also promoted commitment to a stable and vibrant economy for the benefit our people.

The nomination is also significant in that, as the President to the 91st Session, Kenya's Minister for Labour and Human Resource Development will have an opportunity to welcome and play host to

the world leaders and dignitaries such as the President Thabo Mbeki of South Africa and the King of Jordan who are scheduled to deliver keynote addresses during the conference.

Mr. Deputy Speaker, Sir, I would like to express my appreciation to the sister countries from the East African sub-region, Seychelles, Tanzania, South Africa and Nigeria for their invaluable support for the nomination. It is time now for this continent to be united and realise the African dream of unity which is the goal of our people.

Finally, Mr. Deputy Speaker, Sir, in this distinguished endeavour, we would like to call upon the support of this House to enable us successfully execute the challenges and responsibility of the Presidency to the 91st Session of the ILO Conference. Everything is possible with dedication and political will. God bless Kenya.

Thank you, Mr. Deputy Speaker, Sir.

POINTS OF ORDER

MURDER OF KITUTU MASABA RESIDENTS

Mr. Mwanicha: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security regarding the murder of the following five people: Florence Nyachong'i Ogoti, Edwin Nyamari Osoro, Karen Nyamari, David Nyamari and Mr. Hudson Sibuoata Sibuoaga.

These people were murdered between November 2002 and 9th March, 2003. However, no arrests have been made. Residents of Kitutu Masaba now live in terrible fear as the police in Keroka Police Station continue terrorising the people, looking for *chang'aa* and *busaa*.

ADMISSION OF TRAINEES TO KMTCS

Dr. Shaban: Mr. Deputy Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Health. The advertisement for admission to Kenya Medical Training Colleges was made on 14th February, 2003, in our daily newspapers and the deadline for the applications was 4th April, 2003. I do hereby simply request for a Ministerial Statement from the Minister for Health, giving an undertaking that the forthcoming recruitment of medical trainees will be fair, transparent and devoid of corruption and that it will be done on constituency level rather than the usual district basis.

(Applause)

Mr. Deputy Speaker: Is anyone here from the Ministry of Health? That is a very important matter which again, I ask His Excellency the Vice-President and Minister for National Reconstruction to take note of. It is a very serious matter concerning the Ministry of Health. I think the Leader of Government Business will take note of that and pass the information to the Minister.

EVICION OF TRADERS FROM KENYA RAILWAYS GODOWNS

Mr. Omingo: Mr. Deputy Speaker, Sir, yesterday, I stood on a point of order to ask for a Ministerial Statement from the Minister for Transport and Communication regarding the plight of the people occupying the railway godowns whose ultimatum for eviction is 1st May, 2003. I can see the Assistant Minister for Transport and Communication--

Mr. Deputy Speaker: Order! Mr. Omingo, the Minister communicated to my office his

inability to have this statement given today because of shortage of notice. He has undertaken to issue a Ministerial Statement on the first day when Parliament reconvenes.

Mr. Omingo: On a point order, Mr. Deputy Speaker, Sir. This is an issue that may spread beyond the session when we are out of this Parliament.

Mr. Deputy Speaker: Mr. Omingo, I appreciate your concern. But you only asked for the statement yesterday. Surely, how do you expect the Minister to do it over night? The Minister has requested, and I think it is a reasonable request, and I have granted him.

Mr. Omingo: Mr. Deputy Speaker, Sir, in the meantime, could the Assistant Minister sitting here today assure this House that those people who are threatened with eviction by 1st May, 2003 will not be evicted until some resolution is arrived at for the purpose of posterity of this nation?

Mr. Deputy Speaker: Mr. Ligale, do you have anything to say?

The Assistant Minister for Transport and Communication (Mr. Ligale): No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: He has nothing to say.

Mr. Mganga: Mr. Deputy Speaker, Sir, I rise under Standing Order No. 69 to make a personal statement. While appreciating the very good coverage that we in this House are receiving from various media houses---

Mr. Deputy Speaker: Order! Mr. Mganga, you have not alerted the Chair of your intention to issue that personal statement; have you?

Mr. Mganga: Mr. Deputy Speaker, Sir, I apologise for not doing so, but next time, I will.

Mr. Deputy Speaker: For the information of the new hon. Members, before you stand up on such a matter to make a personal statement or any other statement, you have to alert the Chair and get its consent. As I sit here, I do not know what you will talk about. Therefore, I am sorry, I cannot allow it. Hon. Members wishing to stand on points of order should see the Chair before. But that is how new hon. Members learn.

PLIGHT OF HARAMBEE STARS FC

Mr. Khamasi: Mr. Deputy Speaker, Sir, on Tuesday I, rose on a point of order seeking a Ministerial Statement from the Minister for Gender, Sports, Culture and Social Services to tell us about the plight of Harambee Stars taking into account that the KFF bank account had been frozen and the team would not be managed properly. I have just talked to the Minister a few minutes ago and he has just vanished from this House. I do not know what ruling the Chair will give on this matter because I was expecting a Ministerial Statement today because of the urgency of the matter.

Mr. Deputy Speaker: Is the Minister for Gender, Sports, Culture and Social Services not here?

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Deputy Speaker, Sir, I personally heard Mr. Khamasi remind the Minister that he was expecting the Ministerial Statement today, but the Minister sought his indulgence that he would give the Statement later. I thought that satisfied the hon. Member.

Mr. Khamasi: Mr. Deputy Speaker, Sir, I think the Vice-President and Minister for National Reconstruction was there and I did tell the Minister that it was urgent that we to know the future position of the Harambee Stars. When he left, I do not know what he was going to say.

Mr. Deputy Speaker: You know the Chair was not party to that exchange. Therefore, I can only say that the Minister is not here and that, that matter is deferred until next time.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr.

Deputy Speaker, Sir, I will undertake to make sure that the Minister issues that Statement the first day of the next sitting.

Mr. Deputy Speaker: Very well. Hon. Members, the Minister for Health is here and I think it is important that Dr. Shaaban repeats her request for a Ministerial Statement because I realise that it was a popular request from the House.

ADMISSION OF TRAINEES TO KMTCS

Dr. Shaban: I rise again to seek a Ministerial Statement from the Minister for Health on the following: The advertisement for admissions to the Kenya Medical Training Colleges was made on 14th February, 2002, in our dailies and the deadline for the applications was 4th April, 2003. I hereby urgently request a Ministerial Statement from the Minister for Health, giving an undertaking that the forthcoming recruitment of medical trainees will be fair, transparent, devoid of corruption and will be done on constituency level basis rather than the usual district basis.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, we will look into that, but I can issue a comprehensive Ministerial Statement after we have sorted out all of them and know who is who. I can assure this House that one of the provinces that has not been treated very fairly in the past has been the North Eastern Province. That province will certainly be looked into. However, I will issue a comprehensive Statement.

Mr. Deputy Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE ANTI-CORRUPTION AND
ECONOMICS CRIMES BILL

Clause 2

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, Clause 2 of the Bill be amended by deleting the word "unexplained" and substituting with the word "suspect".

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): We have no objection to the amendment of Clause 1 as it is self explanatory. It only emphasises the point.

The Temporary Deputy Chairman (Mr. Poghiso): We are waiting for the Assistant Minister to move the amendment.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I beg to move:

THAT, Clause 2 be amended as---

Hon. Members: What about Clause 1?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): I understand Clause 1 will be the last one to be amended.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Assistant Minister, we are on Clause 2 now. If there is no objection to that Clause can I propose the Question?

(Question of the amendment proposed)

Hon. Members: But we have not dealt with Clause 1!

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! We will come back to the Title and Clause 1. Do not worry about that. These are the ones which have been amended.

Mr. Khamasi: But the Mover has not even moved the amendment.

The Temporary Deputy Chairman (Mr. Poghisio): Hon. Members, when I propose the question you should act.

Mr. Khamasi: Mr. Temporary Deputy Chairman, Sir, the Assistant Minister has not even commented on the amendment.

The Temporary Deputy Chairman (Mr. Poghisio): Order! Order! The Assistant Minister moved the amendment, and I proposed the Question.

Hon. Members: But we have not commented on it!

The Temporary Deputy Chairman (Mr. Poghisio): Once the Question is proposed, it is up to any hon. Member who is interested in seeking clarification to catch the eye of the Chair, which you did not do. However, you may now proceed and comment on the proposed amendment.

Mr. Khamasi: Mr. Temporary Deputy Chairman, Sir, I am not a lawyer myself, but the Mover has not explained why he wants us to substitute the word "suspect" for the word "unexplained". The meaning of the word "unexplained" is very clear to most of us, as laymen, unless an explanation to the contrary is given to us. When the Minister was moving this Bill, it was very clear that what we see around us in terms of unexplained assets by very many people is actually what catches the eye of everybody. There are so many junior officers in the public service with so much wealth. If you go to the Ministry of Lands and Settlement, for instance, you will find many junior officers with so much property, but they cannot explain how they acquired it. The word "unexplained" fits in very well, unless the lawyers in this House want to tell us that it is wrong. We want people to tell us how they got property in Lavington when they were clerks in the Ministry of Lands and Settlement.

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, this is a very well advised recommendation to this House. Everybody in this country is unanimous that corruption must be wiped out. If we pass this law with the word "unexplained" in it will automatically mean that every person charged with an offence of corruption or an economic crime will be required to explain ownership of property in advance. That directly confronts Section 77 of the Constitution. First of all, if I may read it out briefly---

The Temporary Deputy Chairman (Mr. Poghisio): Mr. M. Kilonzo, be brief because this is not debate time.

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, Section 77(2)(a) of the Constitution reads as follows:-

"Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty."

That is subsection---

The Temporary Deputy Chairman (Mr. Poghisio): That is enough, Mr. M. Kilonzo!

Ms. Ndung'u: Mr. Temporary Deputy Chairman, Sir, I am opposed to this amendment, just as my colleagues are, simply because the words "unexplained" and "suspect" mean two different

things. Even if you look for these words in an ordinary dictionary, you will realise that if you say that something is "unexplained", it means that you cannot come up with a clear statement on how you acquired it. I believe that, that is the intent of this amendment. Also, I think---

The Temporary Deputy Chairman (Mr. Poghio): Ms. Ndung'u, this is not debate time. You are supposed to comment on the proposed amendment briefly.

Ms. Ndung'u: Mr. Temporary Deputy Chairman, Sir, our colleague should not mislead this House. Besides, this will not be the first time when a person who is suspected of doing something illegal will be having the onus of proof. In cases of sexual offences, for instance, until recently, the victims of the abuse had to prove how the act was done, and not the other way round. I believe that this provision should remain. The same is true in charges of handling stolen goods.

The Temporary Deputy Chairman (Mr. Poghio): Order! Order! Hon. Members, I would like to explain this amendment to the House. This is one of the amendments proposed by Mr. M. Kilonzo. So, when I put the Question, you will decide which way you will want to go. That is why we are in the Committee of the whole House.

Mr. M. Kariuki: Mr. Temporary Deputy Chairman, Sir, I just want to add my voice to the debate on this amendment. I oppose the amendment. The use of the word "suspect" radically changes the meaning in the Bill.

The Temporary Deputy Chairman (Mr. Poghio): Hon. Members, those are enough comments on this amendment. So, I will now put the Question.

*(Question, that the word to be left out
be left out, put and negated)*

(Clause 2 agreed to)

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

Hon. Members, you have the right to agree or disagree. So, please, pay attention to every clause that we are going to deal with.

*(Clauses 21, 22, 23, 24, 25
and 26 agreed to)*

Clause 27

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 27 of the Bill be amended by inserting the following words after the word "Evidence" on the 6th line "with the consent of the accused person".

Mr. Temporary Deputy Chairman, Sir, the purpose of this amendment is, indeed, very clear. According to Section 77(7) of the Constitution, no person in Kenya can be compelled to give evidence against himself when he has been charged with an offence. If you read Clause 23, it is clear that the Commission and the Director will have powers to ask an accused person to present a record of assets on the pain of a penalty. The clause is very clear. If a person supplies the Commission with material as required under Clause 27, that material can be used as evidence for purposes of a prosecution against him. So, I propose that the words "with the consent of the accused person" be inserted immediately after the word "evidence", the reason being very clear. If consent is not given by an accused person,

requiring him to supply material to the Commission that will be an infringement of the Constitution, which protects an accused person from being compelled to give evidence against himself.

(Question of the amendment proposed)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Chairman, Sir, I would like to oppose the proposed amendment, because it contradicts the very spirit and purpose of this clause. The clause deals with admissibility of things produced or found by the Commission as a result of a search of a premises. It is highly unlikely that any accused person who, in the first place, has refused to disclose those things to the Commission, would give consent. Therefore, the amendment would defeat the very purpose of Clause 27 and that is why we are opposing it.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Acting Chairman, Sir, I agree with the position taken by the Minister. This Clause is talking of evidence found after a search in the premises of an accused person. Those searches are pursuant to a warrant issued by the court. In criminal law, any evidence found upon a search, so long as the search is lawful, is admissible in court. The situation being proposed is such that, even if a dead body or corruptly received money is found in a house, we are being told that it should not be admissible in a court of law, unless the accused says: "Yes, you can produce the evidence!" What is the use of the search then, if we are going to tie ourselves to the accused agreeing that the evidence should be produced.

The Temporary Acting Chairman (Mr. Poghisi): Order, Ms. Karua! We are not really opening debate! Just clarify issues very briefly!

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Acting Chairman, Sir, I beg to oppose the amendment!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Acting Chairman, Sir, I beg to oppose this proposed amendment. It is not practical and--

The Temporary Acting Chairman (Mr. Poghisi): Order, Mr. Assistant Minister! Once you have made your point, let us hear---

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Acting Chairman, Sir, just one second! I am saying that it is not practical to ask a suspect to give authority or consent for him to be searched. It is not practical.

Mr. Angwenyi: Mr. Temporary Acting Chairman, Sir, I also beg to oppose the amendment because corrupt people by nature will not be willing to disclose some of the things. So, as you search them with a search warrant, they should be taken to court and sentenced.

Mr. M. Kilonzo: Mr. Temporary Acting Chairman, Sir, indeed, it is important for Clause 27 to be looked at very carefully. The opening words are: "Anything provided by a person pursuant to a requirement under the foregoing provisions of this part, or obtained under a search--" The fact is that the statement provided by a person under Clause 23 automatically says it is provided against the threat of imprisonment or other fines, will automatically be contrary to the provisions of the Constitution. I hope I do not have to tell this House that I told you so!

*(Question, that the words to be inserted
be inserted, put and negated)*

(Clause 27 agreed to)

(Clauses 28, 29, 30, 31, 32, 33, 34, 35, 36,

37, 38, 39, 40, 41, 42 and 43 agreed to)

Clause 44

Mr. M. Kilonzo: Mr. Temporary Acting Chairman, Sir, I beg to move:-

THAT, Clause 44 of the Bill be amended by deleting sub-clause (3)(b).

Let me say that Sub-clause (3)(b) appears on page 343 of the Bill. If you look at it, in fact, it uses the word "before". Again, I am guided by the provisions of the Constitution that any conduct that took place before this Act came into operation is clearly, in direct confrontation with Section 77 of the Constitution that protects a Kenyan from being accused of an offence that was not an offence before the Act was introduced. I urge the House to note that this law is introducing a new offence called corruption and economic crimes; particularly economic crimes.

With those few remarks, I beg to move.

(Question of the amendment proposed)

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Acting Chairman, Sir, I beg to oppose the proposed amendment. I would invite the Mover to read (b)(1). This Clause is not inviting retroactive application of the law. It says clearly and with your permission, I will read: For purposes of this section, if a person deals with property-- Sorry, it is in Subsection (3). In this subsection, corrupt conduct means-

(b) Conduct that took place before this Act came into operation and which, at the time, constituted an offence."

So, we are only talking of conduct which was already an offence at the time this Bill was passed. There is no retroactive effect, whatsoever.

With those few remarks, I beg to oppose.

Mr. Kembi-Gitura: Mr. Temporary Acting Chairman, Sir, if that amendment as proposed by the Senior Counsel, Mr. M. Kilonzo, is allowed, the whole Bill will lose its purpose completely! What we are trying to get hold of are those people who committed offences which were offences, as Ms. Karua has said, before this Bill was passed. Then, one must read it against Clause 68. You will see that there is a saving clause.

I would like to oppose the proposed amendment.

Mr. M. Kilonzo: I will be very brief. Again, I invite the attention of the House to the provisions of the Constitution, and to the fact that this law is introducing a new crime. This flies in the face of the existing constitutional provisions.

Thank you.

*(Question, that the words to be left out
be left out, put and negatived)*

(Clause 44 agreed to)

*(Clauses 45, 46, 47, 48, 49,
50 and 51 agreed to)*

Clause 52

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 52 of the Bill be amended as follows:-

(i) by deleting sub-clause (1)(b)

(ii) by deleting the word "unexplained" wherever it appears and substituting with the word "suspect".

Mr. Temporary Deputy Chairman, Sir, I have advanced my argument as to why the word "unexplained" should be changed to the word "suspect". Similarly, my arguments for deleting Clause 1(b) are similar to the ones I have advanced with regard to Clause 44.

(Question of the amendment proposed)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, our position has not changed. We have already dealt with the words "suspect" and "unexplained". Therefore, we totally oppose the amendment.

(Question, that the words to be left out be left out, put and negated)

(Clause 52 agreed to)

Clause 53

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 53 of the Bill be amended by deleting Sub-clause (7)(b).

My arguments are similar to the ones I have advanced in favour of amendments to previous clauses.

(Question of the amendment proposed)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, we have already dealt with this issue. We are saying that this Bill will not take effect retrospectively. Therefore, we totally oppose the amendment.

(Question, that words to be left out be left out, put and negated)

(Clause 53 agreed to)

Clause 54

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 54 of the Bill be amended by deleting the word "unexplained" and substituted it with the word "suspect".

My argument that Kenyans are protected against self-incrimination, or that they should not offer explanations when they are accused, remains the same.

(Question of the amendment proposed)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr.

Temporary Deputy Chairman, Sir, again, we have already dealt with the issue of "unexplained" and "suspect" assets. We totally oppose this amendment because it will change the concept of the whole Bill.

*(Question, that the word to be
left out be left out, put
and negated)*

(Clause 54 agreed to)

Clause 55

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 55 of the Bill be amended by deleting the word "be" and substituting with the word "was".

A careful reading of Clause 55 discloses that its wording is not grammatical, and the clause is quite erroneous. It is quite clear that the word "be" appearing there should be replaced with the word "was" in order for the provision to make legal sense.

(Question of the amendment proposed)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Chairman, Sir, I wish to thank the hon. Member, who is a Senior Counsel, for spotting this grammatical error done by the draftsman. We accept the amendment.

*(Question, that the word to be left out be
left out, put and agreed to)*

*(Question, that the word to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 55 as amended agreed to)

(Clauses 56, 57 and 58 agreed to)

Clause 59

Mr. M. Kilonzo: Mr. Temporary deputy Chairman, Sir, I beg to move:-

THAT, Clause 59(5) of the Bill be amended by inserting the word "shall" after the word "following" in the first line.

