

NATIONAL ASSEMBLY

OFFICIAL REPORT

Eighth Parliament - Fourth Session - First Day

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

Tuesday, 28th March, 2000

STATE OPENING OF A NEW SESSION

The National Assembly met at fifty-five minutes past Two O'clock at Parliament Buildings on Tuesday, 28th April, 2000, it being the first day of the Fourth Session.

ARRIVAL OF HIS EXCELLENCY THE PRESIDENT

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

*[His Excellency the President (Mr. Daniel 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: The Rt. Rev. Benjamin Nzimbi; Rt. Rev. David Kamau Ng'ang'a; 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: Order! Order, hon. Members! Your Excellency the President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, hon. Members; it is my duty and great of honour, on behalf of all hon. Members of this House and on my behalf, to welcome your Excellency to inaugurate the Fourth Session of the Eighth Parliament. Your Excellency the President, this Session, you are inaugurating today has special significance in that it is ushering in the new millennium full of hopes and great expectations. It also marks the first time that the National Assembly is operating under an independent Parliamentary Service Commission (PSC).

(Applause)

The PSC, your Excellency the President, is determined to focus on invigorating the institution of Parliament. It will work in tandem with the other arms of State to strengthen our national institutions that bind us together, so that Kenya can be a better place to live in.

We expect the PSC to run all the affairs of Parliament in the most transparent and accountable manner, by hiring competent staff and by being prudent in expending public resources put at its disposal. Let all Kenyans be

assured that all hon. Members of this House intend to give them a Parliament that will stand for the integrity of our Republic, the dignity of mwananchi and ensure equitable development of the whole country. However, I cannot gloss over some few unfortunate incidents which have occurred in the recent past. It should be unthinkable for any group of hon. Members, or hon. Member, of this House to ever resort to sorting out any disagreement they may have had through physical confrontation.

(Applause)

It is incumbent upon hon. Members to deliberately use civil language even if they want to express their disagreement in the most strongest terms, be it inside or outside the Chambers, or in political rallies, or even in the many Press Conferences they address every day. Now that we have an independent PSC, standards of behaviour expected of hon. Members must be high. As the Speaker of this House and the Chairman of that Commission, I shall be extremely swift in taking firm action against any hon. Member whose conduct may in any way tend to lower the dignity of this House. In doing this, your Excellency the President, I count upon the full support of each and every hon. Member of this House to ensure that the public trust vested in Parliament is not betrayed.

Your Excellency, the recently rejuvenated Departmental Committees started sitting during the last Session and during the whole of the last recess. These Committees, together with the traditional watchdog Committees, such as the Public Accounts Committee (PAC) and the Public Investments Committee (PIC), have placed a very heavy burden on our financial and human resources. It is a burden that I am sure that the Government and the people of Kenya will bear in our endeavour to make the Committee system develop and thrive. It is an investment that I have no doubt in my mind will bear fruits for posterity.

Your Excellency, let me now turn the attention of hon. Members to some of the things that your Government has done to further strengthen the parliamentary system in this country. Despite the economic hardship and the liquidity problem your Government is facing, the rehabilitation of Continental House is on course. During the last year, and early this year, the Government availed funds to us to conduct various seminars and workshops for hon. Members and staff. These workshops have deepened the understanding of hon. Members on parliamentary systems and procedures and sharpened the skills of our staff. There are more workshops in the pipeline before the end of this fiscal year.

Your Excellency, as you are aware, on Christmas Day last year, we lost a devoted hon. Member of this House, the Member for Kwanza Constituency, the late hon. George Welime Kapten. We remember him as a principled legislator, as a friend and a colleague to all of us. We shall all miss his contributions. May the Lord rest his soul in peace.

Recently, two of our hon. Members fell victims of the increased thuggery which has hit this country. Once again, your Government took prompt and precise action to assist hon. Leshore and hon. Shidiye to be flown out of the country to seek advance medical care abroad. On behalf of hon. Members, may I express our gratitude for all the assistance your Government has always willingly extended to the House and its hon. Members.

(Applause)

We too have foreseen the occurrence of such incidents like accidents or sudden illness, which formerly used to financially cripple some of our hon. Members. With effect from January this year, this House resolved that hon. Members should have a Contributory Insurance Scheme both for general personal accident and medical cover.

