

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 9th November, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table:-

Annual Report and Accounts of Jomo Kenyatta Foundation for the year ended 30th June, 1998, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Maseno University College for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Maseno University College for the year ended 30th June, 1996, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Education,
Science and Technology (Mr. Awori) on behalf of
the Minister for Education, Science and Technology)*

Annual Report and Accounts of Kenya Sugar Authority for the year ended 30th June, 1997, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Education, Science
and Technology (Mr. Awori) on behalf of the
Minister for Agriculture and Rural Development)*

ORAL ANSWERS TO QUESTIONS

Dr. Kulundu: Mr. Deputy Speaker, Sir, I have not received a written reply.

Question No.523

PAYMENT OF COMPENSATION TO WORLD WAR VETERANS

Dr. Kulundu asked the Minister of State, Office of the President, what plans the Kenya

Government has to request the British Government to compensate Kenyans who fought in World Wars I and II.

Mr. Deputy Speaker: Is anyone here from the Office of the President? We will come back to it later. Next Question, Mr. Shidiye.?

Question No.512

UPGRADING OF GARISSA TELEPHONE EXCHANGE

Mr. Deputy Speaker: Mr. Shidiye not here? We will come back to his Question later. Next Question, Mr. Kombo.

Question No.345

ILLEGAL ALLOCATION OF FOREST LAND

Mr. Kombo asked the Minister for Environment, in view of the rampant illegal allocations of forest land, if he could issue a gazette notice requiring that all allocations of forest land must have prior approval of Parliament.

Mr. Deputy Speaker: Is anyone here from the Ministry of Environment? We will come back to that Question later. Next Question, Mr. Munyao.

*Question No.464*FARMERS' INABILITY TO
SERVICE AFC LOANS

Mr. Munyao asked the Minister for Agriculture and Rural Development:-

(a) if he is aware that Agricultural Finance Corporation loans given to farmers in Makueni District since 1984 did not benefit the farmers due to bad weather and the effects of related famine; and,

(b) if he could write off the said debts as the beneficiaries are completely unable to service the loans.

The Assistant Minister for Agriculture and Rural Development (Mr. Ruto): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware. However, I am aware that Makueni District has an outstanding amount of Kshs6.8 million in 129 overdue accounts. Of this amount, Kshs3.5 million is outstanding in 69 accounts in respect to loans advanced since 1984.

(b) It has become difficult for the Corporation to sustain its lending activities because of the high rate of defaulters. Therefore, it is important for the corporation to collect loans from these accounts and any other loans advanced elsewhere.

Mr. Munyao: Mr. Deputy Speaker, Sir, the Assistant Minister has actually confused us. In the opening remarks, he said he is not aware and then, he goes on to give us stories. Is he aware that in September, 1988, His Excellency the President, while opening the Agricultural Show in Nakuru, authorised and advised AFC to write off debts affecting areas which had been affected by drought?

Mr. Ruto: Mr. Deputy Speaker, Sir, I clearly indicated that I am not aware of the drought affecting the servicing of those particular loans that were advanced to Makueni District. However, in 1989, some loans were written off, but for Makueni, the loans that are now outstanding start from 1985 and not 1984. Therefore, the specific ones he is referring to and which were written off in 1989 did not affect Makueni on this issue.

Mr. Ndilinge: Mr. Deputy Speaker, Sir, now that the Assistant Minister has been made aware that His Excellency the President directed that the loans be waived, can he order for the waiver of those loans affecting the people of Makueni who were affected by famine?

Mr. Ruto: Mr. Deputy Speaker, Sir, I mentioned that the loans relating to 1984 were written off but from 1985 onwards, those ones have never been written off. I do not know what the hon. Member is talking about.

Mr. Munyao: Mr. Deputy Speaker, Sir, the Assistant Minister is still confusing the House. A news report published on 28th September, 1988, reads as follows: "The President in Nakuru---

Mr. Deputy Speaker: Order! Order, Mr. Munyao. What publication are you reading from?

Mr. Munyao: I am reading a report published in *The Daily Nation*, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Munyao, you know that newspaper reports are not accepted as evidence in this House.

Mr. Munyao: Mr. Deputy Speaker, Sir, I know that, but I have to prove the Assistant Minister, who still insists that he is not aware of the matter wrong. When will he be aware of this matter? On 28th September, while opening the Agricultural Show of Kenya (ASK) in Nakuru, the President admitted that some areas in Makueni and Ukambani had been affected by drought. Consequently, he directed the Agricultural Finance Corporation (AFC) to write off loans it had advanced to farmers of those areas. Following that Presidential directive, the AFC wrote off loans for all those affected except for those people I am referring to in Ukambani and Makueni. That is why I asked the Assistant Minister whether he is defying a Presidential directive.

Mr. Ruto: Mr. Deputy Speaker, Sir, I do not know what the hon. Member is referring to. I have seen him refer to some strange newspaper cutting, but I cannot go by that cutting. I have clearly indicated that the loans that have been written off were those issued in 1984. However, there has been no Presidential directive that AFC loans for other years be also written off.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. It is known countrywide that the President had directed the AFC to write off loans it had advanced to farmers in areas which were affected by drought. Could the Assistant Minister confirm or deny whether---

Mr. Deputy Speaker: Order, Mr. Muchiri. What is your point of order?

Mr. Muchiri: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House that the loans the President had directed the AFC to write off were those issued in 1984, when everybody in Kenya knows that what hon. Munyao is saying is correct?

Mr. Ruto: Mr. Deputy Speaker, Sir, there was no such blanket Presidential directive.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, this is a question on which we need some explanation. Could the Assistant Minister tell us how Presidential directives are taken vis-a-vis Government policies?

Mr. Ruto: Mr. Deputy Speaker, Sir, I am repeating for the third time that I am not aware of such a directive. I indicated clearly that what we are aware of is a Government decision to write off the AFC loans of 1984.

Mr. Deputy Speaker: Could you ask the last question, Mr. Munyao?

Mr. Munyao: Mr. Deputy Speaker, Sir, the Chair should, perhaps, remind the Assistant Minister that this Question has not been asked by hon. Kones, but by hon. Munyao. Could he be kind enough to agree to check out his facts? The loans we are talking about are those which the President had directed the AFC to write off countrywide. I have a list of some of those people who are affected. However, the AFC did not consider writing off loans for people in Makuani and other areas of Ukambani. So, could the Assistant Minister look into these loans and include them in the list of those which have been written off following that particular Presidential directive?

Mr. Ruto: Mr. Deputy Speaker, Sir, if the hon. Member can prove that there are any AFC loans that are outstanding for 1984, they will be written off. However, if he is talking about loans for any other years, then that is a different matter. Those ones have not been written off.

Mr. Deputy Speaker: Very well; let us go to Mr. Otula's Question.

Question No.444

SPEED BUMPS ALONG SONDU-OYUGIS ROAD

Mr. Otula asked the Minister for Roads and Public Works whether, in view of the numerous fatal accidents along Sondu-Oyugis Road due to over-speeding vehicles, he could construct speed bumps within the trading centres along the road to curb the accidents.

The Assistant Minister for Roads and Public Works (Mr. Rotich): Mr. Speaker, Sir, I beg to reply.

The Ministry has instructed the Field Officer to carry out an evaluation survey of the Sondu-Oyugis Road, to establish the areas that require bumps along the Sondu-Oyugis Road. Thereafter, depending on the findings of that survey, the necessary bumps shall be constructed. The evaluation survey will include establishing data on the number of accidents that occur on the road.

Mr. Otula: Mr. Deputy Speaker, Sir, it has been said that an evaluation survey has to be done before the Ministry can decide to put up bumps on that particular area. How long will it take the Ministry to carry out the evaluation survey exercise, considering the fact that this Question was asked in May, this year?

Mr. Rotich: Mr. Deputy Speaker, Sir, the results of the survey will be out in three weeks' time.

Mr. Kihoro: Mr. Deputy Speaker, Sir, it is important to try and make our roads as safe as possible. It would be a welcome idea to have the bumps installed. However, more importantly, is how bumps are installed in this country. They are installed in a way that is very dangerous to motorists. So, if the Government takes up this particular proposal, it is important that the bumps that will be constructed along the Sondu-Oyugis Road, and on all other roads countrywide, are properly marked with white lines and a red light. Our roads are being used by foreigners who do not know which sections of our roads have bumps.

Mr. Deputy Speaker: Ask your question, Mr. Kihoro.

Mr. Kihoro: Mr. Deputy Speaker, Sir, I believe that the bumps being sought by this Question will be installed. If people are being killed on a daily basis in accidents, why should the bumps not be installed along that road as quickly as possible? However, the point I would like to make is, when bumps are constructed on every road countrywide---

Mr. Deputy Speaker: Order! Order, Mr. Kihoro! Ask your question. This is question time, and not debate time. What would you like the Assistant Minister to do?

Mr. Kihoro: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House whether those bumps will be properly constructed and well-marked when they are finally installed?

Mr. Rotich: Mr. Deputy Speaker, Sir, I think the hon. Member is talking about some very sharp and some unmarked bumps. I would like to inform him that we have come up with a standard design of bumps that is gentle and high, which will always be marked with reflective paints.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! The hon. Member has sought to know when those bumps will be properly fixed and road signs put in place to show motorists that they are approaching the bumps.

Mr. Rotich: Mr. Deputy Speaker, Sir, I said that we will have the results of the evaluation survey in three weeks' time, after which we will put the bumps at the necessary places.

Dr. Omamo: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm to the House whether the Ministry will restore those bumps which his officials arbitrarily destroyed in the greater part of Nyanza Province, given the fact that more accidents are now taking place following the destruction of those bumps?

Mr. Rotich: Mr. Deputy Speaker, Sir, although I do not understand what the hon. Member means by "greater part of Nyanza", I would like to assure him that we will restore any bumps that were put in place initially, but which were destroyed afterwards.

Mr. Ojode: Mr. Deputy Speaker, Sir, I asked a similar Question here two years ago for which I received a similar reply. Roads in my constituency are very dangerous. Between 10 and 15 people die in road accidents in those areas due to the non-existence of bumps. When I asked my Question last time, the Minister told me that there was a proposal to construct bumps on those roads, and that the Ministry would take care of that issue. However, up to now, the Ministry has not done anything yet. Now, could he tell us when the Ministry will construct bumps on the Ongen-Mirogi-Ndhiwa Road?

Mr. Rotich: Mr. Deputy Speaker, Sir, that is not part of this Question. However, we shall look into it alongside this particular Question and, maybe, take action in three weeks' time.