The reason for this amendment is that without the word "shall" in Clause 59(5), there is no grammatical sense, and, in fact, the clause does not have any meaning whatsoever.

(Question of the amendment proposed)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I wish to thank the hon. Member for being hawk-eyed and spotting the error. We, therefore, accept the proposed amendment.

*(Question, that the word to be inserted
be inserted, put and agreed to)*

(Clause 59 as amended agreed to)

*(Clauses 60, 61, 62, 63, 64, 65,
66 and 67 agreed to)*

Clause 68

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 68 of the Bill be amended by putting a fullstop after the word "corruption" in the fourth line and deleting all the words thereafter.

If this clause remains the way it has been drafted, it will mean that economic crimes will be backdated, and, in fact, the clause will take retroactive effect. I have raised this argument before, and I think the clause should end immediately after the word "corruption" for the simple reason that corruption has always been an offence in this country.

(Question of the amendment proposed)

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, this is an Anti-Corruption and Economic Crimes Bill. If we delete the words "economic crimes" as it has been proposed by the hon. Member, the Bill will not make sense. The Bill deals with both anti-corruption and economic crimes. Therefore, the two should go together. You cannot have one without the other.

Mr. Temporary Deputy Chairman, Sir, with that, I totally oppose the proposed amendment as it will make the whole Bill nonsensical.

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I would like to draw the attention of the House to the fact that the Government's side likes my grammar, but does not like my substance. I hope that an occasion will not arise for the testing of my understanding of the substance of the law. I again urge the House to accept this amendment, otherwise, this proposed section will be shot down by the courts.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Poghisio): Order, Mr. Mwenje! This is a Committee of the Whole House. You started contributing before you even rose!

*(Question, that the words to be
left out be left out, put and
negatived)*

(Clause 68 agreed to)

Clause 69

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I would like to propose a small amendment to Clause 69. This is because it mentions the previous Advisory Council which is no longer in existence.

Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, Clause 69 be deleted to make it more grammatical.
 The Board is not in existence. So, there is nothing we are deleting.

Mr. Temporary Deputy Chairman (Mr. Poghio): Mr. Assistant Minister, you need to make it clear to the House! Do you want the whole of Clause 69 to be deleted or just part of it?

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I want the whole clause to be deleted. This is because the former Advisory Council is not in existence. I would like to propose that the whole clause be deleted so that it makes grammatical sense, as the Advisory Council is no longer in existence.

(Question of the amendment proposed)

*(Question, that the words to be left out
 be left out, put and agreed to)*

(Clause 69 deleted)

Clause 70

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT, Clause 70 be amended by deleting subclauses IV and V.
 Again, the same argument applies here; in that the Advisory Council is no longer in existence.

(Question of the amendment proposed)

*(Question, that the words to be left out
 be left out, put and agreed to)*

(Clause 70 as amended agreed to)

(Clauses 71 and 72 agreed to)

New Part II

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Bill be amended by inserting a new PART II as under and renumber the rest of the clauses and parts accordingly:-

HEADING OF PART II

APPOINTMENT OF SPECIAL MAGISTRATES

3. Power to appoint special Judges:-

(1) The Minister may, by notification in the Kenya Gazette, appoint as many special Magistrates as may be necessary for such area or areas or for such case or group of cases as

may be specified in the notification to try the following offences, namely:-

- a) any offence punishable under this Act; and
- b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in sub-section 1 (a).

(2) A person shall not be qualified for appointment as a special Magistrate under this Act unless he is or has been a Chief Magistrate or a Principal Magistrate or an Advocate of at least 10 years standing.

4. Cases triable by special Magistrates:-

(1) Notwithstanding anything contained in the Criminal Procedure Code, or in any other law for the time being in force, the offences specified in this Act shall be tried by special Magistrates only.

(2) Every offence specified in this Act shall be tried by the special Magistrate for the area within which it was committed, or, as the case may be, by the special Magistrate appointed for the case, or where there are more special Magistrates than one for such area, by one of them as may be specified in this behalf by the Minister.

(3) When trying any case, a special Magistrate may also try any offence, other than an offence specified in this Act, with which the accused may under the Criminal Procedure Code, be charged at the same trial.

(4) Notwithstanding anything contained in the Criminal Procedure Code, a special Magistrate shall, as far as practicable, hold the trial of an offence on day-to-day basis until completion.

5. Procedure and powers of special Magistrates:-

(1) A special Magistrate may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstance within his knowledge relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof and any pardon so tendered shall be a pardon for purposes of section 77 (6) of the Constitution.

(2) The provisions of the Criminal Procedure Code and the Magistrate's Courts Act, shall, so far as they are not inconsistent with this Act apply to the proceedings before a special Magistrate; and for the purposes of the said provisions, the Court of the special Magistrate shall be deemed to be a Court and the person conducting a prosecution before a special Magistrate shall be deemed to be a public prosecutor.

(3) A special Magistrate may pass upon any person convicted by him any sentence authorized by law for the punishment of the offence of which such person is convicted.

I rise under the provisions of Section 65 of the Constitution, if I may read it briefly because it is important. It says:-

"Parliament may establish courts subordinate to the High Court and court-martials, and a court so established shall, subject to this Constitution, have such jurisdiction and powers as may be conferred by any law".

This is a well considered amendment. It will, for the first time, introduce into this country a law which creates courts for handling corruption which, although subordinate to the High Court, are independent of it. This is the time for Parliament to seize this opportunity to show the rest of the

country that it actually wants to get rid of corruption.

Mr. Temporary Deputy Chairman, Sir, I am not debating but I am mentioning a very important provision here that a magistrate in this particular jurisdiction will have the power to pardon an accused person, thereby creating evidence. The United States of America (USA) has done this under legal law and so on. This will be an opportunity for those who are plotting corruption to know that one of them can send all of them down the drain.

I beg to move.

(Question of the New Part II proposed)

(New Part II read the First Time)

*(Question, that the New Part II be read
a Second Time, proposed)*

The Assistant Minister for Planning and National Development (Mr. Kombo): Mr. Temporary Deputy Chairman, Sir, I wholly support the introduction of special courts in the fight against corruption. Indeed we know that, in the past, our Judiciary has been a problem in this area, but if we want to have truly independent magistrates, it means that we can even appoint somebody from outside the existing Judiciary in order to have people who can fight corruption.

So, I support this strongly.

Mr. M. Kariuki: Mr. Temporary Deputy Chairman, Sir, while I agree with the principle of creating special courts, I would like to oppose this proposed New Part II. This is because, first, it gives the Executive the power to appoint magistrates.

Indeed, Part II(3)(I) says: "The Minister may---" The Minister is a member of the Executive and he cannot interfere with the Judiciary. The Judicial Service Commission deals with the appointment of magistrates.

Secondly, we are recycling the people who are already tainted by bad records; records linking sitting chief magistrates to corruption all this time. We need people who are untainted, in the special courts. To that extent, I think it is flawed.

The final point I would like to make is that, you cannot give magistrates powers to handle these cases because it is a draconian power and it is likely to be abused. So, I oppose the amendment, in fact.

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Thank you, Mr. Temporary Deputy Chairman, Sir.

We would like to support this amendment subject to a minor amendment. In fact, special anti-corruption courts were proposed by the Parliamentary Select Committee on Anti-corruption and also by the Risk Advisory Group which was appointed by the Government to come and advise on this matter. The amendments as framed would seem to infringe on Section 69 of the Constitution which provides that it is the Judicial Service Commission which should appoint judicial officers and not the Ministers.

Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the word "Minister" be deleted and replaced with the words "Judicial Service Commission".

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I welcome that amendment.

*(Question of the amendment to
the amendment, proposed)*

Mr. Angwenyi: Mr. Temporary Deputy Chairman, Sir, I support the amendment by the Minister because we need to clean up our Judiciary. We should ask all the judges to resign and re-apply for their jobs and then they can be vetted by Parliament before they are re-employed. In this way, we can come out of this corrupt system by appointing people of integrity who are ready to implement policies of Government.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I just wanted to say something that the same amendment the Minister had proposed also goes for the proposed Section 4(2) so that instead of "the Minister" it is the "Judicial Service Commission." As you can see, the hon. Member, M. Kilonzo, said that we are supporting titles and not the substance. I am sure he may want to withdraw that remark and say that we have also supported the substance of his amendments and not just the titles. So, I am giving him the opportunity to come and withdraw that remark.

Mr. M. Kilonzo: I welcome the amendment. Thank you.

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted, put
and agreed to)*

*(Question, that the New Part II be read a
Second Time, put and agreed to)*

(The New Part II was read a Second Time)

*(Question, that the New Part II be
added to the Bill, put and agreed to)*

(First Schedule agreed to)

(Second Schedule agreed to)

(Third Schedule agreed to)

(Title agreed to)

Clause 1

Mr. M. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 1 of the Bill be amended by deleting the full stop after 2003 and inserting the following words "and shall come into force on publication in the Kenya Gazette".

Mr. Temporary Deputy Chairman, Sir, this amendment is to provide more certainty as to the commencement date of this Bill. It is well thought out and I recommend it very strongly to the House.

I beg to move.

(Question of the amendment proposed)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Chairman, Sir, I would like to support this amendment. In fact, if the amendment was not there, the Bill would automatically come into force on publication but this makes things much clearer. So, we support the amendment.

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted
in place thereof be inserted, put and
agreed to)*

(Clause 1 as amended agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Anti-Corruption and Economic Crimes Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

CONSIDERATION OF REPORT AND THIRD READING

THE ANTI-CORRUPTION AND ECONOMIC CRIMES BILL

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Anti-Corruption and Economic Crimes Bill and approved the same with amendments.

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Anti-Corruption and Economic Crimes Bill be now read

the Third Time.

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa) seconded.

(Question proposed)

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I wish to take this first opportunity to thank hon. Members for passing this Bill which has been pending for some time. However, I am surprised to note that, when this House lacks quorum, the Press reports it but when we sit here up to 8.00 p.m. without any extra pay, they do not report it and yet we are sitting here without any extra pay. Let them write about the bad things of this House but they should also write about the good things of this House so that our employers also know that we are working.

Mr. Temporary Deputy Speaker, Sir, at the same time, since we have now passed this Bill, let the donors not give any other excuse. Let us receive the money tomorrow so that we can provide the free education and all the things that we promised our people during the campaigns. I hope they will respond quickly. All those well-wishers of this Government should now start bringing the money tomorrow morning so that we can accomplish our promises.

Mr. M. Kilonzo: Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to salute this august House for taking the courage to establish special courts under Section 65 of the Constitution. It will constitute a turning point in the history of this country in dealing with corruption.

Thank you.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I rise to thank the hon. Members of this House for passing the Bill. But I want to say that this is not just for donors, it is for us. Let those who are used to corrupt practices know that their days are numbered. Kenyans expect to get value for money voted for projects and let everybody be warned.

With those few remarks, I beg to support.

Mr. Khamasi: Mr. Temporary Deputy Speaker, Sir, this is a historic moment for the Ninth Parliament. I want to pray that this is not another Act which is going to be put in the shelves. Let me hope that it is an Act of Parliament that will be implemented and applied fairly. We want the Minister for Justice and Constitutional Affairs to make sure that he continues with the spirit of fighting corruption. We will not sit back and wait to see him relax for some reason. This law must be applied without fear or favour.

With those few remarks, I beg to support.

The Minister for Lands and Settlement (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I stand to add my voice to the many voices of Members who are in support of this Bill. For some of us, this is a culmination of a fight that started a long time ago. I would also like to take this opportunity to thank the many officers, within the Anti-Corruption Police Unit, who have been preserving the evidence, because that evidence will now come in handy as we implement the new Act.

With those few remarks, I beg to support.

Mr. Biwott: Thank you, Mr. Temporary Deputy Speaker, Sir. I think the passage of this Bill will now mark a turning point in discipline, so that corruption will be dealt with firmly.

The creation of the special courts will not only focus on the importance of dealing with corruption, but it will also facilitate expeditious handling of such cases. I think we ought to thank the Anti-Corruption Police Unit because I have seen, in various offices, notices warning the public against engaging in corrupt activities. It is one thing to pass the law and implement it, but quite another for the people themselves to understand and to incorporate, in their culture, the correct behaviour of integrity. The law merely facilitates an already existing culture. I think it is for this House also to acknowledge the work which was begun by Mr. Kombo, and subsequently sustained by the KANU

Government. It has now been completed by the NARC Government. We need to adopt a bi-partisan approach from now onwards.

Mr. ole Ntimama: Mr. Temporary Deputy Speaker, Sir, I want to thank the NARC Government for introducing the Anti-Corruption and Economic Crimes Bill. I also think that, it is important to say that the Minister for Justice and Constitutional Affairs has been consistent and persistent in following up and punishing corrupt practices. We should not have any sacred cows at all. This Bill should have been passed 40 years ago, but the time has come. This is what we must follow and satisfy the wishes of our people, who elected us. They are watching keenly to see how we deal with corruption. The most important thing is that they know what is happening amongst us and we must never let them down.

Thank you very much.

Prof. Kibwana: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to congratulate the Ninth Parliament for passing this Bill, as well as the Public Officer Ethics Bill. I think this is going to be one of the most critical legislative efforts by the Ninth Parliament. This is something that we are going to remember and be remembered for. The other thing which we will do, which is almost equally important, is passing the Constitution. I want to tell hon. Members, and other leaders in our country, that corruption is going to be very costly with the passage of this Bill so that, as we sleep tonight, we must know that it is not going to be easy any more to do corruption. We have done very well. We have supported the President because he said he wanted corruption fought from the top, and we are beginning from the top in terms of our leadership combating corruption.

Thank you.

(Question put and agreed to)

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

The Temporary Deputy Speaker (Mr. Wetangula): Before we move to the next Order, Mr. Murungi had requested the Chair to be allowed to make a Ministerial Statement and the Chair has acceded to that.

MINISTERIAL STATEMENT

THE SOMAIA SAGA

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I would like to thank hon. Members from both sides of the House for supporting this historic Bill. Kenyans will remember them for the good that they have done to this country.

On 15th April, 2003, the Member for Kabete, Mr. Muite, requested me to make a Ministerial Statement on what has come to be called the "Somaia Saga". Specifically, the hon. Member wanted to know what action the Government is taking against Mr. Somaia, and whether we have given him what the hon. Member called "a clean bill of health". Accordingly, I wish to make the following Statement.

Mr. Temporary Deputy Speaker, Sir, several times, over the past few months, His Excellency the President has emphasized that there are no sacred cows in this fight against corruption. Sometimes it appears as if there are those who have misunderstood the seriousness and the commitment of this Government in the fight against corruption. We would like Kenyans to

understand that these things will take sometime, especially during this period of transition, as the nation moves from the era of impunity to the era of accountability. It is with this understanding that I make this Statement about Mr. Ketan Somaia, whose apparent fate has received wide Press coverage and formed the substance of debate and Questions in this august House.

Mr. Temporary Deputy Speaker, Sir, it is believed that Mr. Somaia, who has in the past been adversely mentioned in relation to all manner of corrupt business activities in this country and elsewhere, arrived in this country on 29th March, 2003. Instructions were issued and at 14.30 hours on 2nd April, 2003, Mr. Somaia was arrested by CID officers at the Grand Regency Hotel and escorted to the CID Headquarters. He recorded a statement regarding a host of alleged offences he was suspected to have been involved in before he fled the country in 1996. He was released the same day after questioning; at 18.35 hours. Over the following days, consultations and investigations were under way in various relevant departments of Government regarding Mr. Somaia's past suspected corrupt activities. In the meantime, our security agencies were vigilant and when it was realised that Mr. Somaia had boarded the British Airways flight No.064, bound for London on the night of 6th April, 2003, they swung into action and arrested him at around 22.30 hours.

Mr. Temporary Deputy Speaker, Sir, on 9th April, this year, the Attorney-General informed both the Commissioner of Police and the Director of Criminal Investigation Department (CID) that the High Court had made an order that Mr. Somaia be released from police custody and that the order was to be served on them. This order, however, was never served on either the Commissioner of Police or the Director of CID. The next day, on 10th April, the Attorney-General received a formal extradition request for Mr. Somaia to Tanzania where he stands charged with the offence of stealing by agent. On the strength of this warrant, the Court issued a warrant of arrest for Mr. Somaia, on 11th April, 2003.

Mr. Temporary Deputy Speaker, Sir, Mr. Somaia was released from police custody on the morning of 11th April, 2003, thereby complying with the Court Order dated 9th of April, 2003. However, at 9:10 hours on the same day, he was re-arrested on the strength of the warrant issued as a result of the Tanzanian Government request for extradition. He was detained, and remains detained on the strength of that warrant.

Mr. Temporary Deputy Speaker, Sir, on the morning of Saturday, 12th April, 2003, Mr. Somaia fell sick while in police custody and was taken to the Aga Khan Hospital for treatment. He remains at that hospital under armed guard. He continues to be held on the strength of the warrant of extradition to Tanzania.

Mr. Temporary Deputy Speaker, Sir, it is the position of the Kenya Government that individuals suspected to have committed offences on Kenyan soil should be charged in Kenya and should not be moved to any other country for trial.

(Applause)

Mr. Temporary Deputy Speaker, Sir, allow me to reiterate the Government's intention to follow through all the necessary legal proceedings in this matter.

With regard to Mr. Somaia, I must say that it is not the habit of this Government, or the Minister, to give him a clean bill of health.

(Applause)

It is only Mr. Somaia's doctor who can give him a clean bill of health.

Mr. Temporary Deputy Speaker, Sir, while Mr. Somaia is in custody, investigations have proceeded with regard to his past suspected corrupt activities. These investigations have revealed to us

the precise manner in which senior Government officials, in the former KANU Government, were involved in sophisticated and systematic acts of grand corruption and cover-ups, especially with respect to this case.

Mr. Temporary Deputy Speaker, Sir, the Somaia saga has been a unique test case for the NARC Government because we have been inquiring into transactions whose very design was meant to cover up for corrupt activities. Our investigations are not only covering Mr. Ketan Somaia, but also focusing on the activities of senior Government officials in the last regime, who have been involved in massive cover-ups of corruption.

Mr. Temporary Deputy Speaker, Sir, these investigations are continuing and the moment we will complete them, Mr. Somaia and any officers who aided and abetted him, shall be charged in a court of law.

Thank you.

(Applause)

The Temporary Deputy Speaker (Mr. Wetangula): I expected Mr. Muite, who asked for the Statement, to be the first one to stand up.

Mr. Muite: Yes, Mr. Temporary Deputy Speaker, Sir, I have been standing the whole afternoon.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the hon. Minister to clarify to this House that there is sufficient medical expertise within the territorial jurisdiction of the Republic of Kenya, and that the next thing that we are not going to hear is that the individual in question, the suspect, needs specialised treatment in London or some other place.

(Applause)

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Speaker, indeed, I would like to agree with the hon. Member that Kenya has excellent medical facilities. In fact, we are offering these facilities to our neighbouring countries.