I wish to commend Members for having had that kind of foresight to improve their own welfare. As we embark on a new Session, I would like to reflect on the words of the late President Mzee Jomo Kenyatta during the State Opening of Parliament on 23rd March, 1973. He said:

"Be unsparing in exercising your sense of duty. Be decisive in confronting grave responsibilities and realistic in assessing the role of this Parliament within the whole national aspiration of the Kenyan people."

That statement remains true as it was 30 years ago. Within the framework of the business of this House, there must be, and always will be, scope for the full play of judgement, conscience and constructive criticism even of a robust nature as part of our parliamentary debate. Under our Constitution and within our Standing Orders, we have provided every facility for such criticism and debate, and all hon. Members are at liberty to use these facilities without fear, intimidation and with courage and determination of true statesmanship. As we move forward to newer horizons, future achievements must depend increasingly on the creative contribution of this National Assembly. Decisive leadership will inspire hard work and social dedication of all our fellow countrymen. I have confidence that all hon. Members will rise to this challenge, displaying the wisdom and the courageous spirit that identifies the true Kenyan society.

Members of Parliament will not simply have responsibility to their constituencies; they have an overriding

duty to the State. Each Member is a link between the Republic and the people. In each direction, there is an obligation both to guide and to lead. It must, therefore, be the purpose of this Parliament to wield supreme power in a truly national spirit and it is our noble duty to strengthen the institution of Parliament in the eyes of the people of this Republic. As your Excellency has said on many occasions, the Republic is the people. So, we feel it is proper that the final sanction for all of our country's law should reside in the representatives of the people. As a leading philosopher, Daniel Webster stated: "If we work upon marble, it will perish. If we work upon brass, time will efface it. If we rear temples, they will crumble to dust. But if we work upon men's immortal minds, if we imbue them with high principles, with the just awe of God, with love for our fellow men, we engrave something which no time can efface and which will brighten and brighten to eternity."

It is now, Sir, my great pleasure and privilege to invite your Excellency to address this August Assembly and inaugurate the Fourth Session of the Eighth Parliament of the Republic of Kenya.

PRESIDENTIAL ADDRESS

His Excellency the President (Mr. D.T. arap Moi): Mr. Speaker, at this most memorable juncture, when Parliament is sitting for the first time this century, this new millennium, it is my utmost pleasure and duty to welcome all hon. Members to the Fourth Session of the Eighth Parliament. Before I proceed with my remarks this afternoon, I wish, first of all, to request hon. Members to join me in paying our respects to the late Member of Parliament for Kwanza Constituency, hon. George Kapten, who passed away on Christmas morning last year. May I ask you all to stand up and observe one minute of silence in his remembrance.

*(Hon. Members stood up and
observed one minute of silence)*

Thank you. Mr. Speaker, this is the first meeting of Parliament this century and I would like to take the opportunity to offer some thoughts and observations on the state of the nation and the prospects for the future. The opening of Parliament is not an occasion for party politics. I will, therefore, limit myself to a discussion of socio-economic and development issues. Throughout the last decade, Kenyans have debated on whether the new century will bring a positive change in their lives. I believe that better times lie ahead, but this will not come about through the ole initiative of the Government. The days of central Government domination of all sectors of national life are behind us, and we must become accustomed to a leaner, more efficient Government that creates an environment of growth. Economic growth driven by the opportunities offered to the citizens by their elected Government is the foundation for success. Increased economic activity, expansion of markets, more job opportunities better health care, improved infrastructure and information technology are all potential products of better governance.

My Government recognizes this value of change, and I have given clear instructions that the ongoing process of change for the better is irreversible. Over the years, Kenya has built a strong foundation for economic development. We are well-placed to attain higher levels of economic growth that will lead to better conditions of living for our people. The realisation of this potential will of course depend on many factors. First and foremost, the slow-down in economic activity and growth must be halted and reversed. During the first two years, the unemployment situation has worsened while the incidence of poverty, especially in the rural areas, has increased. I want to assure all hon. Members that my Government will continue to assign priority to addressing the ills affecting the economy. We will do everything possible to stimulate increased production in agriculture, manufacturing, as well as in the *jua kali* sector. I want to see more of our people engaged in productive economic activities, so that Kenya can move ahead in development. I want to make it very clear, however, that the task before us is not easy. The current conditions of high poverty levels have complicated efforts to restore economy growth.