Question No.538

CLASSIFICATION OF ROADS IN
MERU CENTRAL DISTRICT

Mr. Mwiraria asked the Minister for Roads and Public Works:-

- (a) whether he could inform the House the kilometres of classified roads in Meru Central District;
- (b) whether he could further give a breakdown of the distances by constituencies; and,
- (c) when the Ministry will commence the exercise of classifying more roads in Meru Central District, particularly in the newly settled divisions of Buuri, Timau and Kibirichia.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Meru Central has a classified road network of 927 kilometres.
- (b) The breakdown of the district classified road network by constituencies is as follows: Central Imenti - 271.9 kilometres; North Imenti - 342.3 kilometres, and South Imenti 312.8 kilometres.
- (c) My Ministry plans to carry out road inventory and condition survey countrywide in the year 2000, which will determine the need for classifying or de-classifying roads in all districts, including Meru Central District.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer he has given this House, and wish to ask the following supplementary question. Since North Imenti is larger in area than Central and South Imenti put together, and has a higher population than the two of them put together, does the Assistant Minister consider having the same number of classified roads? If not, why will he not give North Imenti priority in classifying more roads?

Eng. Rotich: Mr. Deputy Speaker, Sir, I think it is not possible to give an equal number of classified roads, but we can give an equitable number of kilometres. However, the priority really comes from the District Development Committee (DDC), and it also depends on the amount of money that we have to take over those roads. We might not have enough money, because the number of kilometres determines the amount of money that we get from the Treasury.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. The Question which has been asked by my colleague here is relevant because we have many areas in Meru which are newly settled, including my constituency, and yet, we do not have any road in the place. We have one road which is 50 kilometres long, which runs from Igoji to Mitunguu,

and this is a tobacco growing area. In fact, this road is called "Kiraitu Road". Could the Assistant Minister, as a matter of priority, consider including this road among the classified roads, so that we can open up that area because it is an agriculturally potential area?

Eng. Rotich: Mr. Deputy Speaker, Sir, as I said earlier on, it depends on the priority of the DDC. If they consider this road to be very important to them, and we have the resources to expand the network, we shall do it. But it depends on the importance they attach to it in the district.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, as the hon. Member for South Imenti Constituency has stated, we have a lot of settlement schemes in Meru, mostly in North Imenti; for instance Timau and Buuri. There are no roads worth talking about in those areas. It is becoming impossible, for instance, to harvest wheat because the combine harvesters cannot reach the farms. Could the Assistant Minister, at least, give priority to opening a few roads in the newly settled areas all over Central Meru District?

Eng. Rotich: Mr. Deputy Speaker, Sir, I cannot undertake to open those roads if they are not part of the classified roads network. But the people who are living there may, if they have the resources, share the cost with the Ministry, so that we can avail the equipment and they provide fuel.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, I am really horrified by the answer from the Assistant Minister. Is he telling this House that he is prepared to condemn people who have been settled by the Government of Kenya in an area which is productive, yet has no road infrastructure at all unless they can contribute? Do I get that as his answer?

Eng. Rotich: Mr. Deputy Speaker, Sir, it is not my intention to condemn anybody to perpetual problems. However, I am saying that the resources that we have might not be enough to do what the hon. Member is asking us to do.

Mr. Mwiraria: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to tell this House that they have no resources when we know that they have a lot of money collected from the road maintenance levy, which is being squandered by the officers?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of that but when we get that information, we will take action. I think that action is being taken.

Mr. Deputy Speaker: Let us move on to the next Question by Mr. Magara.

Mr. Magara: Mr. Deputy Speaker, Sir, I have tried my level best to be here though the roads are sometimes impassable.

Question No.549

GRADER FOR GUCHA DISTRICT

Mr. Magara asked the Minister for Roads and Public Works:

(a) whether he is aware that there is no serviceable grader in Gucha District and, as a result, most roads are impassable; and,

(b) what he is doing to ensure that all-weather roads in the district are passable.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there is no serviceable grader in Gucha District. However, I am not aware that most of the roads are impassable. But I am aware that the roads require routine maintenance.

(b) My Ministry plans to spot-improve all-weather roads with funds issued for normal routine maintenance this financial year.

Mr. Magara: Mr. Deputy Speaker, Sir, arising from the answer that has been given by the Assistant Minister, that he is aware that there is no serviceable grader in the whole district, and is not aware that the roads which are there are impassable; under what circumstances are they being maintained, so that he can tell this House that they are serviceable or passable?

Eng. Rotich: Mr. Deputy Speaker, Sir, I said that we will use some money for routine maintenance this financial year to spot-repair some of these roads in Gucha District.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is very unfair for a district like Bomet to have 10 serviceable graders and Baringo District, 17, while Gucha District has none. Could the Assistant Minister consider removing some of those graders in Baringo District and take them to Gucha District to service the roads there?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware that there are 17 graders in that particular district. There is no district with 17 graders.

Mr. Muihia: On a point of order, Mr. Deputy Speaker, Sir. Arising from the answer the Assistant Minister

has given this House, it appears that there are no graders in this country. Could he tell us the number of graders that are serviceable in the country and the amount of money he has sent to each district to be used to grade the roads?

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not have that information, but I can get it.

Mr. Deputy Speaker: When shall you bring it to the House?

Eng. Rotich: Mr. Deputy Speaker, Sir, I can get the information to the House on Tuesday, next week.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, what is happening in Gucha District is that the grader that is in Homa Bay District is the one that is usually borrowed and used in the district. As a consequence, a contractor in Homa Bay District cannot do the work in Homa Bay until politicians there make noise, and when the Gucha politicians make noise, the grader is taken there.

Could the Assistant Minister confirm or deny that, that is true? Could he also tell this House the compensation, as a result of this, they have given to Homa Bay District?

An hon. Member: Co-operation!

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of that.

Mr. Magara: Mr. Deputy Speaker, Sir, since the Assistant Minister is aware that in some districts, there are more than ten graders, how much money has he set aside for the servicing of those graders? The Assistant Minister has said that the Ministry will maintain roads in Gucha District, and since he has been made aware that there are 10 or 20 graders in Baringo and Bomet districts, could he ensure that, in the course of maintaining roads, there will be a serviceable grader in Gucha District? How much money has he set aside for the maintenance of roads in Gucha District?

Eng. Rotich: Mr. Deputy Speaker, Sir, I wish to say that there is no district with 20 graders in this country. If there is, then I need to be made aware, but they are not working. We have set aside Kshs1,417,083 for the maintenance of roads in Gucha District. There are two graders in Gucha District. We have set aside Kshs500,000 for repair of GK 282H. We have also set aside Kshs300,000 for the repair of GK 611J.

Mr. Deputy Speaker: We will go back to Dr. Kulundu's Question.

Dr. Kulundu: For the second time, may I ask Question No.523.

Question No.523

PAYMENT OF COMPENSATION
TO WORLD WAR VETERANS

Dr. Kulundu asked the Minister of State, Office of the President what plans the Kenya Government has made to request the British Government to compensate Kenyans who fought in World Wars I and II.

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Deputy Speaker, Sir, records held by the Government---

Mr. Deputy Speaker: Order! Mr. Gumo, you are late for this Question. So, you must, first, apologise to the House.

The Assistant Minister, Office of the President (Mr. Gumo): Mr. Deputy Speaker, Sir, I am sorry for coming late. However, I beg to reply.

Records held by the Government in the Department of Defence indicate that the Kenyan soldiers who fought in World Wars I and II were paid their dues on discharge from the Kings African Rifles (KAR) at the end of the two World Wars. The Kenya Government, therefore, has no basis on which to lodge compensation claims against the Government of the United Kingdom because the soldiers were properly discharged in accordance with their terms and conditions of service then.

Dr. Kulundu: Mr. Deputy Speaker, Sir, first of all, I do not have a written answer to this Question. It is a very important Question to my Constituency. However, there are so many Kenyans who were conspicuously recruited into the British Army against their wishes. Some of them were killed or maimed, and those who survived are now living in abject poverty. There is no record whatsoever, to show that these Kenyans were ever paid their dues when they fought those wars that were not of their making. Could the Assistant Minister lay evidence on this Table to show that, indeed, Mr. Mukoyana in my constituency was paid his dues at the end of World War II in 1945?

Mr. Gumo: Mr. Deputy Speaker, Sir, according to the records, everybody who was discharged from the army at that time was paid. If there are any claims that, Mr. Mukoyana was not paid, let him come forward and we shall take the necessary action.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members! You just stand up because you want to ask a question and none of you wants to raise a point of order. Could we hear from Mr. Leshore.

Mr. Leshore: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House. I know of three or four Samburus who fought in those two World Wars, but todate, they have never been compensated. I can bring their names to this House within two weeks. Why is the Assistant Minister misleading this House? Why is he protecting the British? The British took our people to fight in Burma, India and Ethiopia, and yet, they have never been compensated.

Could the Assistant Minister make sure that those people who fought in those wars are paid their dues? I can bring the names of ten Samburus who fought in those wars. They were not compensated at the end of those two wars.

An hon. Member: You should lay them on the Table of the House!

Mr. Gumo: Mr. Deputy Speaker, Sir, if there are any claims to be made, let those who were involved come forward, and we shall find out whether they will be compensated or not.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members! You know that you are totally out of order to be on your feet when another hon. Member is on the Floor answering or asking a question. So, be patient.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. In the last Parliament, I brought a similar Question to this House, and we got basically a similar answer. The Question is still coming up. This means that there are Kenyans who fought in those wars, but they were not paid. It is the responsibility of the Government to make sure that the interests of its people are protected.

Mr. Deputy Speaker, Sir, could the Assistant Minister carry out an exercise to find out how many Kenyans who fought in those wars are still alive, and whether they were paid or not? The Government can use the Provincial Administration and other officers to get this information.

Mr. Gumo: Mr. Deputy Speaker, Sir, I think it is much easier for hon. Members of particular constituencies to compile a list of those people who fought in those wars and are still living, and we shall take the necessary action.

Mr. Munyasia: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how much money was paid to Kenyans who served in the British Army at the end of the Word Wars I and II?

Mr. Gumo: Mr. Deputy Speaker, Sir, when somebody is retiring from the service of the Government, he is paid his dues individually. So, I do not think they were paid in lump sum.