Mr. Temporary Deputy Speaker, Sir, even when President Mwai Kibaki fell sick a few months ago, he was admitted, not to a hospital in London, but to Nairobi Hospital. So, the Government will not accede to any request or any pretext of taking Mr. Somaia out of this country. If he needs specialised doctors, they can fly in and see him at the Aga Khan Hospital.

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, I think the Minister should come out very clearly as to whether this man was arrested merely because of the extradition arrangement between Kenya and Tanzania, or he was arrested for the offence that he has committed in this country.

Secondly, the hon. Minister said that he was arrested and interrogated for about two hours and released for investigations and consultation. What are these consultations?

The Minister for Justice and Constitutional Affairs (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I think the hon. Member did not hear me correctly. At no time did I say that Mr. Somaia was released for consultation. Indeed, there is no consultation between him and any senior Government official. Mr. Somaia was released after recording a statement. I must also say that our investigations are still going on and there is no provision in our law to hold up somebody in the cells while you go out and investigate.

Mr. Somaia is held under a warrant which we have received for extradition to Tanzania. But what we are saying is that, as he is being held under that warrant, our investigations are still continuing. Once investigations are completed, he could, in addition, be further incarcerated because of any other offences that the investigations may disclose. But for now, he is held because of the

warrant of extradition, so that he can appear before the extradition proceedings in the Nairobi Court, which will start very soon.

The Temporary Deputy Speaker (Mr. Wetangula): Next Order!

BILL

Second Reading

THE PENSIONS (AMENDMENT) BILL

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I beg to move that the Pensions (Amendment) Bill be read a Second Time. This is a Private Member's Bill and I move it in my capacity as the Member for Mwingi South. Before I come to the substance of the proposed amendments, let me, for the benefit of hon. Members, briefly outline the various initiatives that I have taken in order to arrive at this position.

Mr. Temporary Deputy Speaker, Sir, on 4th June, 2000, having been concerned by the suffering of public servants, including teachers, due to delays in the payment of retirement benefits and death gratuity, I moved a Private Member's Motion in this House, urging the Government to ensure that all benefits payable to retiring and deceased public officers were paid within three calendar months. The Motion was unanimously passed by this House on 5th July, 2000. On that day, the Government responder, the then Assistant Minister for Finance, Mr. Arap-Kirui, on behalf of the Government, supported the Motion and told the House and I quote:

"The Mover of the Motion is being generous by suggesting that payments be made within three months. The ideal situation is that anyone retiring should be paid on the date of retirement."

Regrettably and despite this assurance by the then Government, nothing happened. I, therefore, decided to take further action one year later on 25th April, 2001 and moved another Private Member's Motion seeking leave of the House to introduce the Pensions (Amendment) Bill. The Motion was unanimously carried. Although it is now two years since this House granted leave, I have been struggling to have the Bill drafted and brought to the House. There were many roadblocks which were put ahead of me, particularly by the then Permanent Secretary, Ministry of Finance, who refused even to acknowledge my letters seeking his views on the proposed amendment. Nevertheless, with the assistance of the hon. Attorney-General, the Pensions (Amendment) Bill was finally published in October 2002. However, the Eighth Parliament, as you are aware, was dissolved before the Bill was debated. After being reelected to the Ninth Parliament, I thought I owed to Kenyans to republish this Bill.

Mr. Temporary Deputy Speaker, Sir, as you are aware, there has been hue and cry from retired public officers throughout the country. These officers retire after many years of loyal and dedicated service only to end up as paupers due to long delays by the Government to pay them their hard earned pension or benefits. It is common knowledge that a large number of retired public officers, including teachers, die before they receive their benefits. Of even more concern is the failure of the Government to pay death gratuity to dependants of public officers who die while in public service. The whole issue of non-payment of retirement benefits is so common that hon. Members of this House spend most of their time chasing payments for their constituents.

Mr. Temporary Deputy Speaker, Sir, Government Ministries continue to display an attitude which tends to suggest that payments of these benefits and pensions is a favour. This House must pass this Pensions (Amendment) Bill to send a very clear message to the Government that payment of pensions constitutes a right and not a favour. The Pensions Act, Cap.189, Laws of Kenya, provides

for the payment of pensions to public officers on retirement. However, the Act is silent on the time-frame when these benefits should be paid. I think this was so because legislators, at that time, did not foresee a situation where the payment of *kitu kidogo* would be a condition before benefits are paid.

Mr. Temporary Deputy Speaker, Sir, corruption which has been so rampant in Kenya - I am glad that we have just passed a Bill against it - has found its way in Government Ministries where pensions are processed and also in the Directorate of Pensions, where payments are finally made.

For the benefit of the hon. Members, I want to briefly outline the procedures followed when an officer retires. First, six months before the retirement date, a public officer is informed, by the Government, of the intention to retire. However, the Government does absolutely nothing to prepare retirement benefits for the officer until he leaves the service. I did mention last time that, on retirement, the only thing that a retiring officer takes home is a letter signed by the Permanent Secretary wishing that officer a happy retirement. But that letter marks the beginning of the retiree's frustration. By now the retired public officer begins visiting the Ministry's personnel department, asking for his pension to be processed. He is required to produce documents; birth certificates, letter of appointment, pay slip, identity card, *et cetera*. Failure by the officer to produce any of these documents may mean the loss of his pension. Retired public officers have to travel from Turkana, Mwingi, Garissa, Moyale and everywhere in Kenya to chase their pension. At every stage that the file moves, bribes are demanded and paid. Most of these people who are by this time broke end up selling their livestock and even their land in order to afford bribes. Is it not a shame that a public officer who has spent the better part of his life, serving his country with loyalty and dedication can end up selling his property in order to pay bribes before he can receive his benefits? Even after paying these bribes, one would be very lucky if he got his file processed within one year. After the files have been processed from the Ministry, they are forwarded to the Pensions Department which used to be at Marshal House, but now it is at Uchumi House. To get pension cheques processed at the Pensions Department becomes another nightmare. Again, bribes are demanded and paid before pension cheques are released. If one is lucky again, it may take another one year before the cheque is written by the Pensions Department. Many pensioners give up at this stage and they never get their pensions at all. While this is going on, the children of pensioners drop out of school, families go through serious psychological and financial problems. We know that many families have broken up during this trying time when the pensioner or the public officer is waiting for his pension. We know many public servants die very early after retirement because of this frustration.

Mr. Temporary Deputy Speaker, Sir, it is because of this that I felt we need to amend the Pensions Act, Cap.189 Laws of Kenya. I, therefore, propose that we amend this Act by inserting a new Section 16A, immediately after Section 16. That particular section which I propose to amend will read as follows:

"A person to whom a pension or other allowance is payable under this Act shall be entitled to be retained in the service until the payment in full of the gratuity payable to him, consequent upon the exercise by him of his option to receive the same under the provisions of this Act."

In effect, this would mean that no public servant will go home on retirement without receiving his pension cheque. It shall be the responsibility of the Government, if the House passes this Bill, to ensure that processing of pensions is finalised before the officer leaves the job, failing which the Government shall continue paying that officer while in office, his salary until he receives his pension. His retirement shall be effective after he gets the cheque. If this amendment had been effected three years ago public officers who were retrenched *en masse*, some of whom have not even received their benefits to date, would not have been retrenched before first receiving their cheques.

Mr. Temporary Deputy Speaker, Sir, let me now turn to another area which is of greater

concern. This is the area of death gratuity. Death gratuity or dependant's pension is payable to the next of kin or dependants of officers who die while in the public service. Also when a pensioner dies, those who survive him are entitled to survivor's benefits, with five years for the widow and in the case of children, until they attain the age of 18 years. Like in the case of pensions for officers who retire, bribes are shamelessly demanded before death benefits are processed. Since most of the dependants are widows and orphans, they are unable to raise bribes or follow the lengthy frustrating procedures set by the Director of Pensions and the Public Trustee. Consequently, these orphans and widows give up and never collect their benefits.

We know of cases which have taken as many as 15 years before payments are effected. As I speak, hundreds of thousands of shillings of uncollected benefits are held by the Public Trustee. The Director of Pensions is holding billions of shillings of retirees in suspense accounts while widows and orphans are suffering. What is even of more serious concern is that when both husband and wife die leaving orphans, these orphans cannot even follow up their benefits and therefore, their money is lost. It is, therefore, proposed that this House amends the Pensions Act, Cap.189, Laws of Kenya, by inserting a new Section immediately after Section 19 to read as follows:

"A dependant's pension payable under the foregoing sections shall be paid to the dependents within a period of 90 days after the death of the officer concerned, failure to which interest shall accrue thereon at bank rates until payment is paid in full".

I say this because two years ago I chased the payment of benefits for a widow which had not been paid for 12 years. When it was paid eventually, it was peanuts because no element of interest was included. Therefore, if this House passes this amendment it will mean that the Public Trustee may take as long as he wants to pay the benefits, but after 90 days, interest starts accruing. The amendment, if passed, will ensure that benefits due to dependants of the deceased public officers are paid within 90 days as I have said. The amendment provides that in the event payment is not made, interest at bank rates is applied in order to compensate for the delay.

Mr. Temporary Deputy Speaker, Sir, I did consider, when I was working on this, following representation from the Attorney-General that delays could occur at times when matters go to court. So, there is a provision that when matters are in court and delays occur because of such litigation, then interest is not payable. The proposed amendment Bill which is proposed to be effective from July 2003, may appear small. However, if we pass this Bill, it will have far reaching consequences on the Government if those who process pensions do not do their work effectively.

Mr. Temporary Deputy Speaker, Sir, the proposed amendments will greatly relieve retired public officers and their families of the suffering that they have continued to face for decades. The amendment will revolutionise pension payment and eliminate corruption in Ministries, the Directorate of Personnel Management, the Directorate of Pensions and the office of the Public Trustee. Above all, this amendment will greatly lift the morale in the Public Trustee. Above all, this amendment will greatly lift the morale in the public service. By passing this amendment this House will have taken a giant step in lifting the morale of public servants and ensuring that the families of retired public servants live decent lives after the retirement of their bread winner. It will be a great gift that this House will have given to public officers if these amendments are passed.

Before I conclude, I wish to express concern at the low pensions that are currently being paid by the Government. Unfortunately, this was beyond the scope of the private Member's Motion. As hon. Members are aware, there has been no increase of pension to public officers for a long time. Right now, everyone whether in public or private sector is agitating for a salary increase. Some have already been awarded their increase. Surprisingly, no one has put a strong case for the increase of pension for retired public officers. A large number of retired public servants receive as little as Kshs500 per month as pension. A pension of Kshs500 per month is, to say the least, humiliating and degrading. In my view, no credible Government should subject its retired public officers to such humiliation. I believe

the NARC Government will ensure that retirees receive decent pension. I, therefore, appeal to the Minister for Finance to very soon bring to this House another amendment to provide for automatic increase of pension whenever there is a review of salaries of public servants.

When the Government reviews salaries for public officers very soon, because we have been assured that there is a review going on, we will expect a corresponding increase of pension. In addition, the Act should be amended further so that in future, pensions are adjusted upwards annually according to the prevailing inflation and the cost of living index. If this is done, it will ensure that public service pensioners live just like public servants who are still in service. Finally, I want to take this opportunity to thank the Attorney-General for the assistance his office has given me in drafting this amendment Bill even when the Minister for Finance refused to co-operate. I would like to thank the Press for their support in bringing to focus the plight of retired public servants and their pensions especially during the time that I was moving the Private Motion. I want to particularly refer the House to *The Big Issue Magazine* of the *East African Standard* of 28th May, 2001, which highlighted the plight of public service pensioners. Lastly, the Office of the Clerk of the National Assembly assisted me. I would like to thank the particular officers very much.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Mr. Wetangula): Who is your Seconder, Mr. Musila?

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I would like to ask Mr. Sungu to second the Bill.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, the Mover of this Bill, Mr. Musila, deserves our congratulations for bringing this Bill to the House. For a long time, retirees from public service, who have done a commendable job for this country, have been treated like dirt. As soon as they leave public service, even if prior to retirement they were senior officers like my friend over there, who was a Provincial Commissioner, they would have to go to the offices of the Pensions Department and queue for days on end, looking for what is rightfully theirs. That is a shame to this country.

The time to change these things is now. The Ninth Parliament should come out clearly to pass this Bill into law, so that public servants can be treated with the respect they deserve. An uncle of mine passed away more than ten years ago. His wife also passed away because she could not afford medical care. My uncle was unable to get his retirement benefits. I now pay school fees for my uncle's children and yet their father's pension lies with the Ministry of Finance. It is a shame that such a thing can happen in Kenya. We have set a very good example in Africa as a democratically mature people. Our Government is regarded as one comprising of mature personalities. How can we ignore the plight of our retired public servants?

Mr. Temporary Deputy Speaker, Sir, as an African, you know that many of our retired public servants have large families. Some of them even have more than one wife and tens of children. Imagine what would happen if the sole bread winner of such a big family passes away. If the children of such a person were used to having breakfast when their father was alive, they will now have to go without breakfast unless they have money. If they were used to having a decent lunch, they will not have it any more. They will never afford to pay school fees or meet their own medical expenses. It is, therefore, important that Parliament passes this Bill.

There is a major element which people have declined to recognise. We have the major problem of corruption. One of the major causes of corruption is the public service. A public servant who does not know that when he retires he will get his pension immediately, or if he dies, his dependants will get the death gratuity that is due to him is encouraged to be corrupt. The temptation to look after his own family when he is still alive is great. We must admit that all of us work for our offsprings. We all want to ensure that our families are well catered for whether we are alive or dead.

In passing this Bill, this House will be taking a major step in the elimination of corruption. It behoves the current Parliament to restore the confidence of public servants in the virtues of the public

service to enable them give their best service to this country. We can only do that if we ensure retirement benefits and death gratuity are paid in time. I do not want to take a lot of time, because I know that many of my colleagues here are due to retire soon, and would like to contribute to this debate. I would like to urge everybody in this House to support this Bill so that we can pass it into law.

With those few remarks, I beg to second.

(Question proposed)

Mr. Haji: Mr. Temporary Deputy Speaker, Sir, from the onset I would like to support this Bill.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Haji, for today, you have only five minutes to speak after which we will proceed to the next Order. However, you will carry over the balance of your time to another day.

Mr. Haji: Thank you, Sir.

Both the Mover and Seconder of this debate have very ably articulated the need for this Bill. As they have rightly said, I am also one of the pensioners. I know how long it took the Pensions Department to pay me my dues. We know of many Kenyans who have diligently served this nation but whose dependants have not been paid death gratuity after their passing away.

Mr. Temporary Deputy Speaker, Sir, when somebody is employed in the public service, the first thing he is required to do is to fill in some forms in which he gives his personal details, including the background of both his family and dependants. So, it is really surprising that when such a person retires, he is asked to produce his letter of appointment, and yet the letter of appointment originated from the office where he was employed. Normally, such a letter is signed by a personnel officer, who then keeps that person's file in a cabinet.

So, I do not see the rationale for demanding the original letter of appointment. In the course of serving the public, many public servants are transferred from one work station to another. They very easily misplace their letters of appointment. Simply because somebody fails to produce his letter of appointment, he is made to wait for years on end before he is paid his retirement dues. Also, one is asked to produce his last payslip. You know how small a payslip is. It originates from the same office which asks the retiree to produce it. I do not also see the reason for one being asked to produce a payslip.

Many of the pensioners die paupers, because they are tossed from one office to another. They are told to go to a chief or subchief in a very remote place and bring some information. This is particularly the case when dependants of a deceased employee pursue his death gratuity payments. One is asked to state his next of kin, and yet such information is contained in his personal file. One can simply be asked to swear an affidavit, stating who his or her next of kin is.

Three months is a very generous period of time. Two years before my retirement date, I received a notice to that effect. If you can receive a notice of retirement two years earlier, then one wonders why it is not possible for the Pensions Department to work out his pension. If the issue is that of calculations, annual increments are given on specific dates and months. Somebody who has two years to retire is due for only two annual increments. So, it is very easy for the Pensions Department to get all the necessary information from such an officer when he is still in office; it is very easy for a serving officer to produce such personal details. However, when he retires, he does not even have access to his personal file. Once he retires and leaves office, his file becomes the property of the Government. You cannot even go back to retrieve some information. The only people who can do that are those in whose custody the file is.

With regard to death gratuity, the Services Public Trustee should also be decentralised. As it is now, any amount of money exceeding Kshs40,000 cannot be paid to the dependants of a deceased

officer at his home district treasury.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Mr. Haji, we now have to proceed to the next Order. However, you will have your remaining time when debate on this Bill resumes.

Mr. Haji: I am most obliged, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, let us proceed to the next Order.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, I beg to move that this House do adjourn until 10th June, 2003.

Mr. Temporary Deputy Speaker, Sir, every hon. Member will remember that this House reconvened on 18th February, and has worked extremely hard until today, 17th April, 2003. As the old English adage goes, all work and no play makes Jack a dull boy or even better, a change is as good as a rest. We are going to use this recess to attend the National Constitutional Conference. We made an undertaking to the Kenyan people that we would give them a new Constitution as soon as it was practicable. The Select Committee on the constitutional review process has, in consultation with the Commissioners, fixed 28th April as the day when the National Conference on the draft Constitution of Kenya will begin.

That is a monumental task for legislators who are all going to be active members of that conference. We are called upon to read the draft of the Constitution of Kenya Review Commission (CKRC) with a tooth comb, analyse every clause, what it means for the people of Kenya now and for generations to come; and come out with a proper and foresighted draft Constitution - a draft Constitution coming to this House and will have to be adopted without amendments. It will be adopted as it is or rejected as it is. Therefore, all hon. Members of Parliament are expected to give guidance and leadership at the conference by reading the draft recommendations of the Constitution most carefully, and guiding the conference to reach consensus, without necessarily having to go to the referendum. If consensus can be obtained at the conference, there will be no need for the Government to spend any money on a referendum. But if consensus is not obtained, then in the interest of us fulfilling the true wishes and intentions of the Kenyan people, a referendum will have to be held. Again there, Members of Parliament will play a crucial role in informing their constituents on the relevant provisions, so that we can give Kenya a historic Constitution that will stand the test of time, and will go down in history as a Constitution that was well thought out and represented the true feelings of the Kenyan people.

Mr. Temporary Deputy Speaker, Sir, in the course of this Sitting, there have been a lot of Bills and Members' Motions passed, culminating in a Bill that we have just passed today; the Anti-Corruption and Economic Crimes Bill. As you all know, that Bill was one of the conditionalities for the Bretton Woods institutions to resume lending to this country. So, what we have done today is going to make the burden of Kenyan people a little lighter. Hopefully, the lending institutions will resume lending to our country. Then, we will be able to provide those services that we promised the people that we would give them. Indeed, even without any promises, any Government worth its salt - and the Government here means the ruling party and the Opposition in Parliament--- We are all Government in the eyes of the Kenyan people. We all work together in passing the Bills that will affect the lives of Kenyan people. So far, if I may say so, there has been tremendous rapport and

understanding between the governing side and the Opposition side. Indeed, I would say we have a marvellous Opposition side, active and, definitely, patriots of this country!