Mr. Speaker, Sir, my Government will, therefore, continue to direct more of its resources towards eradication of poverty. In particular, the Government will continue to support increased investment in education and health of the poor, in order to make them more productive and bring them into the mainstream of national development. Towards this end, my Government is working on the final details of a poverty reduction strategy, and this will be linked to a budget process that will be projected over several years. This medium-term expenditure framework will greatly enhance fiscal discipline and proper planning.

Mr. Speaker, Sir, hon. Members will recall that in January this year, I attended the meeting of African Heads of State on poverty reduction and growth, convened by the International Monetary Fund (IMF) in Libreville, Gabon. The meeting highlighted the various problems affecting African countries, especially the sub-Saharan region, where poverty levels have been on an upward trend. We also discussed the role that the IMF, the World Bank and multi-lateral agencies can play in supporting regional and country efforts to combat this problem.

Over the next few months, I hope that we will reach agreement with our development partners for economic assistance in various areas. My Government is currently engaged in the final round of talks with the World Bank and IMF. I am optimistic that in the very near future, we will have access to funds that will enable us to move efficiently, and effectively tackle the problem of poverty and low rates of economic growth. My appeal to Kenyans, and especially leaders, is not to politicize poverty. No one should exploit the suffering of those who are poor to gain political mileage. Instead, all of us should join hands to fight poverty and unemployment, so that we can assist those who continue to rely on handouts to become productive members of society. In particular, I urge hon. Members to strive for and ensure a strong partnership between leaders, the people, the Government and the civil organisations, in order to tackle problems facing our people from a common front.

Mr. Speaker, Sir, another important area is the public sector reforms which are expected to have far-reaching impact on efforts to ensure better service delivery. My Government is giving more priorities to the more effective use of revenue collection. Tax avoidance, especially in the area of VAT collection, is to be made a priority area for remedial action. Debts recovery, particularly in some of the leading institutions which have now been identified as being ineffective, will be given greater attention.

In the area of procurement, there is an indication that the tighter controls put in place by the Government are beginning to bear the desired fruits. I have directed that transparency is not to be confined to central Government alone. District tender boards and local authorities are equally in need of tighter procurement procedures. The State corporations are also areas where substantial losses of public funds have occurred as so clearly demonstrated in the reports of the Public Investments Committee (PIC) of this House. The abuse of office and misuse of public funds is not unique to our country, but we must be bold enough to address it. The issue of corruption is a major concern, and the Government, working closely with Parliament, will soon introduce far-reaching measures to control the conduct of public officers. I assure you all that my Government is fully committed to transparency and accountability.

Mr. Speaker, Sir, I have discussed these matters at length because of some misconceptions that the economic problems we are facing are of our own making. Those of us who are familiar with the goings-on in the international arena know fully well that poverty and unemployment are world-wide problems. As a matter of fact, even the developed countries have their own problems of inequitable distribution of resources. Furthermore, economic restructuring is neither new, nor unique to our country. Many developed countries have had to restructure their economies in order to cope with new circumstances. We, in the developing world, are not immune to the rapid changes taking place on the global scene. But we are more vulnerable because of our weak economic base. In addition, heavy reliance on the export of primary commodities, which is subject to constant shifts in prices on the international market as well as debt-burden, has continued to stand in the way of faster development for many Third World countries.

Mr. Speaker, Sir, the reforms implemented by the Government in various sectors continue to yield positive results. But in the political arena, the benefits of political pluralism are yet to be realized, as confrontation among various political players seems the order of the day. This is a very sad development indeed.

I believe that political competition, if properly handled, can create a fertile environment for the exchange of ideas, which is good for a modern society. In this case, it is recognised that some may agree, or even choose to disagree, on matters of principles. But this should never be allowed to go so far as to endanger the unity of purpose which is so fundamental to our social and economic well-being. What Kenyans need is good politics, the kind that will yield positive fruits such as unity, peace and mutual understanding. Kenyans need development-conscious politics, which will mobilise the people to increase productivity on their farms and their places of work, for we live in a highly competitive world in which hard work is the only way ahead. There has been too much talking during the past decade, and leaders should give more attention to the real issues affecting the livelihood of Kenyans.