Col. Kiluta: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister is serious at all. This is because if a soldier serves for a period of nine years, he is paid for that period. The question by hon. Munyasia was very clear. Could the Assistant Minister tell us how much money was paid to those who served in those two wars? They must have been paid a lot of money because a soldier serves for nine years and he is paid a gratuity for the same period. If he does not know, let him say so. We can still give him time to go and find out what exactly happened. Could he tell us how much money those people were paid at the end of the Word Wars I and II?

Mr. Gumo: Mr. Deputy Speaker, Sir, if we really want to help those people who fought in those two wars, we must be serious also. We must get the records from you, and then we shall take the necessary action. You cannot tell the Government to go and find out from the archives what happened. I do not think hon. Members are fair to the Government at all.

Mr. Kapten: Mr. Deputy Speaker, Sir, the Assistant Minister has talked of records which are held by the Department of Defence. Could he promise to bring to this House those records, so that we see the names of the people who were paid and compare them we those ones in our constituencies?

Mr. Gumo: Mr. Deputy Speaker, Sir, this happened many years ago. In fact, it is nearly 70 years ago. These records must be in the archives. I still repeat that, if there is any hon. Member of Parliament who knows a constituent who is still alive and was not paid, he should forward the name to us and we shall take the necessary action.

Mr. Gitonga: Mr. Deputy Speaker, Sir, the Assistant Minister had told us that the records are in the archives. But we are asking him to retrieve the records from there and bring them to the House so that we check those who have been paid and those who have not.

Mr. Gumo: Mr. Deputy Speaker, Sir, these people are too many and we do not have to be vague---

(A number of hon. Members stood up in their places)

Let the hon. Members come, with specific cases and we shall look into them, unless they do not know what they are talking about.

Mr. Sambu: Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead the House that these people are too many when the archives in Nairobi and in the Colonial Office in London show clearly who served in which war and who was paid what?

Mr. Gumo: Mr. Deputy Speaker, Sir, this is "Jeshi for the King," and not "Jeshi la Mzee."

(Laughter)

Mr. Deputy Speaker: Order! Hon. Members, it is clear that we cannot exhaust this matter during Question Time, but it is a matter of concern to the House. I think that the only logical thing to do is for the committee responsible for these matters to go into it and bring back a report to the House.

(Applause)

Question No.512

UPGRADING OF GARISSA TELEPHONE EXCHANGE

Mr. Shidiye asked the Minister for Information, Transport and Communications:-

(a) whether he is aware that the Telephone Exchange in Garissa Town is congested and Telkom Kenya Ltd is no longer giving new lines to customers; and,

(b) when he will provide STD facilities to Modogashe, Liboi and Dadaab divisions.

The Assistant Minister for Information, Transport and Communications (Mr. Mokku): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Currently, the Garissa Telephone Exchange has a capacity of 900 exchange lines. At present, out of the capacity of 900 lines, there are 867 connections and 335 applicants in the waiting list. The demand, therefore, is numbering 1,202 against the connections of 867, plus 335 applicants. Telkom Kenya Limited is expanding the Garissa Telephone Exchange by installing an additional 300 lines before next April, 2000, to cater for the additional demand.

(b) A Multi-access Radio System, which will bring in STD facilities is being planned for Dadaab and Modogashe in the System Development Plan for the year 1999/2000. A Line Concentrator Switching System to be connected to Garissa is being planned for Liboi in the Five-Year Development Plan, 1999/2004.

Mr. Shidiye: Mr. Deputy Speaker, Sir, the telephone exchange line in Garissa is almost kaput. Even if you try to call Garissa today, you will not go through. Now that the Assistant Minister knows that there is a big problem, could he bring a bigger Exchange to Garissa? This is because he is telling us that he will give us a new exchange in the year 2000, but that is too far. Could he facilitate for the installation of a new exchange immediately?

Mr. Mokku: Mr. Deputy Speaker, Sir, the year 2000 is just two months to go and, secondly, I would like to assure the hon. Member that any additional lines that we are bringing are is to the satisfaction of Garissa people.

Mr. Shill: Mr. Deputy Speaker, Sir, recently, Telkom Kenya Ltd was given an ultimatum that they should get 30,000 lines for the Nairobi City. Could the Assistant Minister, therefore, consider Garissa Town when they are expanding telephone lines for Nairobi City?

Mr. Mokku: Mr. Deputy Speaker, Sir, that is in the affirmative.

Mr. Badawy: Mr. Deputy Speaker, Sir, going by the technological improvements being undertaken by Telkom Kenya Ltd., to its headquarters and international coverage, could Telkom Kenya Ltd. equally give priority to the district headquarters, like Garissa, as far as telecommunications is concerned?

Mr. Mokku: Mr. Deputy Speaker, Sir, may I request the hon. Member to repeat his question?

Mr. Badawy: Mr. Deputy Speaker, Sir, we appreciate the technological improvements being undertaken by Telkom Kenya Ltd., as far as international telecommunications is concerned. But that is being done at the expense of the local telecommunications development. Could the Assistant Minister ask Telkom Kenya Ltd., to look into the possibilities of attending to the needs of the district headquarters, especially those in remote places like Garissa and the rest of the district headquarters in North Eastern Province?

Mr. Mokku: Mr. Deputy Speaker, Sir, it is true that we had began with the district and provincial headquarters, but the assurance from Telkom Kenya Ltd., is that this programme will be expanded to the district, divisional and locational levels in the following years.

Mr. Werah: Mr. Deputy Speaker, Sir, Ijara Constituency is part of Garissa District, and it is also a sub-district. Ijara Sub-District has actually never got such services since it was created. When will it have telecommunications services?

Mr. Mokku: Mr. Deputy Speaker, Sir, I think hon. Werah needs to put that question rightly so that we can answer him appropriately.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, the truth is that Garissa cannot get sufficient telephone lines, as demanded, because of two reasons. One, because of the monopoly of the Telkom Kenya Ltd., and, two, because of the use of obsolete technology. With wireless technology, for as little as Kshs20 million, within one month, the whole of Garissa District would get enough telephone lines. With that in mind, could the Assistant Minister tell us why the Government has not allowed entrepreneurs to use small satellites that would provide the entire country with the required demand of telephone lines?

Mr. Mokku: Mr. Deputy Speaker, Sir, I think I should treat that question as a separate one because it is actually on the monopoly of the telecommunications sectors and actually, as you know, Telkom Kenya Ltd., Communications Commission of Kenya (CCK) and Postal Corporation of Kenya as they are today, are entities created by Acts passed by the House.

Mr. Shidiye: Mr. Deputy Speaker, Sir, Garissa District had a Telephone Exchange that could accommodate many lines. Is the Assistant Minister aware that the Telephone Exchange, which would have helped the entire province, was taken away from Garissa and, as a result, we are suffering? Could he confirm or deny that?

Mr. Mokku: Mr. Deputy Speaker, Sir, I am unaware of that.

Question No.345

ILLEGAL ALLOCATION OF FOREST LAND

Mr. Kombo asked the Minister for Environment whether, in view of the rampant illegal allocations of forest land, he could issue a Legal Gazette Notice requiring that all allocations of forest land must have prior approval of Parliament.

The Minister for Environment (Mr. Nyenze): Mr. Deputy Speaker, Sir, I wish to apologise for not being in the House the first time that Question was asked. However, I beg to reply.

I am not aware that there is rampant illegal allocation of forest land. All the forest land excisions and changes of forest boundaries have been based on clear policy and legal mandates. In fact, the excisions of forests are based on careful considerations, which take cognisance of ecological functions of the forest biodiversity and water conservation, provision of forest goods and services, and the their overall contribution towards social dimensions.

The Forest Act, Cap.385, empowers the Minister to declare a forest area and to alter the forest boundary from time to time. The Act requires the Minister to issue a 28 days' Gazette Notice to allow for the public to present views on the intended excisions. Section five of the Act provided for parliamentary approval of excisions, but was repealed, vide Legal Notice No.236 of 1964. It is currently under review to reinstate and allow for parliamentary approval, among other amendments, as requested by the hon. Member.

Since the existing Forest Act does not have provision for the Minister for Natural Resources to issue a legal Gazette Notice requiring that all excisions of forest land must have approval of Parliament, I will not do what the law does not permit me to do.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether I heard the Minister right. He talked of a legal notice repealing a section of an Act of Parliament. As far as I know, that is not possible. Is that what he said, or I did not hear him correctly?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I said that the Forest Act does not allow the Minister to seek parliamentary approval in order to excise some land from a forest, but it empowers the Minister to alter boundaries of forests, or to do an excision. Currently, there are no land allocations going on.

Mr. Deputy Speaker: Mr. Nyenze, you made a reference to a legal notice of 1964 as having repealed a certain section of the Forest Act. So, the question is whether you can amend an Act of Parliament vide a legal notice?

Mr. Nyenze: Mr. Deputy Speaker, Sir, you cannot amend a section of the Forest Act vide a legal notice, but Cap. 385 empowers the Minister to declare and alter forest boundaries from time to time.

Mr. Kombo: Mr. Deputy Speaker, Sir, the answer is shocking. Obviously, this Minister has never heard of Karura, Ngong and many other forests which have been illegally allocated. For him to say that he is not aware, that is being dishonest. Recently, he appeared on television quarrelling with the Director of Forestry over fraudulent excisions of the forest by the Director. Why this double-speak? Could he tell us when he will put in place mechanisms that will

ensure that Parliament approves forest allocations?

Mr. Nyenze: Mr. Speaker, Sir, there is a committee reviewing this Act, and it will put in place some mechanisms, so that no forest land is given out. Currently, we have banned all forest land allocations.

Mr. Nderitu: Mr. Deputy Speaker, Sir, could we know from the Minister when he is going to withdraw all the title deeds of the land allocated in the forests illegally?

Mr. Nyenze: Mr. Deputy Speaker, Sir, could the hon. Member repeat his question?

Mr. Nderitu: Mr. Deputy Speaker, Sir, I would like to know when the Ministry is going to withdraw the title deeds of the illegally allocated land in the forests.

Mr. Nyenze: Mr. Deputy Speaker, Sir, as I said earlier, all allocations were done with prior considerations. We will see to it that no more forest land is allocated to individuals. As to when we will withdraw the title deeds, I am very new in the Ministry; I am doing a very good job and I will take the necessary action.

Mr. Muithia: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead this House that the forest land was degazetted legally? The Green Belt Movement, of which I am a supporter, issued an objection when Karura Forest was gazetted for allocation. Could the Minister tell us where and when the Minister for Natural Resources replied to the objection by the Green Belt Movement for allocation of Karura Forest?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I may not know much about what happened in the past, but I am studying the situation, and I will make sure that no forest land is allocated any more.