Mr. Temporary Deputy Speaker, Sir, the passing of those Bills will enable the lenders to resume lending to our country. I can assure you that talking to various members of the diplomatic corps who pay visits in my office, the whole world is waiting to support Kenya. The whole world is waiting to pick up where they left off.

The Temporary Deputy Speaker (Mr. Wetangula): Your time is up, Leader of Government Business!

The Vice-President and Minister for National Reconstruction (Mr. Wamalwa): Mr. Temporary Deputy Speaker, Sir, I wish all Members a happy recess.

With those few words, I beg to move.

The Minister for Lands and Settlement (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this Motion by the Leader of Government Business. In supporting this Motion, I would like, once again, to thank Members of this House for having teamed up with the Government in the fight against corruption, and having passed landmark legislations which, perhaps, bring this particular Session of Parliament to a very successful close. I believe Members had a very exciting two months in the House; during which time there has been lots of professionalism exceeded in the House. I do look forward to all the Members coming back in one shape to continue the same professionalism as we try to build our country together.

Mr. Temporary Deputy Speaker, Sir, the nation has been looking up to us to provide the leadership and I do hope that we shall do that as we take a break to our constituencies and continue the good work that we have been doing in the House.

Mr. Temporary Deputy Speaker, Sir, as we break to go to Mombasa, I believe that all of us will take it as part of our duty to help create a Constitution that the Kenyan people want; devoid of our personal interests, looking at posterity and putting it into focus. I would like to take this opportunity to wish hon. Members and Kenyans at large, a happy Easter holiday and fruitful discussions in Mombasa and, thereafter, at the Bomas of Kenya. I hope by the time we assemble here, we will be re-energised to put this House where it belongs.

With those few remarks, I beg to second.

(Question proposed)

Eng. Muriuki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity. I rise to support this Motion for the Adjournment. This House has had a lot of bashing from the Press for all the wrong reasons. One of the reasons is that this House has been doing very little business over the years. It is obvious that we have been closing for too long. This is the first time the House has been in Session in February and March and very important Motions and Bills have been passed by the House. One of the Bills which have been passed in this House is the Anti-Corruption and Economic Crimes Bill, which is in line with the policy of the National Rainbow Coalition (NARC) Government, to eradicate corruption in all its facets. We are sure that the nation is fully behind the NARC Government in its fight against corruption.

Mr. Temporary Deputy Speaker, Sir, sometime back, the House gave leave to introduce a Bill known as the Constituency Development Fund Bill. The Bill has just been published. This particular Bill proposes to provide facilities to constituencies, which will free hon. Members of Parliament from Harambees. The Budget for the next financial year will be compiled during the recess. On behalf of hon. Members, I wish to request the Minister for Finance to factor into the Budget the money that is required for Constituency Development Fund (CDF). For the avoidance of doubt, the CDF is only 2.5 per cent of the total national revenue, which we understand is over Kshs210 billion. Therefore,

we are asking the Minister for Finance to factor into the Budget a total of Kshs25 million per constituency for development purposes. I hope we will pass the Budget when we resume from recess.

With those few remarks, I beg to support the Motion.

Mr. Mganga: Thank you, Mr. Temporary Deputy Speaker Sir. I stand here to support the Motion.

The Temporary Deputy Speaker (Mr. Wetangula): All hon. Members who will contribute to the debate on this Motion will have a maximum of five minutes each. So, you can try and compress your points as much as you possibly can.

Mr. Mganga: Mr. Temporary Deputy Speaker, Sir, my names are Mr. Boniface Mganga. I have variously been referred to as Mr. Mwandawiro Mganga, Mr. Boniface Mwandawiro Mganga, and so on. All sorts of references have been applied to me. I am Mr. Boniface Mganga, the Member of Parliament for Voi Constituency.

Over the last few weeks, very important issues have been discussed in this House. One of the issues that have been discussed here, which has been sweet music to my ears, is the issue of the fight against corruption. KANU has been bashed left, right and centre over corruption. I recall that during the Official State Opening of the Ninth Parliament, the President said:

"Unfortunately, in the past, some people who have been perceived to be guilty of corruption, sat in this House, and some occupied positions of public trust".

But has the position changed? I think it has not. There are many people on both sides of the House, who have been involved in very serious crimes of corruption. Today, we find ourselves sharing benches with big thieves. I would like to urge hon. Members of this House, whether they are on the Government side or on the Opposition side, to support the Government in its fight against corruption. The Government should sink its teeth into the vice of corruption without regard to party affiliations, tribe or region. A lot of people have been saying that their tribes or parties are being targeted. A crime is a crime, and it does not have to be associated with any political party or tribe at all.

Over the years, many of us, in and outside the Government, have cried when we witnessed people plundering the economy of this nation. There were people who just sat in offices, called Permanent Secretaries and instructed them to prepare cheques for no work done, and they are sitting here with us. Whether this happened last year, the year before or this year, it is a crime. We cannot run away from mistakes just because they were committed at a particular period of time. Time does not change anything. After all, over the past three weeks, we have been reading reports of Ministers who have been receiving briefcases in their offices. Does this make it a less crime today?

One of the things that the NARC Government promised to do is to go for off-shore bank accounts of people who have been suspected to have plundered the economy of this nation. It promised that it would freeze those accounts and return the money to the country. But before it freezes suspect off-shore bank accounts, it should freeze suspect bank accounts within the country. How would a person who has never been known to have any special entrepreneurial skills have in his savings account Kshs4 billion? The NARC Government should first investigate suspect banks accounts in Kenya. If the Government really wants to sink its teeth into corruption, it should start here in Kenya before it seeks international assistance to freeze foreign bank accounts held by Kenyans who have been implicated in corruption.

The Minister for Lands and Settlement said that he would issue second generation title deeds. Sixty two per cent of land in Taita Taveta is owned by the Kenya Wildlife Service (KWS), 26 per cent by three families, 12 per cent is just hilly and rocky, and the poor peasants are left to struggle on only 6 per cent of the land. Why should this state of affairs exist in our country today? This has contributed to the fact that 50 per cent of the people in Voi Town are squatters in their own ancestral land.

I would like to urge the Minister for Lands and Settlement to eliminate all the old title deeds and issue the second generation ones, after determining that people actually own the land they occupy

rightly.

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion.

We should pat our backs for the work we have done in this House during the last two months.

Of particular importance is the Anti-Corruption and Economic Crimes Bill that we have just passed. One of the things that the House should do is to seek ways and means, particularly through the media, of disseminating the Bills that we pass in this House. When Bills are passed, they are left in the domain of our legal fraternity, so that it is not clear to people out there in the villages what we have been doing, and the impact of what has happened, particularly when it comes to a Bill like the Anti-Corruption and Economic Crimes Bill.

The people we serve should know the implication and the purpose for which we pass Bills. The Anti-Corruption and Economic Crimes Bill is a very important Bill in the sense that if it is disseminated effectively, it will show people that wealth does not have to be stolen. If we do not educate Kenyans, they will believe that the only way one can get wealth is by stealing or by being corrupt. So, if people know that, that is not what should happen, then it will be possible for them to start working hard to accumulate wealth through their hard work.

The Bills which we will pass when we come back from recess must also reflect the world in which we live. We used to have embassies overseas to manage the relationships between Kenya and other states such as the United States of America and Russia. It is now very clear that Kenya's interest overseas is only commercial. We do not have any other interest abroad apart from commercial interest. Therefore, we should introduce a Bill to deal with commercialisation of our overseas embassies so that the people who are out there only work for commercial interest. I think this Bill will be crucial. We do not have the kind of money which we used to have to run embassies which do nothing, or on people who sit there, buy refrigerators and cars to bring home. Every money we spend must be accounted for. It is, of course, benefit analysis all the way.

Mr. Temporary Deputy Speaker, Sir, as we go on recess for one month or so, one of the issues which I would like to request my friends to tackle is HIV/AIDS. We know that the President has launched the war against HIV/AIDS and I think that when we come back from recess, there will be a couple of Bills which we will pass regarding the war against HIV/AIDS. It is time for us to re-constitute the Divisional AIDS Committees so that they can become effective. Indeed, this is a good time when we can do that. I am saying this because it is time for us to go and evaluate the effectiveness of our hospitals and clinics. This is so particularly in my constituency - Mukurweini, where we face the problem of our hospitals not being able to respond to issues to do with HIV/AIDS and other health hazards.

It is right that the Ministry of Health is aware and on the look out for SARS so that if it spreads to our country when we are out there, they can respond to it. This is because there is a tendency for the Government to respond better when it knows that it will be taken to task by hon. Members. If this virus is reported in this country next week, let the Minister handle the situation with the urgency it deserves otherwise, by the time Parliament reconvenes there might be no Kenyans.

As we go for recess, we should think very seriously about our relationship with the donor community. We have just passed the Anti-Corruption and Economic Crimes Bill. I have got a feeling, and I stand to be proved wrong, that if, indeed, we are not given other conditions to fulfil before the donors release money to us, we will be happy. But I have got a feeling that we should think of other alternative measures because the conditions which the World Bank and the International Monetary Fund (IMF) will set, as soon as we have passed this Bill, will be many.

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

Mr. Musila: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to support this Motion. I think it is one of the most important adjournments that we have ever made. It is important in the sense that we will adjourn to go into the constitutional making process. I do hope

that when we go to the National Constitutional Conference, we will work as a team or as Kenyans, and that we will not be guided by our personal, tribal or community considerations. I do hope that we will also address the issue of sharing the national cake.

I am encouraged because when the President was opening this Parliament, he did mention that those areas which have in the past been marginalised will get a chance and that they will be given an opportunity to get a bigger share of the national cake.

I would also like to commend the Government for introducing free primary school education. This is one of the issues which has remained unfulfilled for many years. As we are aware, Kenya was almost the last country in the Continent of Africa to implement free primary school education. I think we should commend the Government for the bold effort that it has made to ensure that we have free primary school education. But having said that, I sense danger in the manner in which money for free primary school education is being sent to our primary schools. If the Kshs28,000 which was first sent to our primary schools is anything to go by, we may be in for a very serious problem. This is because the Kshs28,000 was misappropriated in a large number of primary schools. As the Chair is aware, the Minister has announced that a lot of money will be sent to primary schools at an average of Kshs600 per child. Some schools will end up getting Kshs500,000 and so on. The school committees which are charged with the responsibility of administering these funds may not have the capacity to administer the funds and ensure that they are utilised properly. Therefore, I would like to make a special appeal to the Minister for Education, Science and Technology to ensure that elections are done in all primary schools in the rural areas. The Ministry should also ensure that only people who are capable of ensuring that this money is being put into proper use are elected. I am saying this because up to now primary school committees have not been taken to be important. Therefore, only those people who perhaps cannot even be elected in any other position have been relegated to primary schools. We must use this opportunity to ensure that our primary schools have committees which are capable to manage these funds. The secretaries of these committees who are headteachers must be people who cannot steal funds.

Mr. Temporary Deputy Speaker, Sir, again, I would like to appeal to the Minister for Education, Science and Technology to ensure that the staff of the Ministry at the district levels have the necessary training in book-keeping and simple accounting. I would also like to appeal to the Ministry to ensure that after this money has been sent to primary schools, it is audited. That is very important because unless these funds are audited, we are likely to fail in this very important undertaking of providing free primary education.

Most of us who have been in this House have many problems in our constituencies. I would like to say that one of the biggest problems in my constituency - Mwingi South, is lack of water. Women have to cover up to ten kilometres in search of water. It is shameful that our women cover up to ten kilometres in search of water 40 years after Independence. The Chair will remember that we were told that in the year 2000 every household would have water. Today, we are in the year 2003, and my constituents still cover ten kilometres in search of water.

I would like to appeal to the Minister for Water Resources Management and Development to live to her words. We are very encouraged by the spirit in which she has taken up her work. We hope that she will live to her words, and that the people of Mwingi South Constituency will get water.

This is because already the dream of getting water in the year 2000 has passed. We hope that it will not take too long before the people of Mwingi South Constituency get water, which is such a rare commodity in that part of the world. I do hope that the Minister will address the issue of water very seriously not only in Mwingi South Constituency, but also in arid and semi-arid areas of this country.

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

Mr. Wario: Ahsante, Bw. Naibu Spika wa Muda. Ningependa kuchukua fursa hii kukushukuru kwa kunipatia nafasi hii ili niweze kuchangia Hoja hii. Hoja hii ni muhimu kwa sababu

tutakapofika kwetu, tutapata fursa ya kuchangia marekebisho ya Katiba. Katika Katiba hiyo kuna swala la Mahakama ya Kadhi. Hiki ni chombo ambacho kilikuwako kabla ya nchi hii kupata Uhuru. Hiki si chombo ambacho tunajitahidi kuweka katika Katiba yetu leo.

Bw. Naibu Spika wa Muda, utakumbuka kwamba tangu tupate Uhuru hadi kufikia leo, tumeishi katika nchi hii kwa amani, licha ya tofauti iliyoko kati ya Wakenya wote. Tumeweza kuishi pamoja kwa amani bila mmoja wetu kuingilia dini ya mwenzake. Ni jambo la kusikitisha kwamba, leo, makundi fulani yanayowakilisha mabepari, yanaingiza mikono yao katika swala la Mahakama ya Kadhi.

Bw. Naibu Spika wa Muda, iwapo nchi hii itatambua na kuheshimu dini ya Kiislamu, basi ni lazima watu waheshimu Mahakama ya Kadhi. Hii ni kwa sababu ikiwa kutaibuka ugomvi, suluhisho la pekee watakalotegemea waislamu, ni kupitia Mahakama ya Kadhi.

Bw. Naibu Spika wa Muda, linachipuka swala la wananchi kulipa kodi kwa mahakama ambayo haiwanufaishi. Ningependa kuwakumbusha kwamba kodi inatolewa na kila Mkenya na sio kundi fulani la watu. Isitoshe, wale wanaopeleka mizozo yao katika Mahakama ya Kadhi, hulipa pesa kando na kodi ya nchi wanayotoa. Pesa hizi haziendi kwa waislamu, bali katika hazina kuu ya nchi.

Bw. Naibu Spika wa Muda, pia ningependa kuchangia tatizo ambalo limewakumba wananchi wa sehemu ninayowakilisha Byngeni. Kwa mfano, katika Bunge hili nimeona wafanyakazi kutoka kila sehemu isipokuwa kutoka sehemu yangu. Nafasi za kazi zimechukuliwa na Wakenya wengine na siyo wale wanaotoka katika sehemu ninayowakilisha hapa Bungeni. Tatizo la ukosefu wa kazi ni kubwa. Wengi wa vijana wetu hawana kazi na jambo hilo limedhoofisha hali yao ya maisha. Hawawezi kujimudu kimaisha. Kwa hivyo, ahadi waliotoa Wabunge wa Serikali ya NARC, kwamba watatoa kazi 500,000 kila mwaka, sharti isipuuzwe ili kazi hizo zipatikane. Hii itanufaisha na kuboresha hali ya maisha ya wananchi wetu.

Bw. Naibu Spika wa Muda, tunapongea lolote linalohusu nchi yetu, ni rahisi Wakenya wenzetu kutufahamu. Lakini iwapo utasimama na uanze kuzungumza chochote kuhusu ufugaji, basi wewe utakuwa umeanza lugha ambayo haieleweki na mtu yeyote. Ufugaji ni shughuli ya kiuchumi ya sehemu ya wananchi wa nchi hii wanatoa kodi kwa Serikali. Vile vile, ni watu wanaostahili kufurahia haki zao sawa sawa na Wakenya wengine. Lakini katika sehemu nyingi, kukiwemo utoaji wa nafasi za kazi au utoaji wa huduma kwa wananchi, ikifika kuwahudumia wafugaji, inakuwa ni dhuluma.

Bw. Naibu Spika wa Muda, Ningependa kugusia swala la umilikaji wa ardhi. Wafugaji wanamiliki zaidi ya asilimia themanini ya nchi ya Kenya. Ni masikitiko kwamba hali yao ya maisha haitambuliwi na sheria kama hali ya kumiliki ardhi. Kunapotokea mzozo baina ya wafugaji na Wakenya wengine, sheria hulalia upande mmoja.

Bw. Naibu Spika wa Muda, ningependa kuliomba Bunge hili litambue ufugaji, la sivyo asilimia ishirini na tano ya wananchi wa Kenya, watadhoofika zaidi na hali yao kuwa mbaya zaidi kushinda ilivyo sasa.

Bw. Naibu Spika wa Muda, kwa hayo machache naomba kuunga mkono Hoja hii.

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. As I do so I would like to make a few remarks. First, I want to thank the hon. Members of this House for the wonderful job they have exhibited throughout their deliberations on issues and this Motion for Adjournment. Most of us who are hon. Members for the first time, are surprised by the amount of workload and the quality of work that come out of this House. I would wish that there were adequate information dissemination so that the members of the public are fully aware and accurately informed about the kind of work that goes on in the various committees of the House as well as the deliberations that take place on the Floor of the House.

Mr. Temporary Deputy Speaker, Sir, may I also commend the support staff for the quality back-up services they render, their discipline and efficiency, because that makes it possible for hon. Members of this House to do their constitutional work. That credit in all fairness is well deserved. If

there is any department of Government that would compete favourably with the private sector, it is this National Assembly, and I commend it.

Mr. Temporary Deputy Speaker, Sir, the dissemination of what goes on in Parliament will ensure that our constituents know that we are not earning our salaries for nothing because, indeed, there is a lot of work going on in this House. Indeed, all Members of Parliament are fully occupied and deserve what they are paid and perhaps, even more.

Mr. Temporary Deputy Speaker, Sir, my main concern is the clear lack of evidence on the implementation of resolutions made in this House, on the Motions that we pass. Going by all the Questions that have been asked in this House, it is very clear that many Motions that were passed by previous Parliaments have remained unimplemented. I would like to take this opportunity to urge the Executive arm of the Government not to take this House for granted because the resolutions made by this House are made on behalf of the people. They are a reflection of the expectations and the desires of the people of Kenya. We, therefore, would want the Executive arm of Government to strengthen the implementation arm of its operations.

Mr. Temporary Deputy Speaker Sir, the issue of hon. Members meeting regularly and saying things as they feel regardless of their party affiliations should be looked into because we campaigned to represent various constituencies, but once elected and sworn in we become Members of Parliament. I commend all of us from both sides of the House for the unity of purpose. From time to time, we have joked and teased one another, but it was very clear that we put the interests of this nation above our party and individual interests and other constituency interests.

Finally---

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

The Temporary Deputy Speaker (Mr. Wetangula): Carry on, Mr. Syongo. The hon. Members are just enthusiastic to speak.

Mr. Syongo: Mr. Temporary Deputy Speaker, Sir, my final word is that as we move on to the next stage which starts on the 28th of April, on the issue of constitution making, I would like to urge all hon. Members of this House to move with the same spirit and put our country ahead and above our individual interests.

