

NATIONAL ASSEMBLY

OFFICIAL REPORT

Eighth Parliament - Fifth Session - First Day

*(Eighth Parliament established by Proclamation -
Legal Notice No.7 of January, 1998)*

Tuesday, 20th March, 2001

STATE OPENING OF A NEW SESSION

*The National Assembly met at fifty minutes past Two O'clock
at Parliament Buildings on Tuesday, 20th March 2001,
it being the first day of the Fifth Session.*

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

*[His Excellency the President (Mr. Daniel Toroitich arap Moi),
escorted by the Speaker and accompanied by the Mace
of the National Assembly, entered the Chamber at
fifty minutes past Two O'clock]*

*[His Excellency the President (Mr. Daniel Toroitich arap Moi)
took the Chair]*

*(The Mace of the National Assembly
was placed on the Table)*

PRAYERS

Mr. Speaker: Your Excellency, hon. Members, may I call upon the Spiritual Leaders to offer prayers for this new Session.

(Prayers were then said by the following: Archbishop Dr. D. Gitari, His Grace Archbishop R. Ndingi Mwana'a Nzeki, Sheikh N.M. Nahdy; the Rt. Rev. Jesse Kamau and Mr. Soipin Lekoolool)

COMMUNICATION FROM THE CHAIR

WELCOME TO HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Your Excellency the President, the honourable Daniel Toroitich arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hon. Members, it is my great pleasure to welcome your Excellency during this auspicious occasion of the State Opening of the Fifth Session of the Eighth Parliament of the Republic of Kenya. As has been the tradition, this is the day that your Excellency addresses the House and nation, giving direction as to what Bills and other legislative measures your Government intends to bring to the House for debate. Our familiarity with this tradition has not bred contempt. It has, **[Mr. Speaker]**

instead, provided hon. Members of this House with a unique opportunity to re-dedicate ourselves to our national responsibility and constitutional obligation, to constructively debate public issues that ultimately shape the destiny of our nation.

Your Address on such occasions has always opened new horizons and it is not an accident that it is the first business to be debated by the House in the new Session. The membership of this House is the free expression of wananchi's assertion of their constitutional rights to determine who shall steer their affairs for a period of five years. That is why Parliament has the right to speak for the people. Indeed, the privileges and immunities that the hon. Members enjoy in this House have been bestowed upon them by the people, so that they may represent their views without fear or favour.

It is, therefore, logical to conclude that the privileges and immunities are not personal rights of hon. Members. We intend to make Parliament a place where national discourse, in the name of reconciling our internal conflict, is conducted with dignity and decorum. Towards this end, we have taken firm steps to deal with anybody whose conduct may lower the dignity of Parliament in the public eye. Since the beginning of this year, the Privileges Committee has held several meetings and will present a Report to the House for debate and adoption. This Report will focus its attention on the National Assembly Powers and Privileges Act, Cap. 6 of the Laws of Kenya, the Speaker's Rules and the Code of Conduct for Members of Parliament. The current rules were made and approved by the House in 1966, and it is time they were reviewed to reflect today's reality. One of my predecessors, the late hon. Fred Mati, on 23rd February, 1971, during a similar occasion observed:

"Without disciplined political co-operation on the part of everyone, there cannot be real achievement of the social and economic goals for which all of us strive."

It is not, therefore, unreasonable to expect hon. Members to set a good example to the rest of the nation in an amicable dispute resolution, hard work and integrity, through pursuing all that is good and fruitful for all Kenyans. Our people have given us the mandate to manage their affairs. As the Speaker, I will ensure that every hon. Member in this House is afforded a chance to express the wishes of the people who elected him or her. This can only be done where there is discipline and not chaos.

Your Excellency, I would like to sincerely thank your Government for having continued with the funding of the activities of the National Assembly. I am pleased to report that within the current Session, every hon. Member will be allocated an office, where he or she will be better equipped to meet constituents and prepare appropriately for debate.

(Applause)

The various Committees of this House, particularly the Departmental Committees, have been extremely busy discussing with Ministers and top civil servants, and touring the country, to see for themselves the problems that face wananchi. They have also travelled abroad to acquaint themselves with the goings-on elsewhere. All these activities cost money, and your Government has shown understanding and co-operation in funding them.

Your Excellency, it has been said that running a democratic Government is a very costly affair. As we democratise more, Parliament, other representative organs and Judicial institutions will consume more and more public resources, even at the time when these are diminishing. For example, in the next financial year, the Parliamentary **[His Excellency the President]**

Service Commission (PSC) intends to recruit highly qualified staff, who will be deployed to do research work for hon. Members. Our ultimate goal is to empower every hon. Member to have access to correct legal, scientific and technical information at his or her disposal.