Mr. Kombo: Mr. Deputy Speaker, Sir, we may not know more about Karura Forest, but hon. Nderitu asked whether the Government can revoke the allocations of the Karura Forest. It is not the question of banning forest land allocations; could the Government ensure that, it reposes Karura Forest from those people who were allocated it? Could he also give us the names of the people who were allocated Karura Forest?

Mr. Nyenze: Mr. Deputy Speaker, Sir, since those who were allocated this land have been issued with title deeds and there are pending court cases related to the land, I cannot say whether the Government is going to withdraw those title deeds. The matter is in the court, and the land has already been allocated.

Mr. Mwiraria: Mr. Deputy Speaker, Sir, the Minister may not be aware, but in some districts, District Commissioners have taken over allocations of forest land. In Meru Central, over 5,000 acres of forest land were illegally allocated to people who paid for the land, and they have completely cleared the forest. Could the Minister ensure that the powers of his foresters remain with them and not with the DCs?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I will carry out investigations and if I find out that the powers lie with the foresters, they will remain with the foresters.

Mr. Murungi: On a point of order, Mr. Deputy Speaker, Sir. I am very surprised by this Minister. We all understand he is new in the Ministry but, at least, he should know what is happening in the Ministry by now. Last week, hon. Mwiraria and the Chief Conservator of Forests went to Lower Imenti Forest and confirmed what hon. Mwiraria is saying now. Is the Minister saying that he is not aware that his own officers went to the ground last week? What is he going to check?

Mr. Nyenze: Mr. Deputy Speaker, Sir, I am aware that those people went to that forest, and I have also been there and seen the destruction. I would like to assure the House that I will revoke any illegal allocations. If DCs are allocating forest land, I will investigate and see to it that they do not do so.

Mr. Deputy Speaker: Questions by Private Notice!

QUESTIONS BY PRIVATE NOTICE

HARASSMENT OF NDITHINI RESIDENTS

Col. Kiluta: 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 on 30th October, 1999, the District Officer (DO), Ndithini Division of Masinga Constituency, instructed Administration Police officers to harass and beat up the local people at Mananja Market?

(b) Is he also aware that the same DO arrested and illegally confined some members of the Mananja Location from 23rd October to 25th October, 1999, without any reason?

(c) What action is the Minister taking to ensure that the people of Ndithini Division are not harassed by this District Officer?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am also not aware

(c) As a result of my answers to parts "a" and "b" above, part "c" does not arise.

Col. Kiluta: Mr. Deputy Speaker, Sir, I am very surprised. I expected a more responsible answer from the Major here, having been asked a Question by a Colonel!

Maj. Madoka: Mr. Deputy Speaker, Sir, I am an hon. member of this House.

Col. Kiluta: Mr. Deputy Speaker, Sir, on a serious note, on this day, when this incident took place, I was at Mananja. I witnessed this event. I found the DO drinking at a place called Kayole, with a GK vehicle parked outside a bar at Kayole, and I passed by. After I left, the DO instructed his people to come and disrupt the meeting that I was having there. My people resisted and a fight erupted between the DO's agents and my group. As a result, these handcuffs were left there.

(Col. Kiluta went and handed over the handcuffs to the Serjeant-at-Arms)

(Laughter)

Mr. Deputy Speaker: Order! Order, hon. Members! Col. Kiluta, in the first place, those are offensive weapons which should not be brought into this Chamber. I require you now to remove them out of the Chamber. Now you are not talking to a Major, but to a General!

(Laughter)

(Col. Kiluta, carrying the handcuffs, withdrew from the Chamber and then re-entered it)

Those handcuffs can be used to hit you!

Col. Kiluta: Mr. Deputy Speaker, Sir, now that the Minister is aware that there was a scuffle, and that---

Mr. Deputy Speaker: The possession of handcuffs does not prove the existence of a scuffle.

Col. Kiluta: Mr. Deputy Speaker, Sir, the Minister is now aware because I have told him that I was there personally and I witnessed this incident.

Mr. Deputy Speaker: Order! Order! Hon. Kiluta, you have been here long enough to know the difference between a question and a speech. You are now making a speech and you are sounding remarkably like a broken gramophone record. So, ask your question!

Col. Kiluta: Mr. Deputy Speaker, Sir, now that he is aware, because I have told him I was there personally, what action will he take against this DO?

Maj. Madoka: Mr. Deputy Speaker, Sir, as I said, I was not aware of the DO giving any instructions to the Administration Police to harass the people. I am aware that on 30th October, two administration policemen (APs) in civilian clothes tried to stop a matatu which was overloaded. When they stopped this matatu, the drivers incited the public against these policemen. First, these APs were not actually on duty. They had come from their own visit elsewhere. So, the general public started beating these policemen and one of them was, in fact, injured and treated at a hospital. We have taken action against the two policemen, and we have terminated their services.

Mr. Ndilinge: On a point of order, Mr. Deputy Speaker, Sir. This is not the first incident concerning APs harassing hon. Members of Parliament. Is the Minister aware that---

Maj. Madoka: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House? I said that the DO did not order the APs to do anything illegal.

Mr. Ndilinge: Thank you, Mr. Deputy Speaker, Sir. Similar incidents have been taking place. Is the Minister aware that on 20th November, during the Kenyatta Day celebrations, the DO, Kasikeu Division in my constituency, grabbed the microphone when I was addressing the gathering? Now that the Minister is aware, will he stop these officers from misusing their positions because they are paid with the taxpayers' money?

Maj. Madoka: Mr. Deputy Speaker, Sir, I will check on the circumstances which led to the DO grabbing the microphone from the hon. Member.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, such cases are so rampant in the country. Surely, even if we were not to go into hon. Ndilinge's case, the incident when hon. Members of Parliament and leaders were going to Mukuyuni speaks for itself. What does the Minister have to say? This was done with the knowledge of his colleague, an hon

Minister. I am shocked because this Minister was in my constituency exactly three weeks ago. Mr. Ndambuki and all the other Ministers were not touched by anybody while in my constituency. What cowardice is this, emanating from hon. Members of Parliament? Is the Minister aware that this is happening all the time? What will he do about it, to stop the whole thing once and for all?

Maj. Madoka: Mr. Deputy Speaker, Sir, if specific cases are reported, we will investigate and report accordingly.

Mr. Wambua: On a point of order, Mr. Deputy Speaker, Sir. I think the hon. Minister has been misled several times. There was another Question in this House about another DO who had ordered APs to shoot somebody in Mavoloni. He said that he was not aware, but when it was investigated, he found out that he had been misled. Could the hon. Minister investigate this incident carefully, instead of coming here and saying that he is not aware of it? If not so, could this matter be referred to the relevant committee of the House for investigation?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think the hon. Member is trying to pre-empt the report of a committee which investigated the case in question. I do not think that what he has said will be proved to be true, namely, that the DO ordered the shooting of any individual.

Mr. Deputy Speaker: Order! He has asked about the issue raised by hon. Kiluta. Do you want to be given time to investigate and report back, or do you want it also referred to the committee?

Maj. Madoka: Mr. Deputy Speaker, Sir, I think I have sufficiently answered Col. Kiluta's Question.

Mr. Wanjala: Thank you, Mr. Deputy Speaker, Sir. The incidents of APs frustrating hon. Members of Parliament have been on record. The Ministry is very well known to be protecting the Provincial Administration. At one time, when hon. Lotodo complained about the DC in his district, the Minister defended the DC, and later on, it was discovered that the DC was engaged in malpractices. Now that we have known that the Minister is asking the very people who are committing those crimes to answer the Questions, then we will not get the correct answers. Could he, as the hon. Member had suggested, allow the relevant committee to investigate this?

Mr. Deputy Speaker: Hon. Members, if you wish any matter to be referred to a committee of the House, you do not need a Minister's permission. You can do that! But I still want it to be established in my mind that, in fact, this is rampant enough for me to take action against it. I will allow one or two more questions.

Dr. Kituyi: Mr. Deputy Speaker, Sir, you do not need to be a Minister in the Government to see the extent to which chiefs and DOs have been acting with impunity lately, the same way they used to do before the Inter-Parties Parliamentary Group (IPPG) Reforms. Having demonstrated its hatred for hon. Members on this side of the House, it is a drive now, that this Government is allowing its agents to break the law. The chiefs are acting as if they have the authority to search homes for *busaa* and other traditional brews. The chiefs are stopping meetings! The DOs are interrupting tours by Members of Parliament! Under those conditions, it would be in order that, instead of asking persons who do not deserve the honour of being put in a wheelbarrow and dumped on the dump-pit, that this House itself, resolves to deal with this matter; as to why the Government has continued to act with impunity against hon. Members of the House!

Mr. Deputy Speaker: Order! Dr. Kituyi, you stood to ask a question!

Dr. Kituyi: I did not ask a question!

Mr. Deputy Speaker: Well, whatever it is that you did, was totally out of order!

Maj. Madoka: Mr. Deputy Speaker, Sir, I think we have accepted that, there are times when some of our officers have acted irresponsibly. But once we establish such cases, we deal with them decisively.

Mr. Anyona: Mr. Deputy Speaker, Sir, there was a clear change of the law by this Parliament, under the IPPG Reforms. This is because the law was being misused and abused. We know that there was no sufficient instructions given out to the Provincial Administration. Gradually, they have been re-capturing those grounds which they lost in the law. Could the Minister undertake to issue fresh instructions to the chiefs, DOs, DCs and the police, as to what their legal position is, regarding meetings and things of that kind? Will he do that?

Maj. Madoka: Mr. Deputy Speaker, Sir, that has been asked before. We have circulated those instructions and, in fact, we even tabled them here!

Mr. Deputy Speaker: Order! I think it is fair to say that, if you circulated those instructions, they are clearly not being followed! This is because the Chair was asked for a permit at a political rally! Well, it is quite clear that, there is no need for a permit. The Chair was told that an Harambee he was holding should stop at 6.00 p.m., when there was no need for a permit! Even if there was, there was no time indicated on the permit! So, hon. Minister, I think those instructions need to be re-issued and if possible, give copies to hon. Members so that they can be armed with them when they visit their constituencies.

Maj. Madoka: Mr. Deputy Speaker, Sir, we will do that!

Mr. Deputy Speaker: Thank you very much!