(Applause)

I trust that at the end of that conference at the Bomas of Kenya, we shall come out with a constitution that will serve the interests of this nation, our children, their children, and posterity, for time infinity.

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

Mr. H.M. Mohamed: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ili niujiunge na wahe. Wabunge wenzangu kuchangia Hoja hii muhimu. Tunaenda likizo, lakini likizo hii ni tofauti kwa sababu tunapoenda likizo, kwa kawaida tunatembelea maeneo yetu ya Uwakilishi Bungeni na kukutana na wananchi. Lakini katika likizo hii tutaenda kufanya kazi muhimu ya kutengeneza Katiba mpya ya nchi hii. Ninasema tunaenda kufanya kazi muhimu kwa sababu Katiba ni kitu muhimu sana. Sisi ambao tumetoka kaskazini mwa Kenya hatukuwakilisha katika shughuli za kutengeneza Katiba ya sasa kule Lancaster House mwaka wa 1961-62. Katiba hiyo iliwapatia nafasi watu kutoka sehemu zingine za nchi na---. Baada ya kupata Uhuru, Kifungu nambari 127 kiliongezwa katika Katiba ya Kenya cha kugandamiza watu kutoka kaskazini mwa Kenya. Kifungu hicho kiliwapatia maafisa wa Serikali uwezo wa kufanya kitu chochote ambacho walikuwa wanataka. Walichukua mali yetu na kuharibu kila kitu. Katiba hii imetufanya tuwe mahali tupo. Hii ndio sababu

ninasema kuwa kutengeneza Katiba ni muhimu kwa wakati huu. Ninafikiri tutashiriki katika kongamano hilo hata kama litaendelea hadi usiku. Hatutaenda nyumbani kwa sababu tunaogopa wenzetu wanaweza kuweka kifungu kingine kama kile kilichowekwa mwaka wa 1964 cha kuwapa askari uwezo wa kuingia nyumbani zetu na kufanya chochote walikuwa wanataka.

Bw. Naibu Spika wa Muda, ninataka kuzungumza kidogo juu ya barabara. Tunapoenda likizo, huu ni msimu wa mvua, ikiwa itanyesha. Ninaweza kufika Garissa, lakini nikitaka kwenda kuonana na wananchi sitaweza kwa sababu hakuna barabara ambayo imewekwa hata murrum. Katika Mkoa wa Kaskazini Mashariki, kuna kilomita sita peke yake ya lami katika mji wa Garissa. Lami hiyo iliwekwa mwaka wa 1974. Tangu wakati huo wote, hakuna hata mahali imewekwa murrum. Simwoni Waziri Raila na kama angekuwa hapa leo, ningemwambia atengeneze barabara kama alivyo hodari kutengeneza mambo ya siasa. Ningemwambia afanye bidii kutengeneza barabara zetu. Pia nimesikia mhe. Mbunge wa Mwingi Kusini akizungumza juu ya maji. Maji ndio shida katika kaskazini mwa Kenya. Katika Karne ya 21, kina mama wanatembea umbali wa kilomita 30 kutafuta maji.

Kwa hayo machache, ninaunga mkono.

The Assistant Minister for Transport and Communications (Mr. Ligale): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion, which I very highly support. While supporting the Motion, I want to say that we are going into this recess a proud people, because this Session we have completed has been very productive. We have seen through a number of important Bills including the Anti-Corruption and Economic Crimes Bill and the Public Officer Ethics Bill. We have also passed those which concern the welfare of the hon. Members here. They were also important. If hon. Members do not take their welfare, they cannot surely be able to articulate the wishes of their constituents as well as they should.

Mr. Temporary Deputy Speaker, Sir, we are not going out there to rest, but to work. As some of my colleagues have said here, we are going to review our Constitution; to look at the draft that has been prepared by the CKRC. I think this is a very important job. As we go into that exercise, I would like to urge my colleagues here and all the Kenyans who will participate in that exercise, that they are going to form a new Constitution for this country that will last for years. They should do so without having the interests of any particular person. They should make a Constitution for posterity for this country and not for any particular person. I have seen it that occasionally, when we want to form an important milestone of that nature, people tend to protect the interests of an individual. We are going to form a Constitution that will last for decades. It will not be for the interests of any particular person. I know that we shall be able to address ourselves to the task before us.

Mr. Temporary Deputy Speaker, Sir, since we have passed the two vital Bills, I would like to join my colleagues to say, first and foremost, we are articulating those for our own people here. Yes, we are bearing in mind the wishes of the donor community or development partners. But, first and foremost, we want to send a signal to all and sundry that this new Government is working hand in hand with our colleagues on the other side to eradicate corruption. We want to rid this country of corruption and we mean business on it. But I would also like to hope and pray that our development partners will not begin to shift goals; that, indeed, as they have promised on the passage of those Bills, they will be able to come to our assistance and aid this country so that our economic take-over can be a thing that we can be proud of as a Government because we have made several promises to wananchi.

Mr. Temporary Deputy Speaker, Sir, I also want to join my colleague who talked about the Constituency Development Fund. We have a Bill before us and we are coming to debate it upon resumption in June. But the Minister for Finance will have formulated his Budget. I would like to urge him also to factor the amounts required for the Constituency Development Fund in that Budget. All the people are looking forward to this and I do trust that by the time we get back to debate the

Budget, these funds for each constituency will be reflected. We have said that Harambee which may have been started with a noble aim by our late founding father of this nation was abused very badly. It became a cancer in our country and we want to replace that with the Constituency Development Fund. There will be small Harambees for, maybe, students going for further studies, but the major development aspect within the constituency should be catered for through the Exchequer.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that, as we go into this recess, there is a looming drought in our country. We, as a Government, should be prepared to ensure that no single Kenyan dies because of hunger. I know that we shall do our best to ensure that all those who might face this scourge are well taken care of.

Mr. Temporary Deputy Speaker, Sir, as I conclude, the war in Iraq may have ended, but this is the time to become vigilant in terms of our national security. It may well be a time for people to try and hit countries that, may have been perceived, or may have aided in any manner the people who were fighting in Iraq. We should be extra vigilant to ensure that our borders are well protected.

With those few remarks, I beg to support.

Mr. Kamama: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion for the Adjournment.

I want to support this Motion by saying that for the last two or three months this House has done a commendable job by debating on very crucial and important Bills, the most important one being the Anti-Corruption and Economic Crimes Bill.

Mr. Temporary Deputy Speaker, Sir, most hon. Members will agree with me that corruption is a national shame and all Kenyans are willing to forget this behaviour that has actually eaten into the fabric of most Kenyans. Most Kenyans do not believe that one can become rich without being corrupt. I hope the passing of this Bill will send a message to all Kenyans that, indeed, one can become rich without being corrupt. If you go to Government offices up to the village level, you will find messengers who are earning very low salaries asking for *kitu kidogo* so that they can balance their accounts at the end of the month.

Mr. Temporary Deputy Speaker, Sir, if we want corruption to stop we must look into ways and means of increasing salaries of civil servants, the police and the teachers. It is not only the police or the teachers, who need a salary increment, but all civil servants in this country because that is where corruption is rife and very conspicuous. I also want to say that corruption in this country almost drifted into what we used to hear of "the drug barons of Mandarin". Nairobi has very corrupt people and we have corruption barons in this country.

Mr. Temporary Deputy Speaker, Sir, most hon. Members read about the money that was being transferred from USA to some hotel in this City and up to now we do not know where that money went to. Money laundering is very serious, it goes together with drug trafficking. So, I am happy that the Anti-corruption and Economic Crimes Bill was passed and it is not going to be taken as a legislative nonsense. It should be taken as a serious Bill that will bite, and those who will be involved in corrupt activities will be brought to book.

Mr. Temporary Deputy Speaker, Sir, I want to talk about the welfare of the pastoralists. During his inaugural Speech, His Excellency the President gave some good news to the pastoralists. Indeed, he promised that he will look into the welfare of the people of North Eastern Province and those who are in the marginalised districts. This group of people have been forgotten for a very long time. We want the commitment by His Excellency the President to be reflected in the Budget. We want some funds allocated that will take care of the pastoralists. If we will not see this commitment in the Budget, then we will just take this as hot air. So, this commitment must be in concrete action and we want to see it implemented.

Mr. Temporary Deputy Speaker, Sir, I want to talk about peace and conflict resolution in this

country. I used to be an officer of the previous Government and I was involved in the business of building peace and solving conflicts in about five provinces, that is my experience. We need to eradicate cattle rustling and highway banditry in the whole of North Rift and North Eastern Province.

With those few remarks, I beg to support the Motion.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Temporary Deputy Speaker, Sir, I stand to support the Motion for the Adjournment.

As we go for our recess, there are a few points which I would like to bring to the attention of hon. Members, especially those new ones, as regards the operations of the Kenya Roads Board Act because many members of Parliament have been asking me how the District Roads Committees (DRCs) operate. There is some conflicting information given by the District Roads Engineers, who are the secretaries of those DRCs. There are others who had been advised that Members of Parliament cannot become chairmen of DRCs. I would like to clarify this, especially with regard to new hon. Members, that Members of Parliament and elected councillors who are chairmen and mayors are the ones who qualify to become chairmen of DRCs. Although a certain Mr. Mwau went to court to scatter away the operations of the Kenya Roads Board Act, the section that the court dealt with did not affect the chairmanship of the DRCs, as far as Members of Parliament are concerned.

I would like to notify hon. Members that the only aspect that is not operational to date, is the issue where, according to the KRB Act, there was to be an executive committee which would comprise the Chairman, the District Roads Engineer and the accountant; who would make decisions even before the main committee was set up. That was viewed to be an executive committee making executive decisions, and that is the one which Mr. Mwau had a case with. The other aspect, whereby you sit, deliberate and look into the work programmes and you pass certain works that you want to be done in your constituencies under the chairmanship of the area MP, is not affected. So, I would like to appeal to hon. Members who have not yet constituted the DRCs to take this opportunity when we are on recess, to go and have the DRCs constituted and co-option of the two members be done so that DRCs are in operation.

The tranche of the Ksh2 million that was sent last month has not been actually operationed in certain districts because of that confusion where some secretaries to the DRCs together with the DCs, are misadvising hon. Members. Soon there will be amendments coming to the House as far as the KRB Act is concerned because there are some issues that were omitted when the Bill was passed. They need to be addressed urgently so that the KRB can be operational. For example, we would like the KRB to work as a parastatal, completely divorced from the district administration.

(Applause)

Currently, you find the authority to draw money from the Treasury requires, the signatories to be the District Roads Engineer, the District Accountant, and the Deputy District Accountant. The issue of the tendering system of the DRC goes through the District Tender Board (DTB) which, as you well know, is sometimes very corrupt. We would want, when the amendments come to this House, the KRB to have a system in the district where they are completely autonomous. They have their District Engineers, District Accountants or accountants who are not employees of the Central Government, and also supplies officers who would be able to take care of the tendering system and supplies, which is separate from the DTB. We appeal to hon. Members to read the Act, especially those new ones.

With these few remarks, I beg to support the Motion.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to the Motion for the Adjournment.

Mr. Temporary Deputy Speaker, Sir, the Anti-Corruption and Economic Crimes Bill that we

have just passed today is a very important Bill. Once the President accents to it, it will be a master piece of legislation in this country. I would urge the Minister for Justice and Constitutional Affairs to involve religious and other leaders in the fight against corruption. We would like to see corruption eliminated in this country. We know that corruption is rampant in the Judiciary. Sometimes punishment meted out to offenders is more punitive than the crime itself. I urge the Minister to involve religious leaders and civil society in the implementation of this very important piece of legislation. I also urge him to give police power to charge petty offenders immediately instead of taking them to courts.

Mr. Temporary Deputy Speaker, Sir, we could also involve departmental heads in the Government Ministries to implement the Anti-Corruption and Economic Crimes Act. I propose that we start by setting up a special department at the Port of Mombasa to fight corruption. We should empower it to charge people caught in corrupt deals without taking them to court. We should not just pass a Bill, just for the sake of it, and wait to implement it after 10 years. This Bill should be implemented immediately, even if it is tomorrow. The Government must use its machinery to gather information about corruption in this country. We do not want to wait until after 10 years when issues of corruption will be raised in this House for the Minister to act. All Government departments should gather information about corruption and forward the same to the Minister for Justice and Constitutional Affairs for action.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, the Government should use church leaders to preach against this vice. They should start by preaching to officers who work in Treasury and other Ministries so that our people can change their attitude towards corruption. We do not want to wait until the anti-Corruption Commission is set up for the Minister to act. He should immediately address issues of corruption in this country.

Mr. Deputy Speaker, Sir, I salute you for moving the Pensions (Amendment) Bill. In the Pensions Department, there are officers who "sit" on retirees' pensions and benefits. In fact, there are public officers who retired 20 years ago and up to now they have not been paid their terminal benefits. Is that not corruption? Why should the Minister not make them face the full force of the law? What other "ceremony" is the Director of Pensions waiting for, before he can release pensions and other benefits to those officers? Let this Bill be implemented immediately and we arrest those officers who are not ready to pay retirees. Retired civil servants undergo a lot of suffering because of the delay to pay them their terminal benefits. Once we pass the Pensions (Amendment) Bill, I believe retired public officers who have not been paid their benefits will be paid immediately.

Mr. Temporary Deputy Speaker, Sir, most secondary schools in this country do not keep their records. There is a lot of money that has never been accounted for.

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

Mr. Kimeto: Mr. Deputy Speaker, Sir, I beg to support.

Mr. Wetangula: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very important Motion.

This Parliament is going down in history books as one of the best since Independence. We recently passed a very important Motion in this Parliament to establish the Parliamentary Budget Office. The Parliamentary Budget Office will help hon. Members of Parliament to avoid scandalous information like what we heard in this House about a district like Nandi being allocated Kshs240

million for construction and rehabilitation of roads and Bungoma District being allocated nothing. Vihiga District being allocated Kshs500,000 and Keiyo District being allocated Kshs400 million for roads. We want an equitable distribution of the national resources in this country. The Parliamentary Budget Office that we will establish will ensure exactly that.

Mr. Deputy Speaker, Sir, about 60 to 70 per cent of the Questions that come to this House relate either to security or pastoral areas. This means the Government must do something about security. I can see Mr. Tarus here. He is constantly being harassed here on the matter of security. We must find a solution to problems of insecurity in this country.

I want to salute Eng. Muriuki for bringing a Bill on development so that constituencies are allocated money equally to help in development in our constituencies. This will help to redress the imbalances that we have had in the past, where we have certain constituencies with roads that are used by animals to warm themselves when other areas have no roads at all. We have been told of the scandal in the North Eastern Province, that after 40 years of Independence, there is only six kilometres of tarmac road. That is a major scandal.

It is equally scandalous to hear that we have women in this country who walk for 30 kilometres a day to look for the basic requirement of life, that is water. I have no doubt that the NARC Government will redress all these imbalances in development.

We have in my constituency victims of the notorious clashes of 1991/1992 which were politically instigated by the previous Government. These people have not been resettled. I want to urge the Government to make sure that the people who were evicted from their farms through those political clashes are resettled and given security to enjoy their properties.

Mr. Deputy Speaker, Sir, I also want to mention something about free education which I am glad the NARC Government provides to our children. The Government is sending out money to schools, but we do not have infrastructure in those primary schools to account for this money. We also do not have physical infrastructure in these schools. It is very difficult to talk of free education when children go to school and they have no desks to sit on, no classrooms and there are no walls on the buildings. They still sit under trees. Free education should not be limited to stopping headmasters and headmistresses from sending away children because they have not brought some money that the school requires. We should have a budget line that specifically goes to build physical infrastructure in school. I have an example in my constituency where a school with 850 children has only two toilets. You can imagine the nightmare. I would like to urge the Government to make sure that funds are available to improve infrastructure in schools so that free education becomes meaningful to our children.

I will not finish talking without mentioning the plight of cane farmers in Western Kenya. As we speak, the farmers have not been paid. They are on strike and they are not delivering cane. I want to urge the Government to find a permanent and lasting solution to the plight of cane farmers.

Finally, I want to urge the Ministry of Agriculture and Livestock Development to revamp cotton farming in this country. Cotton farming used to be very profitable, but it was made to go to waste like many other things in the previous Government. I want to urge the current Government to ensure that cotton farming is revived.

With those few remarks, I beg to support.

Mr. Kipchumba: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance. First, I want to support this Motion. This first session is a learning process for some of us. I would like to congratulate some of the Ministers who did very well during this first session which I would call a nursery session. A majority of them did very well. I would have requested that an Assistant Minister should always be around whenever a Minister is not in so that we do not have a situation where there are so many Questions unanswered. I would also like to congratulate the Deputy Speaker for the last week or so when he has been the Chair. He has done very well. If you want to know whether you are

very good at your job, you send the big boss on leave so that you prove your worth. At times it pays very well.

I think some of the Ministers that we have, have done very poorly. We have seen Ministers travel to a few constituencies where they only have a NARC MP. When the Minister for Roads, Public Works and Housing was going round, he never bothered to stop in Uasin Gishu to check the state of the roads. He travelled to Cherengany and Marakwet which are the only areas where we have NARC MPs. I think that was very unfortunate. I would request that we have Ministers who love the whole country. We should not go back to a situation where we have a Minister who only supports a constituency where he has his party MP.

Personally, I would like to congratulate the Assistant Minister for Roads and Public Works for always being present in the House. I know he has just left. He has always been there to answer Questions. I would also like to congratulate an Assistant Minister in the Office of the President who is doing very well. His performance was very poor at the beginning, but he has been learning and doing very well. I think he has done a very commendable job. I would like to support what my colleague has said about the Budget Office. The Budget Office is very important. If all hon. Members were consulted in the making of the Budget, I think that would be a very beautiful venture. This would ensure that projects are distributed equally and evenly across the country.

The Parliamentary Service Commission (PSC) should be a model employer in this country. This will ensure that all employees that are interviewed and employed by the PSC are Kenyans from all parts of the country. This will ensure that we do not have people being employed from certain groups or parts of this country. The officers serving in the PSC are very committed people. For that spirit to continue and in all fairness, we should make sure that they are employed across the country so that we are a model employer to this country.

The question of unemployment is very critical. The other day when the President was talking of the number of people who have been employed so far, numbering about 7,000, we were not told how many had been sacked or sent home. If you are in a business, you do not tell us how much profit you have made without telling us how much costs you have incurred. We lost 3,000 employees in one factory in Eldoret. I am sure so many other factories have been closed. The net effect would be negative, in my opinion. Therefore, we should not be celebrating that we have created any jobs. If anything, we have created nothing. Therefore, the hope that we will create 500,000 jobs per year is a big dream which may not be realised in the foreseeable future.

I will not finish my contribution without talking of agriculture where a majority of our people depend on. I think the NARC Government should ensure that agriculture is actually supported all the way so that farmers and especially in places where some of us come from are given a lot of support.