(Applause)

Such public expenditure is justified because if we do not invest in democracy now, we may not have the Kenya we know today, tomorrow. The only way of ensuring a strong and united Kenya is by investing in our democratic institutions. In this era of globalisation and information age, no serious Parliament can choose to ignore the importance of research and information technology. The PSC is arranging to train both hon. Members and staff in computer literacy and information technology. I wish to take this opportunity to thank all the well-wishers, particularly the development partners, who have offered to assist Parliament in its development projects.

Your Excellency, as I said earlier on, today is your day. I am sure that not only hon. Members, but also the entire country are anxious to listen to your statement on the State of the Nation and the legislative programmes of your Government for this Session. It is, therefore, my humble duty and honour to invite your Excellency to address this august Assembly and formally inaugurate the Fifth Session of the Eighth Parliament.

(Applause)

PRESIDENTIAL ADDRESS

His Excellency the President (Mr. D.T. arap Moi): Mr. Speaker, Sir, my first and pleasant duty this afternoon is to welcome all hon. Members to the Fifth Session of the Eighth Parliament. When I addressed the House last year, I highlighted some of the problems facing our country. Principal among them is the slow growth of the economy which must be resolved quickly, if the Government is to succeed in its efforts to develop and maintain infrastructure, provide adequate security and high quality services in health and education, ensure availability of jobs for able-bodied Kenyans, reduce poverty levels and improve the quality of life of our people. During the last one year, we made significant progress in some areas. For instance, the International Monetary Fund and the World Bank restored financial support to our country.

Despite some of the recent setbacks, my

Government will continue to play its part in ensuring that the existing partnership is maintained and strengthened. Towards this end, I recently had an opportunity to exchange views with the heads of both institutions. Let me assure hon. Members that I will continue to take keen interest in all matters concerning the management of our economy, including our relations with the International Monetary Fund (IMF) and the World Bank.

Mr. Speaker, Sir, the economy suffered a severe blow last year due to drought conditions. Our farmers lost their crops and livestock, and more than three million of our people experienced severe famine. The drought also caused widespread shortage of power and water supply, while the cost of production in the manufacturing sector went up, leading to loss of jobs in some areas. The prices of essential goods increased and yields of our major export crops, including tea, coffee and horticulture, declined. These negative factors, in addition to high international prices of oil, seriously undermined our economic performance.

However, during the last few months, there has been a welcome improvement in the weather situation. The short rains have boosted food production in some parts of the country. Weather experts have also indicated that the adverse weather conditions that have beset us since the mid-1990s may soon give way to normal predictable weather. Accordingly, we look forward to better performance in both the agricultural and manufacturing sectors this year.

There are welcome signs of improvement in the other economic sectors as well. Tourism, for instance, registered improved performance last year and the trend is expected to continue this year. Similarly, the lifting of the ban on Kenya's fish exports to the European market is a boost to the local fish industry. Furthermore, the restoration of Kenyan textile and other exports to the United States of America under the African Growth and Opportunity Act is expected to attract new investments and create job opportunities for thousands of Kenyans.

On the regional front, hon. Members will recall that on Monday 15th, January this year, I had the honour and pleasure of joining my brother Presidents, Benjamin William Mkapa of the United Republic of Tanzania, and Yoweri Kaguta Museveni of the Republic of Uganda, in Arusha, Tanzania, to officially inaugurate the East African Community. The way is now open for East Africans to interact and trade freely amongst themselves. I therefore expect Kenyans to take advantage of this development and to increase productivity in order to expand our exports to the sub-region and the world as a whole.

Besides trade, regional integration and globalisation have brought new challenges to our people. But there are also numerous opportunities which can bring untold benefits to Kenyans. For our farmers and business community, for instance, there are bigger markets out there waiting to be tapped. For our educated young people, there are jobs beyond our borders, and for those with a genuine desire to serve, the arena has now widened.

The three East African Governments are pushing ahead with the plan to establish the East African Legislative Assembly and the East African Court of Justice. Soon, Kenya will be expected to take its place on those two important regional bodies. It is up to us to ensure that those who will represent Kenyans in the Regional Assembly, in particular, will uphold the dignity of our country, and will be broad-minded and outward looking in character.

As hon. Members will agree, Kenya is one of the very few countries in our region and Africa as a whole that has enjoyed unqualified peace since Independence. This has enabled us to build a successful economy despite the difficulties we are facing now. We cannot afford to continue wasting valuable time on endless wrangles. The field of operation is expanding beyond national borders to the regional and global borders. Our leaders, must therefore, widen their horizon and work together to create a calm and predictable social and political environment that is friendly to investors. This will ensure that Kenya continues to play a leading and positive role in the affairs of our region and beyond.

Mr. Speaker, Sir, during the last Session of Parliament, the House discussed and passed a number of Bills on a wide range of important national issues. Before commenting on some of the Bills that the Government has lined up for the Session, I wish to make a few observations on the role of this Parliament as a champion of our democracy. The Kenya Constitution vests State authority amongst three arms of the Government, namely, the Executive, the Legislature and the Judiciary. This is a fundamental constitutional principle that must continue to be respected and upheld. Indeed, Kenya has maintained social and political security since Independence, due to its respect for the rule of law.