Col. Kiluta: Mr. Deputy Speaker, Sir, from what has been said here, you can clearly see that, we are unduly harassed by the administration police, chiefs and the DOs. In my area, I am harassed every time I go there! Could the Minister undertake to remove the DO or if not, take the vehicle that he misuses? This is because the money he misuses is ours! If the Minister will not do that, I will also instruct my people to arm themselves against the DO, and burn that vehicle!

Maj. Madoka: Mr. Deputy Speaker, Sir, if the hon. Member does that, he will be the first one to be arrested!

Mr. Deputy Speaker: Next Question, Mr. Wamunyinyi.

TEACHING OF FRENCH AT CARDINAL OTUNGA
GIRLS SCHOOL

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

(a) Is the Minister aware that students of Cardinal Otunga Girls High School, Kibabii, have not learnt French for the past four weeks?

(b) What steps is the Minister taking to assist those students?

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

(a) Yes, I am aware.

(b) The French teacher had been transferred to St. Peters Mumias Boys Secondary School on 6th September, 1999, to teach French, following Cardinal Otunga Kibabii Girls Secondary School's decision to phase out French in the school curriculum. However, this decision has since been reviewed, owing to the fact that there were a total of 37 students offered French in Forms I, II and III. Consequently, the transfer of Ms. Catherine C. Cherogoi, TSC No.304826 was revoked, with a Provincial Director of Education's letter ref. TSC/304826/11, dated 5th October, 1999. Those students willing to take French as a subject will, therefore, continue with their studies.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, I want to thank the Ministry for the decision to revoke the transfer of Ms. Catherine Cherogoi. But at the same time, the Assistant Minister has not given the reasons as to why Ms. Catherine Cherogoi was transferred.

A Form I student called Njaa, died at Cardinal Otunga Girls High School, Kibabii, in the dormitory. The school administration tried to cover-up the death, which was due to negligence. This is because she was in the dormitory unwell for one week, without being attended to, before she died. Now, when Ms. Catherine Cherogoi queried this cover-up, the school administration waived her subject from the curriculum, and transferred her.

Mr. Deputy Speaker, Sir, the Headmistress of the School called for prayers for a whole day, to exorcise demons from Ms. Cherogoi! This action is devilish! The Assistant Minister should come out and say the Government's policy towards school administrations practising devilish acts.

Mr. Deputy Speaker, Sir, could the Assistant Minister tell the House what steps the Government is taking---

Mr. Deputy Speaker: Order! Mr. Wamunyinyi, you have to ask your question in as shorter manner as possible, and not after a long speech. I am tempted to interrupt you, and instruct that we move to the next Question! Answer the question, Mr. Assistant Minister, if you heard him!

Mr. Karauri: Mr. Deputy Speaker, Sir, I do not know the question that the hon. Member asked! He just talked about devilish acts! But I do not know what he talked about!

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, what is the Government's policy on devil worship in schools?

Mr. Karauri: Mr. Deputy Speaker, Sir, the Government does not support devil worship in schools or anywhere else!

Mr. Munyasia: Mr. Deputy Speaker, Sir, the Assistant Minister has told us that, with effect from 12th October, 1999, the transfer of Ms. Catherine Cherogoi was revoked. Is he aware that, up to last Friday, Ms. Catherine Cherogoi had not been re-instated on the time-table of Cardinal Otunga Girls High School, to teach French? In fact, he has been misled by his officers! There is no French being taught up to last Friday! Are you aware?

Mr. Karauri: Mr. Deputy Speaker, Sir, I am not aware of that! This is because I have a letter revoking the transfer of the teacher. The letter is written by the Provincial Director of Education. The teacher is supposed to have resumed teaching. In any case, she had not left the school!

Mr. Kombo: Mr. Deputy Speaker, Sir, we have been told that, the reason why Ms. Cherogoi was being victimised is because she opposed devil worship. What is the Assistant Minister going to do about the administration that was entertaining devil worship at Kibabii?

Mr. Karauri: Mr. Deputy Speaker, Sir, I have said that I am not aware of any devil worship in that school. Let me clarify that there were only five students taking French. So, the School decided to do away with French. But

on reviewing that decision, the Ministry decided to re-instate the teacher and have French taught at the school. This is because at Form III, they could not pick another subject. They should have started at Form I.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, Catherine Cherogoi has not been reinstated in the school's timetable. When the Government was informed of devil worshipping in Kisoko High School, the Ministry took action against that Headmistress. Could the Assistant Minister assure this House that he is going to ensure that Catherine is reinstated in the school's timetable and that, that Headmistress is removed?

Mr. Karauri: Mr. Deputy Speaker, Sir, the transfer of this teacher was revoked so that students can benefit. If we investigate and find out that she has not been allowed to teach French, we will take action.

CLOSURE OF MOI UNIVERSITY

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

(a) Why was Moi University closed on 19th October, 1999 at 5.30 p.m.?

(b) Where is the students' leader Mr. John Matata?

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

(a) Moi University was closed on 19th October, 1999 at 5.00 p.m. after the students who were protesting against the disappearance of one of their student leaders, George Okode Owino alias George Matata, refused to resume classes. This was in spite of the pleas from the University Administration and also after consulting members of the students governing council that the university would undertake to investigate the matter.

(b) I confirm that Mr. George Okode Owino has been found. He is well and in good health. He presented himself in person to the Vice-Chancellor in the presence of some members of the Senate on Saturday 23rd October, 1999 at 9.00 a.m. The University Administration thereafter, ensured that the student was escorted home to his parents.

Mr. Kapten: Mr. Deputy Speaker, Sir, that answer is absurd. You closed the University at 5.00 p.m. in a hostile environment. I know where the University is; there is no public transport from that university to Eldoret Town. Is the Assistant Minister aware that, that closure caused women students to be raped either by the police officers or members of the public who were there? How did you expect the students to get home at that late hour?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, may I beg hon. Kapten to repeat the Question? I did not get the last part properly.

Mr. Kapten: The reason you have given is that the students refused to resume classes. Why did you have to close the University at 5.00 p.m.; that late hour, knowing that the students did not have transport to get home?

The Assistant Minister for Local Government (Mr. Salim): On a point of order, Mr. Deputy Speaker, Sir. Is hon. Kapten in order to instruct the hon. Assistant Minister instead of addressing the Chair?

(Mr. Murathe talked to Mr. Kapten)

Mr. Deputy Speaker: Order! Hon. Murathe, you must never talk between somebody on the Floor addressing the Chair, and the Chair. Secondly, hon. Kapten is totally out of order to address the Minister directly. Proceed.

Mr. Kapten: Closure of the University at that late hour endangered the lives of the students. I am aware that some of the female students were raped. Why do you have to close the University at such a late hour?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, such an action must be weighed against the possibility of loss of property and a lot of lives. Which one would be more advantageous; should the students go or remain in the campus? Since the students went at 5.00 p.m. there was no case of anybody being harmed or injured. They are all well. There is no report of injury.

Dr. Kituyi: Mr. Deputy Speaker, Sir, the hon. Assistant Minister does not know what happened to the students after they were forced out of the University campus. He cannot say that because they have not told him, it means there was no ill done to them. I did raise a Question related to this matter last week. Could the Assistant Minister explain to this House why, every time there is a disturbance at Moi University, riot police chase students from the campus towards people who are armed with bows and arrows outside the campus? What is the interest of the State in having students confront people who are armed with bows and arrows? Why has this been done all the time at Moi University?

Dr. Wamukoya: The State cannot have an interest to harm its own people.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Assistant Minister has to justify to this Parliament and this country the closure of the University. In the first place, a student goes missing. I see no conflict between the

Administration and the students to create conflict to close the University. Secondly, he closes the University at 5.00 o'clock. There are students from Kisii, for instance. Do you expect them to get to Kisii that evening? Can the Assistant Minister give an assurance that from now on if they have to close the University, they will have to come to this Parliament and make a case so that this Parliament is fully briefed of what is going on?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, the students went on strike the previous day. The Administration tried to convince them to go back to classes, which they did. On that day, in the evening, it was said that Matata disappeared. The following day the students went on rampage on hearing that Matata had disappeared. The University Administration spent a lot of time trying to convince the students to go back to classes. They even dispatched two members of staff and students to Matata's home. They expected the students to be patient and wait for the results, but they went on rioting until they were so violent that they were using weapons and blocking roads. Therefore, we could not keep them in the campus. They had to go home. I do not think that when students are rioting you have the luxury of waiting to bring a case in Parliament before you take action.

Dr. Kituyi: On a point of order, Mr. Deputy speaker, Sir. Is the hon. Assistant Minister in order to, first, give us a written reply stating that there was no violence and that the students boycotted classes, when he knows that it does not make sense to close the University at 5.00 p.m. when the students are not rioting? Now in his supplementary reply, he is talking about violence. Is he in order to create a fictitious story now? Were they boycotting classes or rioting?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I said that the students rioted on 18th October, but they were convinced to hold peace. The following day when they heard that Matata had disappeared, they became violent.

Mr. Kaptan: Mr. Deputy Speaker, Sir, we have information that Matata disappeared from his room at about 3.00 a.m. How did this student disappear from his room at 3.00 a.m. without the knowledge of the University security?

Dr. Wamukoya: Mr. Deputy Speaker, Sir, I have the statement of Mr. Matata here which I will give to the hon. Member. He did not disappear at 3.00 a.m.

(Dr. Wamukoya laid the document on the Table)

HARASSMENT OF LAKE NAIVASHA FISHERMEN

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

(a) How many families depend on fishing in Lake Naivasha for their livelihood?

(b) Is the Minister aware that these fishermen are constantly harassed by foreigners who have acquired land around the Lake Naivasha area?

(c) Will the Minister institute urgent investigations into this matter and take necessary remedial measures to protect the fishermen from this treatment?

The Minister for Rural Development (Mr. H.M. Mohamed): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There are 270 families who depend on fishing in Lake Naivasha for their livelihood.

(b) I am aware that the fishermen are refused access to the lake by the riparians who privately own land around the lake.

(c) Lake Naivasha has got only one public access route which the fishermen use to get to the lake. We realise that this is not sufficient. Under the Lake Naivasha Management Plan, initiatives by the main stakeholders, that is the riparians, fishermen and my Ministry, have been undertaken to resolve the problem of access to the lake by the fishermen. The initiatives include identification of new landing beaches and access routes. This is being done through the stakeholders consultative meetings.