Mr. Khamasi: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute on this Motion. I would like to support it. In so doing, I would like to state that the NARC Government has done very well and it requires commendation. What puzzles me is that our friends on the opposite side want us to achieve in three months what they could not achieve in 40 years. I refuse that and say the NARC Government has done very well. We came here on a landslide victory because we promised Kenyans that we would provide free primary education and we have done it. It is going on very well and I think it needs polishing.

We said we would fight corruption. This afternoon, we passed a very important Bill. It is historic and the Ninth Parliament will go down in history for having done that. If the Bill is properly implemented, corruption will be a thing of the past. All those thieves must be shaking wherever they are because they know they will be brought to book. We said we will allocate money for free primary education. I want to reiterate what my colleagues said here that we need to give headmasters and school committees more training so that this money is not misused. We have said that universal primary education is compulsory. We must have a special programme in place to bring our pastoralist

friends on board so that we have boarding schools in those areas.

On the question of corruption, the work which was started by the NARC Government should not be slowed down. I would urge the Minister for Justice and Constitutional Affairs to ensure that he exerts pressure on those who have stolen. He must ensure that these individuals are taken to court to answer for their crimes. There should be no sacred cows. The prosecution of these individuals must be across the board. The question of some Ministers coming here and trying to protect civil servants must be a thing of the past.

The message that should go home tonight is that Ministers who are bent on protecting some people should desist from doing so. Everybody knows that the Public Officer Ethics Bill provides for the Attorney-General to report to Parliament progress on matters of corruption he will have prosecuted in a given year. We will be coming here to discuss such matters. So, people should not imagine that they will get away with any wrongdoing.

The former regime never wanted the review of the Constitution to happen. The former Government put all kinds of bottle-necks in place to ensure that it did not take place. I am, however, proud to say that we, in the National Rainbow Coalition (NARC) Government, are about there. So far, my colleagues on the Opposition side have done very well. They have been very supportive on issues of national importance. They should go on with that spirit. I believe that when we go to the National Constitutional Conference, they will continue with the same spirit, so that we can come up with a Constitution which will reflect the true desire of Kenyans.

Mr. Temporary Deputy Speaker, Sir, I am afraid, however, that some people have started showing a change of heart on some key issues regarding the review of the Constitution. Some churches are now saying that there is no reason as to why the powers of the President should be reduced or devolved. I do not know what has happened in the last few months. We must go by our initial stand on this issue. Even Kenyans have already indicated that there is need to devolve the powers of the Presidency. So, we must ensure that the powers of the Presidency are devolved.

(Applause)

Some people have now begun to say that Kenya does not need the office of prime minister. These people are having a second thought on these issues, but they have not told us why. Therefore, they must be told in no uncertain terms that when we go to the National Constitutional Conference, we will stick to what Kenyans told the Constitution of Kenya Review Commission. The entire Commission will be there. Messrs. Ghai and Muite will be there too. I hope that we will go by the views that the Commission collected from the people of Kenya.

With those few remarks, I beg to support.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I would like to join my colleagues in congratulating ourselves for work well done since the opening of this House. In particular, I would like to commend the Government for its efforts to provide free primary education. That is a heavy burden which has been removed from all of us. I would, however, like to request the Government to strengthen primary school committees because currently they are not strong enough. One way of doing so would be to introduce a rule requiring that 50 per cent of all primary school committee membership comprise of women.

I say so out of my personal experience while working with the Ministry of Education, Science and Technology. I realised that in the rural areas, quite often, it was the women who bore the burden of paying school fees as well as feeding, and providing uniforms for, children. Currently, the Government sends money directly to primary schools, so that they can meet their individual needs. However, in schools where no committees exist, and where poverty is rampant, some men will divert this money to other activities such as drinking illicit brews.

Mr. Temporary Deputy Speaker, Sir, I would now like to touch on the issue of bursaries. The outstanding fees arrears of secondary schools in my constituency, Samburu West, is Kshs8 million. There is no point in spending so much money on primary education when we know that the parents of very many children cannot afford to pay secondary school fees. More than 90 letters about children whose parents cannot afford to pay secondary school fees have reached my Nairobi constituency office. So, I urge the Ministry of Education, Science and Technology to consider increasing the secondary school bursary kitty.

I would like to urge hon. Members that, while on recess we speak the languages that we speak in this House, namely, English and Kiswahili. Some hon. Members have spoken about the need to stop cattle rustling. However, as I speak, my people have been invaded by some people from a neighbouring constituency. In that raid, cattle were stolen, two security personnel killed and guns stolen. I am grateful to the Office of the President for its effort to bring the situation under control through peaceful means. Deadlines have been set for the stolen cattle to be returned. I would like to appeal to our neighbours to return the stolen cattle by 23rd April, 2003, which is the deadline set for the return of the same by the District Security Committee.

The cattle were stolen on 25th March. Several meetings were subsequently held and deadlines for the return of the cattle given. Members of the communities from whom the cattle have been stolen are suffering; they do not have milk or any food. I am grateful to the Office of the President because it has promised to send food to my constituents, who were affected by the raid. So, as we proceed on recess, let us speak English and Kiswahili. Let us not speak English while in Nairobi and switch to our vernaculars once we reach our constituencies. Let us speak the language that will unite us as Kenyans. We should not refer to some Members of Parliament as "Mount Kenya mafia" and to others as members of "Kalenjin African Union".

The security situation in the north Rift is not good, because there are so many unemployed youths who possess very many firearms. The Government, in conjunction with local communities' peace committees, are looking for ways of controlling small arms proliferation in that area. However, we should appreciate that the insecurity situation in that area has to do with the insecurity situation in Somalia. Sometimes I wonder why it has taken so long for a government to be established in Somalia.

Mr. Deputy Speaker: Order! Your time is up, Mr. Lesrima. Could you take the Floor, Ms. Mwau?

Ms. Mwau: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

The adjournment of this House has come at a time when we have done a lot of work. We have managed to implement the free primary education policy. However, the climax of this House's short stint since its inauguration was the passage of the Anti-Corruption and Economic Crimes Bill. The corruption culture in this country is one of the causes of poverty. For instance, we have received so much money from the World Bank to implement certain projects, but it ended up being misappropriated. We received money to implement water projects, which would have reduced women's burden of searching for water. However, that money ended up in individuals' pockets. In that way, we ended up perpetuating poverty. We started road projects so as to enable farmers to access markets easily, but the money for such projects ended up in a few people's pockets.

The previous Government started constructing so many houses, which have been left incomplete for any years. An example of such buildings are the incomplete houses within the National Youth Service (NYS) Headquarters along Thika Road. Those houses have remained incomplete for so many years. Many Kenyans do not have homes, and yet those houses remain incomplete, with nobody to occupy them. Even NYS service men and service women do not have adequate housing despite the massive funding that went into that project. The defunct Nyayo Bus Corporation (NBS) is another case in point. Rather than improve public transport in the country, the officers who managed the

project pocketed all the money. The defunct NBS enriched very few individuals, but Kenyans are continuing to pay the debts associated with that corporation. No wonder in Kenya, a child is born having debts. The children will pay the debts and yet, they do not know where those debts came from. I am saying that we are ending at a very positive note. We want to join other Kenyans to come up with a Constitution that will last for years, and one that will guarantee everybody's right to live in Kenya. I hope this House will support affirmative action. We are talking of women being in charge of water, education and everything in the rural areas. Yet, women are not in positions of power. I am begging men and women in this House to support affirmative action in the Constitution, so that more women can participate in public life. About 51 per cent of the population of this country is made up of women who are qualified. So, we would like to see more women in positions of power. The only way we can do that is to institutionalise affirmative action in the Constitution, so that we can have policies that will ensure that women participate in the running of this country.

We also would like to see a Constitution that outlaws those laws that are discriminative to marginalised groups. We are hoping that Members of this House are going to work hand in hand to ensure that we have laws that benefit men, women and disabled people, so that the people of this country can benefit for being Kenyans.

Mr. Deputy Speaker, Sir, I would like to comment on the free primary education, and also echo the point that those committees that are going to be formed in various schools may include men and women. They must be trained, so that they may be able to handle the money. You can imagine a school getting Kshs1 million and for a long time, it has never seen that kind of money. We need to prevent corruption by making sure that the committee members are trained and new committees are put in place to save that money.

Thank you.

The Minister of State, Office of the Vice-President and Ministry of National Reconstruction (Mrs. Kilimo): Thank you, Mr. Deputy Speaker, Sir. I beg to support the Motion for the Adjournment. Before I continue, I would like to inform the gentlemen in this House that we are only two ladies in this House and they should not complain! You are more than us.

Mr. Deputy Speaker, Sir, I welcome this recess because for one, schools are closed. I come from a region in this country which is occupied by pastoralists and they practise something called female genital mutilation. I would like to call upon Members of Parliament from those regions to save our girls as they go for recess. They should take an opportunity during the recess to create awareness and tell them that the world has changed, and the fight for the elimination of female genital mutilation is a feminist revolution around the world. Since this is a new year and there is a new Government in place, I hope Members of Parliament from those areas will also tell their communities that things have changed, so that we can have more women in Parliament. That is unlike now, when only two have spoken in this House! We need more women in this House than men, considering that a few moments ago, an hon. Member of Parliament talked and informed us that women are better managers and more transparent than men.

Mr. Deputy Speaker, Sir, I also welcome this recess, so that Members of Parliament can go home, especially those from cattle rustling areas and insecurity prone areas like North Rift where, in the previous regime, there was a lot of cattle rustling which eventually turned into human rustling, particularly in my Marakwet East Constituency. The cattle rustlers no longer came to look for cattle but, instead, they came to look for people to kill! It is sad that in this House, I have never heard it mentioned that the Marakwet community has suffered and that they should be included in the category of people affected by tribal clashes. They have been displaced and killed in their own land by cattle rustlers. If there was any cattle rustler who has been killed by those people, he must have been killed in Marakwet land.

Mr. Deputy Speaker, Sir, the new Government that is in place has given security for the last

three months and yet, we still require more. Why? That is because in the last Government, there was no political goodwill. Being part of the Government this time, I would like to assure the people from those regions that the Government will fight for all Kenyans, to ensure that peace and security is maintained; and that, any cattle rustler will not be let to go away. For example, one cattle rustler was caught and I am sure that Members of Parliament from those regions know that there are some cattle rustlers who have been arrested.

With those few remarks, I beg to support.

Maj. Madoka: Thank you very much, Mr. Deputy Speaker, Sir. I stand to---

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Deputy Speaker, Sir. Since we are very many on this side of the House, could you exercise your good discretion and give two people---

Maj. Madoka: Thank you! That is the selfish attitude of some of our Members!

Mr. Deputy Speaker, Sir, let me also stand to support this Motion. I would like to say that the period that has passed has been very interesting. We have seen many things happen. But mainly, from the Government side, we have seen a lot of KANU bashing. Let me tell the Government side that the KANU bashing alone will not satisfy Kenyans. What Kenyans want is to see some action. Kenyans will be able to judge you. So, do not waste time trying to bash KANU because most of you on that side have committed many sins. We are preparing a dossier and when we will present it, you will see that you are not as clean as you would want to be.

Mr. Deputy Speaker, Sir, while we are celebrating the passing of the Anti-Corruption and Economic Crimes Bill, it is important to realise that it does not matter how many Bills we pass in this House. It is the attitude of Kenyans that will count. If it is the commissioners and judges, they are the same Kenyans that we have had before. So, unless they are able to change their attitude, corruption will continue. We are happy that we have passed those Bills. We are happy that we have got systems in place, which will ensure that those people are brought to book. But let us not celebrate. Let us pray that Kenyans change their attitude and begin to lead an honest life. I want to thank the NARC Government for introducing free and compulsory primary education. Let me say that there is still a lot more to be done. Today, when you see children crawling or kneeling down and writing on the floor, you realise that, that is not a conducive atmosphere for learning. The standard of education is likely to decline. The Government should move with speed to ensure that it provides the necessary facilities, so that our children study properly, comfortably and in the right environment.

Mr. Deputy Speaker, Sir, I was surprised to see that we were being asked to donate some money towards the free and compulsory primary education. If we are to sustain the free and compulsory primary education programme, we must have funds flowing in. The programme cannot be sustained through donations. We were asked to send funds to a certain bank account which had been opened. That will not help. The Government should put a system in place to ensure that the programme is sustainable. That is the only way in which the Government will succeed.

With regard to infrastructure, and roads in particular, there is a lot to be done by the Government. I get a bit worried because I feel that there is no Kenya Government. All we have been told is about the NARC Government. I am wondering what Government people who do not belong to the NARC Government belong to. There should be one Kenya Government, namely, the NARC Government, and we respect it. We want the NARC Government to serve Kenyans without fear or favour. We know there is a lot the NARC Government is trying to do, and we will continue to support it. We want to see a Kenya where every Kenyan benefits. Our Opposition will be responsible. We will support any effort aimed at improving the welfare of Kenyans. The Government can rest assured that we will support it on this. But where it slips, we will be the first ones to come down on it very hard. If it puts its best foot forward, we will continue to support it.

With those few remarks, I beg to support.

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite):
Mr. Deputy Speaker, Sir, I rise to support the Motion.

I am sure all hon. Members will join their constituents in order to discuss development issues. We have made history today by passing the Anti-Corruption and Economic Crimes Bill. Corruption has caused this country a lot of harm. The famine that Kenyans are experiencing has been caused by corruption. We do not have roads in this country because of corruption. We lack food in this country because some few people vandalised our agriculture-based industries such as the Kenya Co-operative Creameries (KCC) and the Kenya Farmers Association (KFA) through which farmers generated a lot of income. Corruption has caused a lot of poverty to our people.

I am sure the Bill we have just passed will bring about a lot of changes. I wish to thank the NARC Government for its commitment to fight corruption. One hon. Member has said that some hon. Members of the NARC Government are not clean. I want to say that when somebody repents, he becomes as clean and white as snow. I want to challenge hon. Members of the Opposition to repent and become clean, so that we can build this nation together. I am happy that the Opposition is supporting the fight against corruption.

With regard to the free and compulsory primary education programme, the NARC Government is doing very well. When the NARC Government took over, it found that all Government coffers were empty. There is nothing wrong with the NARC Government requesting people to donate money towards the programme. Now that we have passed the Anti-Corruption and Economic Crimes Bill, we will have funds in the right places, children will learn free of charge, and will get the necessary facilities. I am sure even hon. Members of the Opposition will be happier. All these problems occurred during the former regime.

Somebody talked about a Kalenjin union.

An hon. Member: Are you one of them?

The Assistant Minister for Gender, Sports, Culture and Social Services (Mrs. Chelaite):
Mr. Deputy Speaker, Sir, I am not one of them. The union does not even exist. It exists only to the people who want to mislead Kenyans. I would like to ask my fellow hon. Members to stop being tribalists. Tribalism brought about corruption. People who looted the wealth of this country were tribalistic. We should live in this country like brothers and sisters. We should love each other because God created us, and put more than 42 tribes in Kenya. If we stop being tribalistic, we shall be able to develop this country. We do not have electricity in most parts of this country because of corruption.

The Member for Kasipul-Kabondo (Mr. Owidi): Thank you, Mr. Deputy Speaker, Sir. This is my maiden speech.

As we go on recess, the biggest problem we have with the people is our increased salaries. The media has highlighted the issue, but we should not blame it wholly. The media has a duty and a right to inform the public. I think our public relations office has not done its work properly. It has not informed the media and the public that the money that we are supposed to be given to buy vehicles is part and parcel of our salaries. We are only given the money in advance of a period of sixty months. We are given Kshs55,000 for 60 months, and that adds up to Kshs3.3 million. This is not free money. We are paying Kshs136,000 per year for insurance and pension.

We have passed the Anti-Corruption and Economic Crimes Bill, but we should also be vigilant in the fight against corruption. We should tell the public what is going on. There is a bank account at Kenya Commercial Bank, Kenyatta International Conference Centre (KICC) Branch, through which people should donate money towards the free and compulsory primary education programme. Who will control this money if it will not pass through the Treasury? Who will audit it? What will be the method of its disbursement? If you do not tell the public that and the media picks it up, you will blame them later on. Let the public be told who will control the money and how you will disburse it. This

is because the money does not pass through the Treasury.

Mr. Deputy Speaker, Sir, on corruption, there are some roads in this country which are indicated to have been tarmacked 20 years ago. One of those roads is in my constituency. The Kendu-Oyugis Road is indicated to have been tarmacked 20 years ago. Let us not behave like the Nigerian who will point to the bush and tell you that, that road is very beautiful and has been tarmacked when it is actually a bush. Let us be serious on what we do. I would like to request the Minister for Roads, Public Works and Housing to give the first priority to some of these roads which have not been tarmacked but are indicated to be tarmacked.

There is a special bursary given by the Ministry of Education, Science and Technology. We should be told on what basis this money is disbursed to the constituencies. This is because we know some schools where up to 270 students get this money when others get nothing. What is the criteria used to disburse this money? If we are talking of corruption, then we should tell the public how we do this.

The health sector has done well. The Kenyatta National Hospital (KNH) now serves people, at least, better than it used to do. Let us improve on that.

I would also like to commend my colleagues both in the Opposition and the Government because we have a unity of purpose. Most people talk about NARC Government. This is the Government of Kenya being led by the NARC political party. There is no NARC Government, as far as I am concerned.

(Applause)

Mr. Deputy Speaker, Sir, I support the Motion. Let us have the spirit that we have.
Thank you.

Mr. Deputy Speaker: By the way, is there any hon. Member here who has not spoken so that I give him a chance to make his maiden speech?

(Several Members stood up in their places)

I see none! Therefore, I will give this chance to Mr. Omingo!

Mr. Omingo: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this Motion of Adjournment. I would like to start on a reconciliatory tone. This Parliament has been unique. This Parliament has seen hon. Members interact and deliberate on critical matters which affect this nation. It is the first time that you will see Mr. Biwott shaking hands with an Opposition hon. Member. Today is the dawning of a new era; a wonderful environment for Parliament. This is a credible Parliament and one that is warm to each other. This is a Parliament with a warm Cabinet. In the past, I used to sit with most of them on this other side the House. When I go to their offices, they count me as one of their own. That is the warmth we want. But nonetheless, I do not fail to tell them where they have gone wrong. This is because a friend who does not tell you where your mistakes are is not a genuine friend. I would like to say that when we transact the business of this House, we should be committed to the duty of purpose.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): On a point of order, Mr. Deputy Speaker, Sir. I am just wondering what is so special in being greeted by Mr. Biwott and not the other hon. Members.

Mr. Omingo: Mr. Deputy Speaker, Sir, I think Mr. Githae is new in this House. If he knew what used to happen prior to multiparty politics, he would be shocked. It was a taboo to greet an Opposition Member of Parliament. This is what I meant. These were blue-eyed boys of the system. They were untouchable. These were good boys. I did not mean that they are special in any way.

(Laughter)

They were special in the other circumstance.

Let us not oppose anybody for the sake of opposing. In this Second Session, we have done extremely well. What is encouraging is the determination to achieve goals of serving Kenyans.