Kenya's population is still growing, and our people need more schools and more health facilities. They need clean water and modern telecommunications services. They need better roads and market outlets, both local, regional and international, to sell their produce. Above all, the business community needs a calm and predictable social and political environment in which to invest and trade. The focus for all leaders should be to avoid unnecessary disputes that cause fear and apprehension in the society. Tribalism, conflicts and hatred are the products of bad politics. I urge leaders to be united in pursuing the common good of our country, and to put the interest of Kenya above personal and sectarian interests.

Mr. Speaker, Sir, at the dawn of Kenya's Independence, we recognised disease as the foremost enemy of our people, and of Kenya's development. We invested a lot of our resources to ensure a better health status for our people. But the AIDS pandemic has made serious inroads into all the gains we have made. And in some cases, we have actually witnessed a reversal of our achievements altogether. Many of our young people continue to die every day due to AIDS, yet these are the ones we look up to, to ensure the future development of our country. Unless we can impact upon the spread of this disease and do so in very quick time, the effects upon education, agriculture and industry will

be such that our plans will have to be completely re-considered. HIV/AIDS is a national disaster that all of us must address, and the strategies to slow the spread of the disease must involve each and every one of us, irrespective of ethnic, political, religious or economic status. We cannot afford to continue talking in whispers while all around us our people are dying.

I, therefore, want to thank hon. Members for supporting efforts by the Government to combat the AIDS problem. I am, particularly, glad that since the seminar by hon. Members in November last year in Mombasa, many positive developments have continued to take place. The National AIDS Control Council is now in place and it is expected to liaise with both local and international organisations in order to mobilise the necessary resources to fight AIDS. I urge hon. Members to continue supporting the war against AIDS by mobilising people at the grassroots to protect themselves against the disease.

Mr. Speaker, Sir, the constitutional review process has continued to generate considerable debate on how the exercise should be carried out. First of all, let me emphasize that the most critical problem facing Kenya today is the slow growth of the economy. This is what should be the primary concern of all leaders. In my view, the Constitution is the heart of our nation's social and political stability and, therefore, the process to change it must not only be accountable to the people, but it must also ensure that the final outcome reflects the wishes of all Kenyans. However, this cannot take place in an atmosphere where suspicions, hypocrisy and mutual distrust abound. We cannot have meaningful constitutional review when some of those involved in the process are more concerned with the pursuit of personal or sectarian agendas. We cannot go on like this. This House has a duty and obligation to provide leadership in this matter, so that Kenyans can feel free and confident to participate in the review process. No other forum has such a mandate.

Mr. Speaker, Sir, in the legislative programme for this Session of Parliament, the Government will introduce various Bills which will reflect a number of priorities. Some of the Bills lapsed during the last Session and will, therefore, be re-published and discussed during the current Session. These include the Industrial Property Bill, the Central Depositories Bill and the Capital Markets Authority (Amendment) Bill.

In addition, the Government will submit a number of new Bills for discussion during the current Session of Parliament. For instance, the Statute Law (Miscellaneous Amendments) Bill, the Maseno University Bill, the Traffic (Amendment) Bill, the Copyright Bill, the Penal Code (Amendment) Bill, the Criminal Procedure Code (Amendment) Bill and the Children Bill, amongst others. The purpose of these amendments will be to update Kenyan laws and harmonise them with the existing realities.

I hope that hon. Members will study all the Bills carefully in order to make serious contribution to the House debates.

Mr. Speaker, Sir, I wish to conclude my remarks today by urging hon. Members to maintain unity of purpose and uphold the dignity of the House at all times. Remember that you are all serving the same fatherland. Differences of opinion or approach to issues should always be resolved in an amicable manner.

Finally, Mr. Speaker, Sir, it is now my greatest pleasure to declare the Fourth Session of the Eighth Parliament officially open.

(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:-
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, 28th March, 2000.

DEPARTURE OF HIS EXCELLENCY THE PRESIDENT

Mr. Speaker: Hon. Members, it is now His Excellency's pleasure to take his leave. You will all arise. The Spiritual leaders may join the procession.

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

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members---

Hon. Members: There is no Mace!

Mr. Speaker: Order! Hon. Members may agree that I cannot stop guests from moving out.

ADJOURNMENT

Mr. Speaker: Hon. Members, the House is adjourned until tomorrow, Wednesday, 29th March, 2000, at 9.00 a.m.

The House rose at 3.45 p.m.