Mr. Anyona: Mr. Deputy Speaker, Sir, this Question arose from a letter which was written to me by the residents of Naivasha. It is handwritten on both sides as you can see. The stories told in this letter are horrifying. It is about the kind of treatment which our people are getting from a group of foreigners who apparently own Lake Naivasha. One case is where they chased away one fisherman who fell into a ditch and died recently. What is the Minister going to do to solve these problems as enumerated here? These people do not seem to be part of the stakeholders. I wish to table this letter here.

(Mr. Anyona laid the letter on the Table)

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, as I said earlier on, there exists a problem of access to the

lake by the fishermen, because the people who own land around the lake do not allow the fishermen to pass through their land. The problem is that land allocation was done in such a way that the plots touch the lake. Since this problem has come to the knowledge of the Government action has been taken; several meetings have been held between the stakeholders and the problem has now been solved.

Mr. Anyona: Mr. Deputy Speaker, Sir, the Minister is talking about the problem having been solved but this letter is dated 8th October, 1999, and I got a reminder after I put this Question. These people are being subjected to colonial treatment by an exotic group of *wazungus*, including people like Dr. Silverstein! That is where they hide when our people are dying in hospitals. What is the Minister going to do to protect Kenyans from this kind of colonial treatment?

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, I am not sure whether these people who own the land are *wazungus* or black Africans.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. If the Minister is not aware, then why is he answering the Question? This letter states very clearly that the people who own land there are *wazungus*! So, what are you talking about?

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, *wazungus* are not the only people who own land in Kenya. Even black Africans own land?

Dr. Omamo: Mr. Deputy Speaker, Sir, I am sure the Minister is aware that there is a requirement that if your land is towards the lake, before it touches the lake, you should leave some distance. One is required to leave a distance of 100 meters from the lake to the high water point. Has this kind of land been reserved so that those who want to get to the lake can use these 100 metres to get there? Has the Ministry made sure that this distance from the water mark to the high water point which is about 100 metres is reserved for public use?

Mr. H.M. Mohamed: This was not done as I said earlier on. These people's plots touch the lake and this is what the Ministry is now trying to resolve. Several meetings have been held and I think the problem is going to be solved once and for all.

Mr. Kihoro: Is the Minister aware that the Government has got powers under the Land Acquisition Act to acquire full access to the lake? Is also aware that the fish in the lake belong to the people of this country and not the people who own land around there? Is he prepared to use the Land Acquisition Act to get full access and make sure the Government has got sufficient land around the lake?

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, there is only one route which the fishermen can use to get to the lake. But we are now discussing with the land owners and other stakeholders on how to resolve this issue. I do not think that the Government is going to acquire peoples' private property in order to create access routes for the fishermen to the lake. We are going to negotiate with the land owners and see how we can solve the problem.

Mr. Anyona: Mr. Deputy Speaker, Sir, this letter explains all these issues and one of the things is that these *wazungus* use policemen to harass fishermen. They have also employed their own private askaris who harass fishermen, in spite of the fact that there is a problem which the Government recognizes! The police force is used by foreigners to harass innocent Kenyans. I have explained a case here where one fisherman died. Can the Minister give an assurance to this House and the residents of that area that this harassment will stop until a solution is found which is acceptable to the people of that area?

Mr. H.M. Mohamed: Mr. Deputy Speaker, Sir, that harassment has already stopped. I would like to read that letter which the hon. Member has laid on the Table to be able to investigate the matter and make sure that no *mwananchi* is harassed.

Mr. Deputy Speaker: Order, hon. Members! Given that we have run short of time, I am going to defer the next two Questions. The two Questions will appear on the Order Paper tomorrow in the afternoon.

REHABILITATION OF BOREHOLES IN SAMBURU EAST

(Mr. Leshore) to ask the Minister for Water Development:-

- (a) Is the Minister aware that there is a prevailing dry whether in Samburu East which is causing severe shortage of water in most parts of the constituency?
- (b) What is the state of the following boreholes: Barsilinga; Nairimirimo; Leratia and Lodungokue?
- (c) What is the present position of funds which were allocated Barsilinga and Nairimirimo?

(Question deferred)

CONFISCATION OF MRS. KITHEKA'S GOODS

(**Mr. Musila**) to ask the Minister for Local Government:-

(a) Is the Minister aware that on 28th August, 1999, five employees of the Mwingi County Council raided a kiosk owned by Mrs. Agnes Kakima Kitheka and confiscated goods worth Kshs19,239/90 while demanding payment of licence fees?

(b) Under what law was this confiscation done?

(c) Could the Minister order the Clerk to the Council to return the confiscated goods and refrain from illegally confiscating goods belonging to wananchi whenever they fail to produce licences?

(Question deferred)

MINISTERIAL STATEMENTS

RELIEF FOOD

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I wish to make a Ministerial Statement in this House regarding relief food.

The Government fully acknowledges the effect of the current drought stress on the lives of our people, especially---

Hon. Members: Read louder! You are not audible!

The Minister of State, Office of the President (Mr. Nassir): The Government fully acknowledges the effect of the current drought on the lives of our people especially in the 18 worst hit districts of Turkana, Moyale, Mandera, Wajir, Tana River, Marsabit, Garissa, Isiolo, Samburu, Kajiado, Baringo, West Pokot, Mwingi, Machakos, Kitui, Makueni, Mbeere and Tharaka. The identification of these areas has been done through comprehensive Famine Early Warning System.

The Government has set up a response management sector at the national, district, divisional and grassroots levels to determine the requirements and address them in a transparent manner. It is noted with keen interest that the Government is involving all stakeholders in the implementation of the key activities for the allocation and distribution of resources at the district level, provision of water, rehabilitation of water facilities that are highly dependent upon provisions of the woman and her right to life. The assessment of important requirements has been effected by the Government in consultation with the United Nations Disaster Management (UNDM). Key members and the key recommendations have been finalised while at the same time action has been taken in all important sectors.

Mr. Deputy Speaker, Sir, it should be noted that the Government has been considerably implementing its intervention action plan either due to the prolonged drought or the recent *El Nino* problems. Therefore, support from international partners is highly welcome to supplement Government efforts. In this regard, I would like to thank the Italian Government for their food aid worth about Kshs62 million in the last two years. The Government has focused its actions and plans in the worst-hit pastoral areas by rehabilitating and creating community management sector for 69 water facilities so as to sustain their continuing operations. In initiating the start of 196 finance community management livestock and clinic drug stores, the Government provided the initial seed money in all cases, training equipment, community nomadic primary health care workers and traditional birth attendants so that the nomadic population gets access to the required essential services. Decisions on resources for core life service activities have been highly decentralised so that the district committees can speed up the important action plan. The current increase outlay in Government resources for distribution on the target population include a total of 633,333 bags of maize for drought relief which was purchased in the last long rains, of which 258,000 bags are still in stock.

In the financial year 1999/2000, the Government has set aside Kshs300 million for purchase and distribution of relief maize. Plans are underway to request for additional 1 million bags estimated at Kshs2 billion. In total, the Government distributed food costing Kshs1.5 billion over the last 12 months. In addition, Kshs250 million was spent on logistics and supervision. The Government is identifying resources to refurbish 50 lorries in the affected districts so as to meet the challenges it faces in areas of food and other supplies distribution. The Government has undertaken various measures to alleviate the effects of drought on the affected population. Water is being tracked in Mandera, Marsabit, Turkana and Wajir districts, and also water supplies have been rehabilitated in all the affected districts with support from Government resources and other donor agencies. In the health sector, the Government has increased its supply of consumable goods in all health facilities in order to reduce the effects of drug theft. Modalities for food distribution have been refined---

Mr. Deputy Speaker: How long is that statement? How far do you have to go?

The Minister of State, office of the President (Mr. Nassir): Two lines are remaining, Mr. Deputy Speaker,

Sir.

Mr. Deputy Speaker: Okay. Go on!

The Minister of State, Office of the President (Mr. Nassir): I would like to assure all Kenyans that the Government shall not let any one die from hunger. All efforts have been made to reduce the effects of drug theft on the affected population. The Government will continuously review the situation and take appropriate remedial action whenever the need arises. Also to make it much more fair, the food will not be distributed politically. It is a sin for anybody to try to play politics with food.

Mr. Munyao: On a point of order, Mr. Deputy Speaker, Sir. Thank you for allowing me to seek one clarification because on the 13th October, during Zero Hour, I rose and asked the Minister to make a statement. I must first admit that like any other Member, I have not heard what the Minister was saying. However, we are ready to read what he said tomorrow in the dailies.

Mr. Deputy Speaker, Sir, can he still clarify one point because during that time, I had asked him to instruct the Minister for Education to direct that schoolchildren should not be suspended during this time and that the food rations in the school feeding programme should be increased. During this time when the rains are about to begin, we want an assurance that we can get seedlings from the Government to be able to prepare our *shambas*. Just reply, we will wait to read it tomorrow since we cannot understand you at this time.

The Minister of State, Office of the President (Mr. Nassir): Of course, you will not understand my language because I belong to a different community. However, the children of Kenya are our number one priority. Schoolchildren are our children. We cannot feed a man like my friend here, but we look after schoolchildren much more. On the issue of seedlings, I cannot repeat it because I said it in my speech. If you did not understand my language, then I am very sorry.

Mr. Leshore: Mr. Deputy Speaker, Sir, while appreciating the Government's efforts to alleviate poverty and to ensure that famine does not cause any greater loss in our areas, could he clarify one point because I had come with a question here before and it was: Can the Ministry supplement the maize that they are giving now as famine maize with some other kinds of foodstuffs to enable the children get proteins?

The Minister of State, Office of the President (Mr. Nassir): Mr. Deputy Speaker, Sir, I said that we are trying to secure other donors to also help us. I said the Italian Government has given us some money. So, the food will be everywhere as long as we co-operate.

Mr. Deputy Speaker: Hon. Ngutu!

RACIST ADVERTISEMENT FOR
JOB OPPORTUNITIES

The Minister for Labour (Mr. Ngutu): Thank you, Mr. Deputy Speaker, Sir. Arising from a racist advertisement for job opportunities which appeared in the *Sunday Nation* of July 4th, 1999 and a subsequent point of order raised by hon. Munyasia in the august House on July 14th, 1999, I beg to submit the following statement. I concur with the sentiments of the hon. Member that the advertisement which exclusively sought headmasters and teachers of Asian origin was, indeed, racist, discriminatory and in bad taste. The malpractice is inconsistent with the existing employment policy framework. The Government policy on employment clearly states that all qualified Kenyans have equal access to employment opportunities which are freely chosen irrespective of gender, race, disability, ego, geographical location, ethnic, religious or political affiliation. It is acknowledged that at times, certain situations may warrant a need for an employer to place specifications which seem to imply racism as part of job specifications.