I would like to say a few things about the NARC Government. They gave us a lot of hope that everything was alright, but on the ground nothing had changed. That is the reason why I will give them 50 per cent marks. They have delivered 50 per cent. I would like to say that there are no jobs. We have free primary school education, but it is of low quality. You are talking about basic primary education when you do not have enough nursery school teachers. These are the teachers who prepare the young ones up to standard one for quality education. If we are not careful, we might end up with quantity education with no quality. There are several things I have seen in this Government. There are some hon. Members who will sit here, but when they cross over to the other side of the House, they change their hearts. A case in point is the Parliamentary Budget Office. Be warned, we are here to watch you. So, we will watch you very closely. You cannot support it when you are on this side of the House and when you cross the Floor, miracles happen and you want to oppose it. It is wrong. Do not change goal posts.

You said the new Constitution would be in place in 100 days. These number of days have passed and we do not have a new Constitution in place. Of course, I know the technicalities involved.

That has been a slogan to bring people to power. Now that they are in power, they should not forget to fulfil those promises because power is sweet and it makes people to be corrupt. Power does this absolutely. So, do not cherish that power and forget that you are supposed to fulfil the promises you made when you were campaigning.

(Several hon. Members stood up in their places)

I have not finished speaking, Mr. Deputy Speaker, Sir. I am going on.

Mr. Deputy Speaker: Order, hon. Members! Sit down!
Continue, Mr. Omingo!

Mr. Omingo: Mr. Deputy Speaker, Sir, I have not finished talking. So, let us not change the goal posts. I thought they are supposed to listen to me because I am giving substance. Do not change goal posts. If you promised Kenyans a new Constitution, make sure that it is ready. I would like to urge the Government not to keep some bad boys who crossed over from KANU. I have repeated this and I will repeat it. There are some boys in this Government---

Mr. Deputy Speaker: Order, Mr. Omingo! There are no boys in this House!

Mr. Omingo: Mr. Deputy Speaker, Sir, I withdraw and apologise. They are hon. Members of Parliament who are almost giving NARC a negative image. I cannot spare them because they are good friends of mine. Please, watch them, and let them wash their hands because they will taint Mr. Kibaki's round table which is clean.

We have passed crucial Bills here. We have also passed a Motion urging the Government to supply electricity to market centres. Please, let us see them being implemented. Let us not be a talking shop. This Parliament should be taken seriously. In the former regime, we could pass Bills but they would be shelved. I believe that NARC is pro-active.

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

The Member for Machakos Town (Mr. Mwanzia): Thank you very much, Mr. Deputy Speaker, Sir. This is my maiden speech although I have contributed a lot during Question Time. I

would like to thank you for giving me this chance to contribute to this Motion. It has been an honour for me to be in this House. I never thought that I could ever be in this House. I would like to thank hon. Members for the very good guidance they have given us, especially the new hon. Members, to learn the business of this House. I would like to extend the same appreciation to most hon. Members of both sides of the House. Some of you have been very good. You have assisted us very much, especially myself. I think this is the most opportune time to thank you. I would like to thank everyone of you.

Still on that point, I would like to say that one time one hon. Member said that the House should not take for granted that we know what goes on in the House. You should organise, in future, for some seminars, workshops and induction courses so that new hon. Members can learn the business of the House. In future, we want to be better politicians. Some of us have left some professions to become professional politicians and we want to learn with you.

I have also seen that there are quite a number of hon. Members who have not spoken. The Chair should not, all the time, give a chance to old hon. Members to contribute because they have the experience. We also want to learn to be good politicians in future. We want to gain confidence in the House. Unless the Chair gives us a chance, we will never gain confidence. Well, I thank you because you have been assisting us. I thank the NARC Government for the vigour it has displayed in fulfilling the pledges it made to the people. When we were all campaigning, we made pledges to have zero-tolerance to corruption. I am very happy today to have witnessed the passing of the Anti-Corruption and Economic Crimes Bill. I can tell you as a former civil servant who resigned around September last year, that some of us experienced a lot of problems in the Civil Service. Some of these problems emanated from politicians who were in this House. Some of the people could see people undertaking corrupt deals but they just left them to go scot free. I remember there was one town clerk in the City Council who said that she could even sell City Hall and nobody would take her anywhere. We had nowhere to complain to. The law which we have passed today will go a long way in bringing remedies to such corrupt practices. Some of those corrupt deals were done by some Members here.

Mr. Deputy Speaker, Sir, I also want to thank the NARC Government for the free education programme which we have implemented. We know there are teething problems like lack of infrastructure and classes, but it has been very well received in my constituency. Poverty is one of the greatest enemies of our people and through the implementation of the free education programme, a big burden has been taken away from them. So, we thank the Government for that gesture.

Mr. Deputy Speaker, Sir, I would also say that good governance is returning especially in local authorities where anybody could do anything. I have experience of 22 years as a civil servant, At least, there is some resemblance of some good governance. I urge this House to go an extra mile to make our country a better place to live in; a country where everybody will enjoy to live in.

Mr. Deputy Speaker, Sir, as we go for recess, I am very happy because I have asked several Questions here which affect my constituents. Water shortage is a big problem in Machakos Town and especially in semi-arid areas where we come from. I urge the Government, especially the Ministry of Water Resources Management and Development to implement its pledge of providing Machakos with water because it is a place that does not warrant to suffer from water shortage. We have a lot of underground water resources which have not been tapped and the Ministry of Water Resources Management and Development has promised to drill boreholes. We thank it for that promise and also for drilling the borehole which serves the hospital.

Mr. Deputy Speaker, Sir, another thing which we are experiencing in Machakos Town is insecurity.

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

Mr. Karaba: Thank you very much, Mr. Deputy Speaker, Sir. I am very impressed for

having caught your eye because I have been standing for quite some time. My former student who was talking before me has really impressed me. I taught him in Machakos High School. A teacher is a very important person at a time like this when we are going for recess.

Mr. Deputy Speaker, Sir, we have achieved a very important thing through the NARC Government, and that is the provision of free education. For the first time in many years, we are seeing students who are aged about 18 years going to school. This is a very commendable achievement and we thank the NARC Government and the Members in this august House for having made it possible for us to provide free education.

Mr. Deputy Speaker, Sir, we have passed very important legislations, but the most important of them all is the Anti-Corruption and Economic Crimes Bill. I wish this Bill had been passed earlier say in the 1960s because we have seen half-completed projects. We heard many Members complaining about the uncompleted Nyayo projects. There was the incomplete nyayo car whose whereabouts we do not know. There were the Nyayo Wards and Nyayo Tea Zones. In my area the Nyayo Tea Zones have grown into bushes. The previous Government curved the forest and chased the people who were there. These people are now living as squatters along the road. We need to be guided whether we should continue with these projects.

Mr. Deputy Speaker, Sir, we have also passed a lot of other Motions and Questions have also been asked here. We need to think about the economy of this country. Our people out there are very poor. We have seen the coffee, tea, cotton and sugar sectors going down the drain. As we go on the recess, Ministers should be able to address wananchi and convince them that we have had very useful deliberations in this Parliament so that we can convince the people out there that the NARC Government did something.

Mr. Deputy Speaker, Sir, allow me to talk about the millions of stolen money that have been recovered say at the National Social Security Fund, National Hospital Insurance Fund and in Kenyatta National Hospital. We need to know what will happen to this money once it is recovered. We are told that billions of shillings have been recovered and we need to know whether this money will be put into use so that we will not continue begging from outsiders. We need to be seen to be a self-reliant country so that when the time comes we should be able to stand on our own and be judged that way by the international community.

Mr. Deputy Speaker, Sir, it would be bad for me as an ex-teacher not to mention something about the quality of education *vis-a-vis* quantity. We are seeing the student to teacher ratio going down to one teacher to 100 students in some areas. It would be very sad if we do not address the question of teachers' salaries because they are the ones who are taking care of our free education programme. They are the ones who manage the money that we give to schools and if they are not motivated, you will find the money that we are talking about going to their pockets because they are poorly paid. We need to address the teachers plight at this time when we have introduced the free education programme.

With those few remarks, I support.

Mr. Poghisio: Mr. Deputy Speaker, Sir, I want to thank you for giving me the opportunity to contribute to this very important Motion on Adjournment which I do support. I would like from the very onset, to congratulate my colleagues who have spoken before me and have made various statements which are very helpful for our people.

Mr. Deputy Speaker, Sir, I have two main issues to tackle. One of them is on education. Education in this country is segregative in the sense that those who have, have it and have more and those who do not have are being relegated completely to the periphery. In mind, I have the people of Northern Kenya - the pastoralists - who are not given the support they need to catch up with the rest of Kenya.

Mr. Deputy Speaker, Sir, I will give an example. With the free education as it is at the

moment, there is no improvement in enrolment in those areas.

Mr. Wanjala: There is improvement in enrolment!

Mr. Poghisio: Mr. Deputy Speaker, Sir, it has been declared free and if you protect me from Mr. Wanjala, I would be very happy.

Mr. Deputy Speaker: Mr. Wanjala, we have been having peace.

(Laughter)

Mr. Poghisio: Mr. Deputy Speaker, Sir, with the lip service that we are getting from this Government about this free education, I would like to see some improvement. Boarding schools in the northern region in the pastoralist areas should be declared free education zones. That will attract children to go to school.

On the assistance that the Government is giving, it is very meagre in those areas because they are based on enrolment. This is the situation of the chicken and the egg. If the Government bases its support on enrolment of pupils when it has not encouraged enrolment in those areas, how much support is going to be sent to those areas? You will find in those areas that the support going there in terms of money will be so little because there is no enrolment. I would like to ask the Ministry of Education, Science and Technology to consider a special allowance for those areas on the basis of need and poverty index rather than basing the grants on enrolment. First, let us encourage enrolment so that those pupils can go to school and so many things will change when the pastoralists go to school. They will begin to adopt different economies and diversify. These other issues, like wrangling over livestock will disappear. I do believe wholeheartedly, that there will come a generation in those areas that will not know cattle rustling and the issues related therewith. So, let us encourage education and as it were, they are entitled to education. This is a basic right.

Mr. Deputy Speaker, Sir, having left that issue to the Minister and the Government, I also do find it difficult, as a Member of this House for many years, that civil servants in this country when they write to us about Government issues, say: "The NARC Government is doing this and that". Do we have a KANU Government or another government in existence? Why do they say the NARC Government and the NARC Ministers? They are almost saying the NARC President! We only have one Government. This is what I call sycophancy. Let us have a Government and this rhetoric must stop. The other thing which riles me, as a senior Member of this House, again, is the issue that every time a Minister comes to answer a Question in this House, to protect mediocrity and inadequacy, they will say: "This was done by the last Government". Where are their answers? Ministers have to do their work and bring answers here and not cry about what was done so many years ago by that Ministry, or that Government.

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

Mr. Deputy Speaker: Order! Mr. Wanjala, there is no point of order!

Mr. Poghisio: Mr. Deputy Speaker, Sir, I need protection and my time is running out.

Mr. Deputy Speaker, Sir, I do believe that for us to move as the Ninth Parliament, as we have shown this afternoon by passing the Bill together, we need to move along the line of brotherhood because we all serve the same Government. I would like to always say that Parliament is part of the Government. Parliament is one of the three arms of Government. Whether you are in the Opposition, you are part of the Government. I want to urge the Ministers to learn to be Ministers and answer Questions as they are put to them.

Thank you very much.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Thank you, Mr. Deputy Speaker, Sir. I am very happy because, today, we have passed one of the most important Bills; the Anti-Corruption and Economic Crimes Bill. Taken together with the Public Officer Ethics

Bill, this means that from today onwards, Kenya will never be the same again. We must start doing things in a different manner. We must work towards unifying this country so that the economy can grow and create the 500,000 jobs we promised Kenyans. In this respect, I would request my colleagues on the other side, whom I understand have got more than Kshs240 billion stashed outside Kenya, to bring it back. If that money was brought back, the interest rates would go down from the present 25 per cent to less than 3 per cent. This would definitely improve the economy. I would like to ask hon. Members on the other side who took loans from politically-correct banks to start repaying them because we need that money this time.

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

The Assistant Minister has said hon. Members on that side have stashed about Kshs240 billion outside this country. Could he name two of them so that we know who they are?

Mr. Deputy Speaker: Proceed, Mr. Assistant Minister!

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Deputy Speaker, Sir, that money is in secret accounts in Switzerland and Cayman Islands. I would also like to request those who are not paying their taxes to start paying them now. We need that money now so that this country can improve.

Mr. Deputy Speaker, Sir, when we said that the Government is committed to the issue of constitutional review, some people thought that we were joking. The National Constitutional Conference (NCC) will start on 28th April, 2003. Maybe, we should give those hon. Members who were doubting this an opportunity to apologise and withdraw those doubts that they created. I do not know where this issue of 100 days came from because this Parliament was opened on 18th February, 2003, and from tomorrow, we will have been in office for two months only. Let us look at what we have achieved within that short period. At that rate, I think we might complete our agenda within the next one year. I do not know what we will be doing within the remaining four years.

Mr. Deputy Speaker, Sir, I would like to correct the impression that is likely to be created by the Press, because I can imagine them tomorrow saying "MPs go on holiday after voting for themselves hefty pay." I would like to state that we are not going on holiday. We are going to Mombasa for a conference and immediately after that, we will proceed to Bomasa of Kenya for the National Constitutional Conference. We are not going on holiday, but we will be working. It is important that, that impression is corrected.

With those few remarks, I beg to support.

Mr. Muriithi: Thank you, Mr. Deputy Speaker, Sir. I would like to remind the Opposition that when we refer to NARC as a ruling party, we should be left to feel proud that we are, indeed, the ruling party.

Now that we have passed the Anti-Corruption and Economic Crimes Bill, I would like to urge the Government to follow up those people who drained our economy. But I wish to caution the officers not to witch-hunt anybody. They should conduct proper investigations and then take appropriate action against the offenders.

Mr. Deputy Speaker, Sir, I do not want to over-emphasize the importance of our education system, but I would like to ask the Government to ensure that the boards of governors are properly constituted. The parents should be involved in the appointment of the boards of governors so that we can have the right people who are going to look after the funds which will be disbursed to the schools during this year.

Mr. Deputy Speaker, Sir, we still have problems in our hospitals, like shortage of drugs. It is a pity to see patients being asked to buy drugs from pharmacies and when they go there, they find the same doctors who treated them selling the drugs to them. That is corruption and we should ask doctors to either work for the Government, or for their private chemists.

Mr. Deputy Speaker, Sir, the most important point I want to raise is creation of 500,000 jobs

per year which the NARC Government promised the electorate. The first step is through the reforestation programme. In this country we do not have enough trees, and we should allow the young people or the jobless people to have nurseries where the Government can buy seedlings, and also deploy the young people to plant trees in our forests. That way, I am sure we will provide several jobs to the jobless youth. Mr. Deputy Speaker, Sir, the other area where we can provide jobs is in the Nyayo Tea Zones. This thing called "Nyayo Tea Zones" should be scrapped completely so that we have those tea zones being subdivided. If they are subdivided and sold to societies, I am sure, and particularly in Mt. Kenya area, where we have thousands of acres of the so-called Nyayo Tea Zones--- I do not see the reason why the Government should be involved in tea farming. During my maiden speech I called upon the Government to introduce separation of duties: farming for wananchi and supervisory duties for the Government departments. I would like to ask whether the Nyayo Tea Zone Corporation was established through an Act of Parliament; then the same should be repealed, so that the Nyayo Tea Zones should be subdivided and given to societies, and particularly to the young people.

Mr. Deputy Speaker, Sir, the rains are now coming and, I would like to call upon the extension officers to talk to the farmers and advise them to plant the right type of seeds which are compatible to the rains we are receiving now.

Mr. Deputy Speaker, Sir, most airstrip land, particularly in Nyeri has been grabbed. I would like to ask the two Ministries concerned to assess the situation on the ground to make sure that such land is taken back by the Government and maintained to avoid tragedies.

With those few remarks, I beg to support.

Mr. Sugow Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute. I would like to take this opportunity to support this Motion.

First of all, I would like to thank the NARC Government for focusing on development issues in North Eastern Province.

(Applause)

If I may go back a little bit, historically, in 1967, when there was that attempt of secession movement in North Eastern Province, one of the critical issues that was at stake, was the imbalance in development compared to the rest of Kenya. In 1967, during the Arusha Declaration, one of the issues that was discussed and agreed upon was the dedication of 20 per cent of the Gross Domestic Product (GDP) to the development of the North Eastern Province; for the ensuing 20 years, until it was reasonably at par with the rest of the country. Today, you will not get anything to do with that agreement or the document in our archives or even in our records. Since I came to this House I have been looking for it everywhere in vain. That document is nowhere to be seen and any history about NEP is nowhere in our historical records, since 1960s.

Mr. Deputy Speaker, Sir, if you go anywhere you will get records with regard to the Likoni clashes. Anything that happened in the Rift Valley in the past years, you will get records about it. But you will not get information or records with regard to the Wagalla Massacre. This is pure discrimination and, therefore, it raises a lot of hope when the NARC Government comes up and says that they want to do this and that in the NEP. So, I hope that this spirit and the optimism that has been brought about by the new Government will be maintained to ensure that programmes or projects will be implemented in accordance with that spirit.

Mr. Deputy Speaker, Sir, the other issue is about corruption. I am very happy that we have passed the Anti-Corruption and Economic Crimes Bill. But it is one thing to pass a law and another, altogether, to implement it. We have a problem and this cancer has been entrenched in our lives since Independence. It is a tall order, it is not very easy and it calls for all Kenyans to make concerted efforts

to ensure that we realise that goal. It is not just a question of implementing a law. Running after people who are probably corrupt is not enough. I think it is also very important to make sure that this law is applied equally across the board. It should not be used for political expediency or personal witch-hunting.

Mr. Deputy Speaker, Sir, as far as I am concerned, the NARC Government has achieved 100 per cent in keeping Kenyans optimistic. That is the best they have achieved. Although Kenyans are generally very optimistic people; but that optimism has been taken to new heights. The challenge now is to maintain that optimism and carrying it forward to the years to come, and to realise tangible development, as far as keeping that light aglow is concerned.

With those few remarks, I beg to support.

Prof. Kibwana: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute.

I rise to support this Motion. It is so important for us to take recess so that we can go and get involved in the Constitution making process. This is the moment Kenyans have been waiting for. Indeed, we are living within a historic moment. Many people might not actually appreciate what we are doing until we do it. When we conclude reviewing the Constitution, we will have given birth to a very new country. I am very proud because I have used a lot of my life in following the Constitution and playing integrity roles. I really feel that I am almost ready to go for retirement.

Mr. Deputy Speaker, Sir, I hope that we will all approach the Constitution making process with humility and humbleness. We will make it heal, give peace and forgiveness to our country. This is not the time for propaganda and people to say that they do not want this and that provision. It is like a period of birth for us to be very humble and to make a good Constitution for our country; for us to emphasize affirmative action inclusion, for us to embrace parts of the country that have, hitherto, been set aside.