As hon. Members are aware, some Bills which were passed by the House have been found to contravene the principle of separation of powers. For instance, some laws passed by Parliament were recently declared by our courts to be in conflict with the Constitution. The situation has created complications in the running of the Government. I have already instructed the Attorney-General to review the affected Bills and laws for further consideration by Parliament. For instance, the Anti-

[His Excellency the President]

Corruption and Economic Crimes Bill, 2000, will address shortcomings in the existing Prevention of Corruption Act. Parliament will also be called upon to consider appropriate amendments to the Central Bank of Kenya Amendment Bill, 2000. It is the responsibility of the House, which comprises both the Opposition and the Government Benches, to ensure that the laws passed

here do not contradict our Constitution.

In addition, there are a number of Bills which lapsed at the end of the last Session of Parliament, and will, therefore, be republished for consideration during the current Session. These include The Traffic Amendment Bill, 2000, the Copyright Bill, 2000, the Children Bill, 2000 the Domestic Violence, Family Protection Bill, 2000 and the Criminal Law Bill, 2000 amongst others. There are also a number of new Bills which the Government will introduce during the current Session of Parliament. These include The Sugar Bill, 2001, the Petroleum Bill, 2001 and the Persons with Disabilities Bill, 2001, amongst others. I hope that hon. Members will take time to study these Bills in order to make useful contributions that will assist the Government to improve the well-being of Kenyans.

Mr. Speaker, Sir, I have been in this Parliament longer than anybody else. Both my experience and my age allow me to make observations which many take for granted. In our African culture, the family stays close together and strangers are not allowed to pry into its affairs. Our nation is like a family, and leaders should be careful when discussing national issues at foreign fora. I urge leaders to be guided by patriotism, nationalism and loyalty to the country, and to discuss and resolve issues of national concern as brothers and sisters.

In this regard, I am pleased that a unitary constitutional review process is now underway. I urge those concerned to move with speed, to make the necessary amendments in the Constitution of Kenya Review Commission Act as soon as the merger document is approved, so that the Constitution of Kenya Review Commission can begin its work without further delay. The Commission is the right forum for Kenyans of all walks of life to air their views about the kind of society they would like to have, now and in the future. I urge hon. Members to support the Commission as it embarks on the difficult task of putting together a Constitution that reflects the wishes of the majority of Kenyans.

As I conclude my remarks today, let me emphasize the need for hon. Members to exercise self-discipline, coupled with the spirit of give-and-take. Hon. Members know fully well that democracy calls for tolerance for the views of others, however unacceptable these may be. The tree of democracy must, first of all, take root in this Parliament before its fruits can be acceptable in the larger society. Hon. Members should always bear in mind that we have been entrusted with the serious responsibility of steering the destiny of this country and of all Kenyans. Future generations will judge us on how effectively we will carry out this task. I urge you to serve Kenyans with humility and dignity, and to strive to enrich House debates with constructive ideas and sound arguments. With my departure in future from the political leadership of this nation, hon. Members ought to see the future in a better way than they do at the moment.

(Applause)

Men and women in this august Assembly should be more cautious and responsible if they are to shape the destiny of Kenya. We should be more anxious about the needs of our people and their security than being anxious about ourselves; deliberate on issues in this House as Kenyan leaders and not as people who do not understand the role of hon. Members. Africa is beset with difficulties, killings and other things which are undesirable for any nation. I hope Kenya, as we move forward, will find itself a pleasant and respectable country. May God bless you all. Think more closely about unity in the future rather than divisions.

At the moment, we have got 44 political parties; some, of course, are for sale!

(Laughter)

But I would like you to think, more importantly, about our future. We should think about the things that will unite us instead of those that will divide us. Therefore, this particular Session is very important. Do not look at the Bills passed in this House from the party point of view. Look at them as laws that will protect the citizens of this country without discrimination. I wish you success in your debates as we move to the future.

May God bless you.

(Applause)

NOTICE OF MOTION

THANKS FOR THE PRESIDENTIAL ADDRESS

The Vice-President (Prof. Saitoti): Mr. Speaker, Sir, I beg to give notice of the following Motion:-

[The Vice-President]

THAT, the thanks of this House be recorded for the exposition of public policy contained in His Excellency's Presidential Address from the Chair on Tuesday, 20th March, 2001.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Hon. Members, it is now His Excellency's pleasure to take his leave. I will ask all hon. Members to stand up, as the Presidential and Speaker's procession leaves. After they leave, the hon. Judges and our religious leaders will follow. As soon as

The House rose at 3.40 p.m.

the religious leaders leave the Chamber, you may all follow suit.

(His Excellency the President, in procession, accompanied by the Mace of the National Assembly, left the Chamber)

ADJOURNMENT

Mr. Speaker: Hon. Members, the House is adjourned until tomorrow, Wednesday, 21st March, 2001, at 9.00 a.m.