Consequently, my Ministry launched investigations to determine why this advertisement was put up and where the possibility of racial bias was implied. Once these investigations are concluded, appropriate measures will be taken against the affected employer, in accordance with the provisions of the Employment Services Rules, Legal Notice No.156 of 1997, Cap.226. In this regard, therefore, I wish to sound a warning to employers who engage in such unorthodox employment practices to stop forthwith.

My Ministry has and will continue to encourage employers to utilize the wide network of district employment exchange for purposes of recruitment. This will not only avail opportunities for all, but also ensure that vital labour market information which is essential for employment planning, is captured. Thank you.

Mr. Deputy Speaker: Mr. Munyasia, the Minister was responding to a point of order which you raised!

Mr. Munyasia: No, Mr. Deputy Speaker, Sir!

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Going by the Ministerial Statement that the Minister has given to hon. Munyasia, the statement was sought in July and the Statement is coming five months later.

How long---

Mr. Deputy Speaker: No! No! Order! The advertisement was in the papers in July, the statement was sought in late July.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, when can we expect these investigations to be completed?

The Minister for Labour (Mr. Ngutu): As soon as possible, Mr. Deputy Speaker, Sir.

GOVERNMENT INTENTION TO WIND UP TARDA

The Minister for Rural Development (Mr. H.M. Mohamed): Mr. Deputy Speaker, Sir, hon. Kiraitu Murungi, the Member of Parliament for South Imenti sought a Ministerial Statement concerning the Government intention to wind up Tana and Athi Rivers Development Authority (TARDA).

Mr. Deputy Speaker, Sir, I beg to give the following Statement.

(a) The Government does not intend to wind up TARDA. The Authority was established in 1974 under Cap 443 of the Laws of Kenya. It was mandated with the acquiring of pertinent information and data through various types of studies, co-ordination and other related activities, and thereafter, prepare development programmes for the area and advise the Government and other development agencies as necessary.

Since its inception, it has embarked on and implemented several projects, notably; Tana Delta Irrigation Project, Kiambere-Mwingi Water Project, Livestock Multiplication Programme, Kibwezi and Masinga Irrigation Project, Upper Tana Catchment Conservation Project, Masinga and Kiambere Power Stations and Kangonde-Embu Road.

Mr. Deputy Speaker, Sir, TARDA will continue with the implementation of community-based integrated development projects despite the current budgetary constraints. During this financial year the Government has allocated to the Authority under the development budget an amount of K£7,299,000-00 to cater for some projects.

Under the power sector, it is proposed that, all power related assets from TARDA are to be transferred to KenGen. TARDA will continue to control the multi-purpose dams and their spillways. It is to be noted that, several parastatals were involved in the development and generation of electric power, prompting the Government to effect rationalisation and re-organisation of the sector, culminating into sector companies where the following were to be undertaken:

One, the separation and regulatory and commercial functions in the electric power generation industry and setting up an effective regulatory arrangement, rationalisation of institutions and assets in the power sector, through separation of generation functions, transmission and distribution functions and to encourage private sector involvement through contracting out services and invitation of private investment in power development.

Mr. Deputy Speaker, Sir, discussion among stakeholders, Government Ministries, KPLC, KenGen and Regional Authorities on legal, financial and technical issues related to the transfer of assets, including modalities, are going on. The Government will thereafter table the necessary documents in Parliament after the conclusion of the discussions.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. I wish to thank the Minister for his Statement. But there is one missing element.

Mr. Deputy Speaker, Sir, under Section 75 of the Constitution of Kenya, no property of any kind can be acquired from any person without compensation. What has happened is that, all the power generation equipment, machinery and plants of TARDA have been transferred to KenGen without any compensation at all to TARDA. The budget which the Minister is talking about of Kshs7 million, covering the area all the way from Mt. Kenya to the Indian Ocean is still peanuts. Could the Minister go back and consider whether TARDA could be paid full compensation for its property which has been taken over by KenGen so that, that property can be used in developing more irrigation projects along the Tana and Athi Rivers and even supply water to Garissa where the Minister comes from?

The Minister for Rural Development (Mr. H.M. Mohammed): Mr. Deputy Speaker, Sir, just to correct the impression, I did not say Kshs7 million, I said K£7,299,000-00. I am sorry about that.

Mr. Deputy Speaker, Sir, on this issue of acquiring the property of TARDA, it has been acquired by private people. It is being transferred within the Government; from one parastatal to the other. We are not transferring these assets free of charge, but discussions are going on the compensation and how these assets are going to be transferred legally. Thereafter, I will bring the document to Parliament and TARDA will get its share.

Col. Kiluta: Mr. Deputy Speaker, Sir, for the interest of Masinga people, there are Masinga and Kiambere Dams which were funded by donors. In that charter which authorised funding of the dams, it was agreed that TARDA will give two per cent of the proceeds from those dams to the local people. I did not hear the Minister say how he intends to give the proceeds to the local people of Masinga, bearing in mind that they were displaced and that there was

to be a compensation which has never happened. How will they get the compensation from KenGen, now that you have given the dams to KenGen? Are they governed such charter?

The Minister for Rural Development (Mr. H.M. Mohammed): Mr. Deputy Speaker, Sir, I know the concern of the hon. Member about Masinga Dam and Masinga Water Project. I was one time the Minister for Water and I know the problem.

Mr. Deputy Speaker, Sir, I would like to assure the hon. Member that, everything possible will be done and the community around the dams will be looked after.

POINT OF ORDER

MINISTERIAL STATEMENT SOUGHT: DISRUPTION OF PUBLIC RALLY

Mr. Munyao: Mr. Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security in relation to the incident which took place on Sunday, 7th November, where an organised and authorised public rally at Mukuyuni Market was rudely interrupted by some hired thugs from Nairobi and not from that area. As we are talking now, the people of Mukuyuni are very embarrassed because of seeing their leaders being humiliated. I can assure you that those people who interrupted that rally were not from that area and they were not even Kambas. I have got two up here and if you allow me, next week I will bring them here to satisfy that they were not Kambas.

This is the second incident because earlier in the year, we were interrupted in another rally in Makueni and some hon. Members were beaten by a gang organised and supervised by the OCPD in that area. There is information that the same OCPD and the OCS were here on Thursday in one of the Assistant Minister's office organising this kind of thing.

Mr. Deputy Speaker: Order! Order! Hon. Munyao, you were here when that matter was raised by hon. Ngilu and the Minister responded that he has issued instructions not only to the police but also to the Provincial Administration on how to behave in situations where hon. Members want to hold public rallies or Harambees. I gave an example of my own experience. The Minister undertook to reissue that Circular and to give hon. Members copies so that every time they are confronted with the police or DCs or DOs, they can show that Circular. I think that should suffice for the time being.

Mr. Munyao: Mr. Deputy Speaker, Sir, this issue did not involve only the Provincial Administration but it also involved an hon. Member who is an Assistant Minister for Planning. This Member organised and paid heavily for that kind of damage to be done. It is high time Ministers knew. This Assistant Minister was even invoking the name of His Excellency the President by claiming that he was allowed to disrupt the rally. In Ukambani, we have no problem with all Assistant Ministers!

Mr. Deputy Speaker: Order! Order! Hon. Munyao, if you want to discuss an Assistant Minister or a Minister, or a Member of this House, you must bring a substantive Motion. Bring it and you will name him and discuss him without any problem.

Mr. Munyao: I am giving him time!

Mr. Deputy Speaker: Order! You have said that there is an Assistant Minister who was involved in that saga. The Assistant Minister is a human being and he can only be an Assistant Minister if he is a Member of this House. He cannot be an Assistant Minister if he is not a Member of this House. So, you are referring to a Member of this House. Be brave enough and move a Motion to discuss him. I will give you time.

Mr. Munyao: Mr. Deputy Speaker, Sir, we would like the Minister of State, Office of the President, in charge of internal security to clarify about this embarrassment which took place on Saturday.

Mr. Deputy Speaker: Order! I will not allow condemnation by innuendo. Condemn him openly and freely, I will allow you. Next Order.

Mr. Musila: On a point of order, Mr. Deputy Speaker, Sir. In the past, the Chair has ruled that Kisii politics should not be brought into this House. Is it not time that the Chair ruled that Ukambani politics should not also be brought into this House?

(Applause)

Mr. Deputy Speaker: Order! Order! Of course, the Chair will not allow Kisii, Kamba, Kalenjin, Luo or whatever politics of that parochial nature to be brought here. So, that is the end of that matter.

(Several Members stood in their places)

Order! The Chair will not be ambushed with points of order. Hon. Munyao did, in fact, consult me and indicated what point of order he wanted to raise. He was on a point of order. I am not allowing another point of order on a point of order. Mr. Katuku, there is no other point of order. Next Order.

BILL

Second Reading

THE FINANCE BILL

(The Minister for Finance on 2.11.99)

(Resumption of debate interrupted on 4.11.99)

Mr. Deputy Speaker: Mr. Orengo, you have 10 minutes. Mr. Katuku, sit down. Proceed, Mr. Orengo.

Mr. Katuku: Mr. Deputy Speaker, Sir, I want guidance from the Chair.

Mr. Deputy Speaker: Proceed, hon. Orengo.

(Several Members stood in their places)

Mr. Katuku: We want your guidance, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: My guidance is that we are now on the next Order and the speaker who was on the Floor when the House interrupted its business last Thursday is hon. Orengo. Proceed, Mr. Orengo. You can raise those points of order on a different day and not now. Proceed, Mr. Orengo.

Mr. Orengo: Mr. Deputy Speaker, Sir, I am ready---

Mr. Katuku: On a point of order, Mr. Deputy Speaker, Sir. Since I entered this Chamber, I have been getting threats from that side of the House, especially from hon. Ndambuki, who is a thug. He terrorised us on Saturday. He said that I should not step out of this House. Can you protect me?

Mr. Deputy Speaker: Order! Order, hon. Members! We must take seriously what we utter in this House. If, in fact, your life had been threatened when you entered this Chamber at 2.30 p.m., I am suggesting to you that standing up two hours later does not indicate any urgency or any danger. Hon. Ndambuki has been here the whole afternoon.

Order, hon. Katuku! That was a frivolous point order. One more utterance from you and I will take action. Proceed, hon. Orengo. There is no more point of order.

(Several Members stood in their places)

Mr. Orengo: Mr. Deputy Speaker, Sir, the House must be brought to order.