Mr. Deputy Speaker, Sir, earlier on in my brief carrier in Parliament, I talked about alcohol, the very bad alcohol that is sold in our country. I think we need, when we come back from recess, to look at this matter seriously so that we rid our country of alcoholic beverages that kill our people. These alcoholic drinks have almost 100 per cent alcohol methanol. It is better to standardise the alcohol that our people consume, like they have done in Tanzania through *konyagi*, and in Uganda through *waragi*. They have even begun to get alcohol sold not only in towns but in the rural areas, and in small towns between 6.00 and 8.00 o'clock.

Mr. Deputy Speaker, Sir, I think in terms of HIV/AIDS, we really need constituency HIV/AIDS committees. I know a lot of work is being done. But we need hon. Members to be in charge and to know that this is a war that we must win for our people.

Mr. Deputy Speaker, Sir, I will, very briefly talk about Makueni, my Constituency, where like Wote, the district headquarters, has no water. We go to the river to draw water whereas we have the Kilimanjaro Water Project which should supply us with water. The water goes to other places to be used for flower irrigations and things like that.

The question of land is very critical. We have the Mbuu Ranch where matters have not been sorted out. We have land which was to be bought by Mukambi Co-operative Society and which was taken by other people. People were moved away from Kalamba so that the land could be used for the development of a town, which has not been developed up to now. That land should go back to the people. We have land where people were moved so that Manooni Dam could be developed and there has been no compensation. There is also Makueni Cotton Ginnery where people contributed money and the money was not refunded. In fact, somebody is still keeping the money. There are all these issues in Makueni and in ASAL parts of the country. If we had a good land policy, there would not be famine. I am looking forward to the time when these things will be done. There was a very important Motion here about pensions. I think we must also remember the pension for former Presidents. We

forget to continue that law to fruition. I believe the current former President has no pension.

Mr. Deputy Speaker, Sir, the idea of the Constituency Development Fund is a very important idea. This is an important concept that we must continue to embrace. We should expand it even to include roads money and bursary money so that we begin to now focus on development from the constituency level. We are doing very well.

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

Mr. Omondi: Mr. Deputy Speaker, Sir, I stand here to support this Motion. I would say that for a day like today, it is most appropriate if we can use it as a day to reflect on the past and, probably, focus on the future.

My past in this House has been very commendable, challenging and very interesting. I must say, like it has been said by many of my colleagues here, that we used this Session as a learning Session. I must appreciate the fact that the old hon. Members here took their time to educate us. I must commend the Speaker and the Deputy Speaker because they guided us and protected us from bullying. As you know, "monos" are usually bullied, but in my case and I think, hopefully, in the case of all the other new Members here, we were bullied in the right direction, apart from many small things here and there.

Mr. Deputy Speaker, Sir, I must say that the hope that we have in the constitutional conference that is coming is that of rectifying the errors that we have detected in the past. All of us know that the mistakes and problems we have in our country have all come about as a result of the bad Constitution. No one here, in his small sense, can say that the Constitution we have had for the last 40 years has been a good Constitution. No! Men, women and children suffered. All the citizens in this country virtually suffered because of the bad Constitution. The main area of concern was the powers and the authority around the presidency. We cannot pretend that these powers were auguring well for the country. They were bad. When we go to the constitutional conference, I know all hon. Members here will go there honestly to change this one and devolve somehow. I do not mean that it will be devolved entirely, but we shall devolve somehow.

Mr. Deputy Speaker, Sir, I commend you very much because you give me and other hon. Members guidance here. Up to this day, we can stand and talk here; in the National Assembly and not a *baraza* at home. All of us are used to talking in *barazas* or political rallies because we are politicians in our own rights, but we had never addressed a National Assembly. Now we can talk proudly; we can speak and contribute to debates in Parliament. This one I think came about as a result of your guidance and the help we have been given by hon. Members from both sides of the House. The contributions that have been made in this House have been of very high standards. I do not think the Eighth Parliament had hon. Members who could contribute like the ones I see now here. We have here the so-called learned friends. They have been showing us that they are really learned friends. We have engineers, among other professionals and all of them have contributed positively for the good of our country. The Opposition has also contributed well and I encourage them to go on because a Government cannot be worth its salt if it is not watched and put right whenever it goes wrong. I encourage hon. Members of the Opposition to continue keeping us on our toes so that we do not resort to dictatorship. This usually occurs when governments do not have opposition.

Mr. Deputy Speaker, Sir, I do not have much to say, but I wish all hon. Members a happy and peaceful recess.

Dr. Galgalo: Mr. Deputy Speaker, Sir, I thank you very much. At last, I have caught your eye after listening to over 50 of my colleagues.

This is a very important Motion because it gives us an opportunity to go and address two major issues which affect us as a country at this time; namely, the constitutional review process and the strategy on reviving our stalled economy. The Constitution of Kenya is so dear to all of us. We, as hon. Members, are grateful that we have a chance to go and have a look at this document for a week

before we come to the conference itself. That will give us an opportunity to be able to participate better in the process.

Having said that, we are now three months in the NARC administration. The administration is working against a backlog of hefty election promises, some of which they are now attempting to fulfil. We know there is goodwill as far as free and compulsory primary education is concerned. We have seen some efforts. However, we would like to tell the Government that providing Kshs600 to every pupil in primary School in itself is not enough. What we need to do is to look at education in totality. That is a holistic approach. We know the pupils will not go there and learn on their own. They need teachers and yet there is no talk of recruiting more teachers while we are overburdening the existing system with more pupils. We know the teachers were at loggerhead with the previous Government and now with the current Government about the salary increment which had been promised to them. Unless we look at the welfare of the teachers, even if we pump funds into the education sector, it will not help us.

The economic recovery strategy which the Ministry of Planning and National Development has been working on marries three documents; namely, the PRSP, the National Development Plan 2002 and 2004 and the NARC manifesto. The thrust of it is that Parliament has already passed some Bills here. That will give the Government some Kshs50 billion as a loan from the donors. That money will be used to revive the economy and restore good governance in order to create 500,000 job opportunities per year. It is hoped that in that kind of an enabling environment, the private sector will take the lead in reviving our economy. I have a problem with that. The moment the Government will base all its plans on borrowed money and you already have so many loans to pay, then they will be starting from a step backward. We would wish the Government to look internally and see how we can generate more revenue. With the help Parliament has given them by passing the Ant-Corruption and Economic Crimes Bill, they should try to seal all the loopholes that have been denying us revenue.

We should rather base our development plan on what we have instead of pegging it on donors. We know donor countries are good at shifting goal posts. They will shift them again. So, we should not listen to them, but instead raise revenue internally and make use of it.

Finally, Mr. Deputy Speaker, Sir, the talk by Government that they will look at the plight of the marginalised communities is welcome. We even had a seminar with the Ministry of Planning and National Development. I thank the Minister who has been behind that seminar. This is something that has happened for the first time since the independence of this country. Previously, we have never been listened to. This time round we gave our input to the Ministry of Planning and National Development. We hope this will be incorporated in the economic recovery strategy and will not be dumped as all other previous documents that have been created by people.

We have problem of roads. The Moyale-Isiolo Road is in a bad state. We have to travel through Garissa. That is a distance of about 300 kilometres to get to Isiolo. This road should be a priority to this Government because it will open up that region and link us with 60 million people in the Horn of Africa who depend on industrial products from this country. Ethiopia and other Horn of Africa countries would like to use the Port of Mombasa. However, with that road in that state, there is no hope. I appeal to the Government to tarmac that road as a matter of priority if they want to turn round the economy of that region.

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

Mr. Bifwoli: Thank you, Mr. Deputy Speaker, Sir. I would like to contribute to this very important Motion. We are concluding a very sensitive Session on a very good note. Today, we have passed a Bill that will benefit this country, that is the Anti-Corruption and Economic Crimes Bill. It is like Kenya had been involved in a car accident and today we took the car to the garage for panel beating. The broken *mabati* must be beaten and strengthened properly. If those people who stole the money are remorseful, they should bring back the money so that they are forgiven. Let us give them a

grace period of two to three months to return this money. Those who refuse to return the money, whether they are in the Government or the Opposition, should be dealt with according to the law that we have passed today.

I want to thank the MPs who are in this House regardless of their party affiliation, given the fact that both the Opposition and the Government sides are supporting sensible Motions. We have had two or three Motions brought by our brothers in the Opposition that will help Kenyans. I want to thank the MPs from the Government side for supporting those good Motions. Let us look forward to supporting this country. We should not think in terms of which party one comes from. After all, when poverty strikes, it affects all of us.

When the KANU Government was in power, it killed the economy of this country. I am sure even KANU MPs are equally suffering like us. Everybody is suffering. Corruption was a disease that affected everybody. The KANU people are admitting their sins loudly. They are telling us what went wrong during their rule. Last year no MP from the KANU Back Bench could stand here and ask a Question about his constituency. I think this new Government has brought salvation to the KANU MPs more than to us. I want to thank the President for allowing us NARC MPs to take our Ministers to task. Sometimes I sympathise with them. How do we take them to task over issues that happened three years ago? The answers they supply are removed from the files. They have not committed crimes today for us to take them to task. I was amused over the issue that was raised today about water. Somebody was asking a question over an issue which occurred in 2000. Was the Minister present at that time?

An hon. Member: You are the Government!

Mr. Bifwoli: Since we are the Government, we are accepting the blame, but we shall never repeat the mistakes that KANU made. Please continue correcting what you did so that we do not make those mistakes. A Minister from the previous Government said what we in the KNUT have been saying, but which fell on deaf ears. Education will never be dispensable. We cannot rely on donors for free education. Let us be serious. We are heavily taxed. Let us reduce taxes in some areas and introduce an education levy. We have been paying service charge. What service is being provided? Our roads are in terrible condition. Everything is going astray in the local authorities and yet we are still paying taxes. Why do we not now introduce education levy so that we do not rely on donors? Let the donors give us funds when we have our own. They can stay with their money, but we can implement our own projects in this country. Can education be meaningful? We are talking about quality education and yet we are not employing teachers or paying those employed their salaries. The teachers will soon go on strike and then how will we achieve quality education? They have already disowned their agreement with the KANU Government. As a KNUT official, I know that after three or four months, teachers will go on strike. Let us be prepared so that when they keep on giving us notices we already have money to pay them. We should not behave like KANU which kept on ignoring the teachers and our children were sent home. We do not want to see teachers running in the streets. We are a new Government and a very sober and organised team. My prayer is that we introduce this education levy.

There is another group---

Mr. Deputy Speaker: Order!

Mr. Bifwoli: My time is not yet up.

Mr. Deputy Speaker: Finish up.

Mr. Bifwoli: There is another---

Mr. Deputy Speaker: Order!

Mr. Abdirahman: Thank you, Mr. Deputy Speaker, Sir. I am happy that I caught your eye at last before the end of the day. I would like to start my contribution towards the Motion by speaking of the impressions I have formed during this particular period while we deliberated on very important issues in this House. In some instances, I realised that blame was being heaped on the past

Government. I would say blame is not a good sign of a leader. It will also narrow the vision of the NARC Government. I would have preferred to give them a very good theme. Making a difference would have been a very good theme for them. Hopefully, when we reconvene in the next Session, they will be able to look at ways of making a difference rather than heaping blame.

I would like to comment on two, three issues. The first is on free primary education. It is a welcome idea, as I had even mentioned it in my maiden Speech. We know that in the past our education system has had lots of problems. I remember vividly when we started implementing the 8-4-4 system of education, workshops were put up all over the country. One major objective of the 8-4-4 system of education was to acquire self reliance which we never achieved. My advice to the Ministry of Education, Science and Technology as regards free primary education would be to tread very carefully. They should plan in phases and actually work on the partnership they have talked about. We should not forget that free primary education, even according to the task force report which I read, did not feature prominently as an issue for those who cannot access education. The Ministry of Education, Science and Technology should consider ways of addressing the needs of those people who cannot access education.

One other area I want to talk about is what the NARC Government has so far called the Aggressive Economic Recovery Programme. The livestock sector does not feature very prominently in most of our plans. It has been dominated by the agricultural sector much more than any other sector. We would like that issue to really come up. One other area which I would like to comment on is drought management. Many at times we respond to disasters when we are already affected. However, we can do a lot to build the communities' capacity to manage this drought and get the relevant organs that exist within the Ministry to be sufficiently prepared. I want to appreciate the effort undertaken by the Ministry of Planning and National Development recently to solicit for the necessary information pertaining to the very underdeveloped regions like the North Eastern Province. I must commend the Minister for Planning and National Development for having done that and I would urge other Ministries to follow suit.

I was really perturbed the other day when the Minister for Roads, Public Works and Housing kept on saying that certain areas in this country have not been recommended for the building of bumps. I want to encourage such Ministries to borrow a leaf from the Ministry of Planning and National Development and incorporate the local communities and their leaders in their planning. Gone are the days when the top-down approach worked in this country; those days are long forgotten. We have started the bottom-up approach, and we want all the planning to be done using this approach.

With those few remarks, I support.

Mr. Deputy Speaker: Mr. Tarus, you may have the Floor. You will probably speak for a short time and let other hon. Members to speak as well.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, I thank you for the opportunity. I will take a very short time.

Mr. Deputy Speaker, Sir, this Session has been very challenging, especially for me, who was baptised by fire right at the beginning. I have now learnt to baptise others by fire as well.

My main concern is unemployment. We keep on talking about unemployment. One thing we must know is that in this country, everything is actually unemployed. Labour, land and capital are unemployed. When we think about economic recovery, most of our policies should zero down to how we can ensure that we maximise utility of our resources. That way, we will achieve our job creation, economic growth and wealth creation targets.

I also want to talk about democracy enhancement in this country. After the defeat of the former ruling party, KANU, instead of us addressing the issues that led to the fall of that party, we have been doing otherwise. We have now reached a situation where people are being incited in the countryside; they are being incited by being told that they are being targeted. The Government

Ministries are open. I do not think that the Ministers have locked the doors to their offices in terms of assisting Kenyans. I do not think that this Government is for a particular region; it is for the entire country.

One of the things that political parties must do in order to enhance national cohesiveness is to address issues and not communities. As we proceed on recess, we will very much be concentrating on the issue of the review of the Constitution. However, we should also take time to educate our people that in any democracy, there will be parties which will be defeated and that once a party is defeated, it is up to it to reform and address the pertinent issues that affect the society.

Mr. Deputy Speaker, Sir, we have passed a Bill to address the issue of corruption. However, as Members of Parliament, we must educate Kenyans on this issue. What I have noticed is that most Kenyans are not aware of the requirements of law. Most of them get into problems, not because they want to, but rather because they do not understand the law. I hope that we will take our time to educate our people on the law on corruption.

I also want to talk about insecurity. I have noticed that the attitude of the people of this country on the police is, indeed, very negative. What we need to do is create a situation where the people will see the police as their friends. As we have said, we are going to reform the Police Force. The police should make the people appreciate that they are, indeed, working for the people. That can be achieved through educating the people to appreciate that when they hate our security personnel, as human beings, they will also be demoralised.

With those few remarks, I beg to support.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Deputy Speaker, Sir, I would like to congratulate the House for having done a good job during this Session. Hon. Members are now proceeding on recess to take the message home.

Mr. Deputy Speaker, Sir, on behalf of the Government, I would like to put straight a few issues. There seems to be a perception developing, that the Government is depending entirely on its development partners for its Budget. That is not true. The Government is trying as much as possible, to generate domestic revenue for its Budget, first, by fighting corruption and thereby getting what we call "anti-corruption dividends". In other words, the money that might have gone down the drain through corruption and mismanagement is being saved and being ploughed back into the revenues of the Government. We know for certain that we have been losing about Kshs68 billion annually through corruption and mismanagement. That is close to about a third of the national Budget. We are trying to reign in that money and use it to meet our expenses. That money alone, if reigned in, is enough to meet the whole wage bill of the Civil Service.

Secondly, we are trying to ensure that we enhance our domestic savings in bodies such as the National Social Security Fund (NSSF) and the National Hospital Insurance Fund (NHIF). That is one of the reasons as to why the Ministry of Justice and Constitutional Affairs has moved very fast to ensure that the corruption that has been going on in those big sources of domestic savings is reigned in. Of course, another source of domestic savings is the Savings and Credit Co-operative Organisations (SACCOs). The Government, through the Ministry of Co-operative Development, is trying to ensure that SACCOs are being well run, so that source of funding can be available in terms of revenue.

Finally, we are trying to widen the revenue base of the Government. We hope that in the coming Budget, we will be able to come up with policies that will reasonably reduce taxation but expand the revenue base, so that more people can pay taxes rather than taxing only a few people at a very high rate and, therefore, raising very little revenue. When you reduce taxation and expand the revenue base, people become much more friendly in terms of paying taxes. Taxation does not become a prohibitive or a painful exercise. We hope that by doing that, the national revenue, which is the money on which the Budget is pegged, will increase tremendously.

Mr. Deputy Speaker, Sir, the importance of accessing an International Monetary Fund (IMF) facility is not because the IMF gives the Government a lot of money; it is just a way of getting a clean bill of health, so that we can borrow from abroad. A government is like a business. A business cannot run without credit. One of the things we are trying to do is to ensure that we have lines of credit, at reasonable interest rates, that we can use to support our development Budget.

The National Rainbow Coalition (NARC) Government would like to get concessional loans from abroad, not to support its Re-current Expenditure, but rather to support its Development Expenditure. When you borrow for development, you develop your productive forces and hence, you become capable of employing more people and creating more wealth. If you borrow for the wrong reasons, then you introduce the burden of debts on the people. The NARC Government would not like to behave in that way. It would like to use the instrument of borrowing to ensure that we enhance the development of this country, so that we can create jobs.

As I speak today, myself, the Vice-President, the Minister of State, Office of the President, the Minister for Health, and the Minister of State, Office of the Vice-President and Ministry of National Reconstruction, we had a meeting today with the Italian Ambassador to discuss some of these issues. At this point in time, the Italian Government is giving us a grant of Kshs240 million; we have agreed on that. We would like to use this money to invest in one of Kenya's most depressed districts, which is Malindi, at the Coast Province. So, we are very serious when we say that we are going to focus on marginalised areas as well as Arid and Semi-Arid Lands (ASAL). My Ministry has been holding consultations with Members of Parliament from ASAL areas, so that we could prioritise investment opportunities in those areas and use our money cost-effectively.

We believe that the future pool of growth in the agricultural sector lies in the ASAL areas, and not in the so-called "high potential" areas. With marginal investment of capital in these areas, we can really achieve a lot in terms of horticulture and vegetable production or in terms of revamping our agro-based industry.

With those remarks, I beg to support.

Mr. Deputy Speaker: Hon. Members, I sincerely wish to apologise to the hon. Members who have not spoken on this debate. I wish I could extend this sitting to 9.00 p.m., so that every hon. Member can speak.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for us to interrupt our business. The House, therefore, stands adjourned until Tuesday, 10th June, 2003, at 2.30 p.m.

I would like to take this opportunity to wish you all a happy Easter.

The House rose at 8.30 p.m.