Mr. Deputy Speaker: Order! Order! The next order we are proceeding with is debate on the Finance Bill. That is final. No matter how many times you stand up, I will not allow it. Proceed, hon. Orengo.

Mr. Orengo: Mr. Deputy Speaker, Sir, I was contributing to the Finance Bill and in addition to the arguments that I had lodged on the previous occasion, I wish to continue with the points that I have to advance in the next 10 minutes.

Mr. Deputy Speaker, Sir, the position is that, this Government is requiring of Parliament to authorise it to tax Kenyans in order to carry out its activities or affairs in running the country. Last time, I was saying that they must justify why this Parliament should give them authority to tax Kenyans and spend that money on behalf of Kenyans for purposes which are designated in the Bill or in any other local purposes designated either by the laws of Kenya, the Constitution or any other legitimate purposes.

Mr. Deputy Speaker, Sir, in its Financial Statements over the last two years, the Government did state many times that it was going to bring about discipline in the financial sector as part of its strategy towards bringing good governance and the management of public affairs in this country. If I remember well, in the last three years, this statement has come up time and again. The Government promised to bring about some order and discipline, not only in the manner in which we have managed our financial resources, but also in the very general responsibility of running

the affairs of the Government, so that the Finance Bill does not just become a document in which we authorise the Government to tax Kenyans and spend the money, but rather embraces policies that this country wants to achieve within the financial year.

That is why it is important that the Budget Speech puts openly the case for the Government in trying to levy taxation on Kenyans. Unfortunately, the way this Government is managing the affairs of this country leaves a lot to be desired. I would like to repeat what I said last time because I was not listened to closely and carefully then. Unless the Government improves the way it manages the affairs of this country, nobody will take the risk to invest his money in this economy. There is no way we can improve economic growth and development in this country other than by encouraging people to save and invest their money into the economy. I am saying this because of the following reasons.

One, already, by the Government's own figures, we are experiencing a shortfall in revenue collection. The Kenya Revenue Authority (KRA) is not meeting its target in revenue collection. This is a pointer that the economy is not doing well. It has been said here time and again that those who sweat and toil for this country, particularly farmers, do not get the returns for their sweat and toil in trying to earn a living in this country. So, when sugar-cane farmers cry, we do not see anything that the Government does in response to that cry. Similarly, when the coffee industry is in a mess, we do not see anything that the Government does to assist the ordinary Kenyans who sweat to ensure that they earn their living.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the Bible does not say that while in the Garden of Eden, Adam was condemned to live by the sweat of others. God said to Adam: "You shall live by your sweat". However, this Government is bringing about policies whereby other people are living on the sweat of the ordinary people of this country. It is not the case for this Government that it shall live on the sweat of Kenyans. I am saying this because the Government is running the affairs of this country through waste, corruption, and other activities that are not making this economy to grow. The Government now has a parallel economy. Whereas we are authorising it to collect money and spend it on our behalf, because it cannot meet the targets highlighted in the Finance Bill, it is being forced to borrow money. Consequently, the domestic debt is growing every day. This means that the Government ceased to work for Kenyans in the last 10 years, and now is working for the banks in this country; the banks are now the employers of those in Government.

Mr. Temporary Deputy Speaker, Sir, the mess that is in the financial sector currently is a result of intervention by those people who want to live on the sweat of others by ensuring that whatever money the Government borrows it does so from banks. The chief purchasers of Government bonds and securities are the commercial banks. These banks are not owned by Kenyans. Most of those banks which were owned by Kenyans are "dead". The commercial banks that we have currently are foreign. Even our own banks are now looking for strategic partners from overseas. The second lot of people who lend money to this Government are those who have large balances in their bank accounts overseas, who bring in their money because they know that Kenyan Treasury Bills (TBs) have good returns. Those are the people this Government is working for.

If anybody, including Ministers, goes back to his house and asks himself--- I do not know how Ministers are going to sit down and do what I have in mind, because this Government ceased to have Ministers when several people were lumped together and put in charge of one Ministry. In that case, there are no "real" Ministers since we do not know who is really in charge of such Ministry. For instance, in the Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports, the Vice-President is not a substantive Minister in that Ministry. So, he is "a passenger" in that Ministry!

(Applause)

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to make those kinds of references? He made the same references the other day. I think the hon. Member has become very xenophobic about the position I hold. Is he in order to say that? I am a "substantive" Vice-President of the Republic of Kenya! If the hon. Member does not have the guts to understand that, it is too bad for him.

However, I think it is important that the Chair prevails upon the hon. Member to stop misleading this House and discussing other hon. Members from the Floor of the House. If he wishes to discuss me, he should bring a substantive Motion, as was done last time.

The Temporary Deputy Speaker (Mr. Musila): Mr. Orengo, please, refrain from discussing other hon. Members.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am not discussing anybody. I am just talking about the organisation of the Government. Now, under the current organisation of the Government of Kenya, if a foreigner comes to this country today and wishes to approach the Ministry of Home Affairs, Heritage and Sports, he will not know whether to deal with hon. Katana Ngala or hon. Saitoti. He will have to look at the portfolios of the two, first. However, at the end of the day, he will find that the Vice-President has no responsibility in this country other than introducing the President at the---

The Vice-President (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Chair satisfied that the hon. Member is not misleading this House? I would like him to know that, in many countries, the Vice-President does not have a portfolio. More importantly, I would like the hon. Member to know that I am busier today, as the Vice-President of the Republic of Kenya, than when I was pinned down to one Ministry.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, the point the Vice-President is bringing up has great constitutional significance. In some countries, the position of the Vice-President is important because it is the key to succession to the Presidency. In those countries, it is not necessary to hold election to elect new President after the Office of the President falls vacant. However, the case is different in Kenya. Even the President has said publicly that he does not see anybody, including the Vice-President, who is capable of taking over from him. So, when the Vice-President insists that he is not a "passenger," I do not know what he means.

The Minister for Tourism, Trade and Industry (Mr. Biwott): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, Mr. Biwott is the only Minister who is not a "passenger" in the Government, and we know why he is not one.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Munyasia! Hon. Biwott is already on a point of order. So, sit down, please.

The Minister for Tourism, Trade and Industry (Mr. Biwott): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to

[The Minister for Tourism, Trade and Industry]

continue misleading this House on the re-organisation of Government, yet the organisation chart of the Government of Kenya indicates very clearly that Prof. Saitoti occupies the Office of the Vice-President and Ministry of Home Affairs, Heritage and Sports?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, my time is out, but I can say that, for a very good reason, Mr. Biwott is not a "passenger" in the Government, and that he knows why he is not a "passenger". He has another role that he is playing in Government!

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

The Temporary Deputy Speaker (Mr. Musila): Order! Order! Mr. Orengo, your time is up. Could you proceed, Mr. Ndilinge?

Mr. Ndilinge: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa wasaa huu nchangie Mswada huu. Tuna hakika kwamba bila pesa hakuna chochote kitakachofanyika. Ningependa kuanza mchango wangu kwa Mswada huu kwa kurudia maneno ambayo niliyasema mbeleni - maneno ambayo mtu yeyote ambaye humcha Mungu anajua maana yake.

Bw. Naibu Spika wa Muda, kitabu cha Mungu kinasema kwamba zamani kulikuwa na viongozi lakini hawako sasa. Mimi, wewe na mtu mwingine ni viongozi lakini wakati utafika ambapo tutakuwa na viongozi wengine. Hii ni kusema kwamba tunapokuja katika Bunge hili, uwe katika upande wa Upinzani au wa KANU, ni heri tujiulize kama vyeo tulivyonyavyo vilikuwa na watu wengine na kama hawa watu bado wangali hai? Wewe ni kiongozi leo na watu wengine watakuwa viongozi wakati mwingine. Ni heri ujiulize kwamba katika uongozi wa Bunge hili, wako utakuwa upi? Hilo ni fumbo kubwa sana kwa Mbunge ambaye analielewa na ni mashaka kwa yule ambaye halielewi. Hii ni kumaanisha kwamba "leaders come and go." Jambo likiletwa katika Bunge hili na Mbunge wa Upinzani na liwe ni la maana katika nchi yetu, hata kama unamchukia namna gani, usije ukamwalia tu bali muunge mkono ili jambo hilo liweze kusaidia nchi hii. Vile vile, jambo likiletwa na Mbunge wa KANU na lina lengo la kusaidia mwananchi wa nchi hii tafadhali hata kama uko katika upande wa Upinzani na unamchukia aliyelileta liunge mkono kwa sababu

litamsaidia mwananchi wa kawaida.

Bw. Naibu Spika wa Muda, ningependa kuwaomba watu ambao walituchagua wajue kwamba wao ndio mabwana wakubwa ambao wanakaa katika Bunge hili na waanze kuangalia wafanyikazi wao vizuri. Hii ni kwa sababu kuna Wabunge wengine ambao hawatimizi yale mambo ambayo walikuja kutimiza hapa. Kuna wale Wabunge ambao walikuja hapa kuwabembeleza wakubwa wao na hali wale wananchi waliowachagua wanaumia nyumbani. Ningependa kuwaomba wananchi wawe macho sana ili wakati wa kupiga kura utakapofika wajue ni nani anastahili kuja hapa na ni nani anastahili.

An hon. Member: Endelea!

Mr. Ndilinge: Bw. Naibu Spika wa Muda, tunaongea mambo ambayo yanahusu pesa na ningependa kusema kinaganaga kwamba sitaunga mkono kupitishwa kwa pesa hapa na hali hazisaidii sehemu yangu kamwe. Ni heri jambo hili lifahamike vizuri, kwa sababu sioni haja ya kuja hapa, kupiga kelele na unapofika wakati wa kugawa pesa za kusaidia sehemu tofauti tofauti za nchi hii, sehemu yangu haipati. Hii ni kwa sababu watu wangu watauliza kwani nilikuwa ninapiga kura pesa hizo ziende kwa nani?

Bw. Naibu Spika wa Muda, nchi ikiwa haina usalama; hata katika Bunge hili tukiwa hatuna usalama kamwe hatuwezi kukaa hapa. Ningependa pesa ambazo zinapewa Provincial Administration - askari, DOs, chiefs, assistant chiefs, DCs na PCs wajulishwe kwamba pesa hizo si za kutumiwa kuwanyanyasa Wabunge wa sehemu zao. Hii ni kwa sababu gari linapojazwa mafuta ili litumike kuharibu mkutano wa Wabunge, hizo pesa hazijatumika kwa kazi ambayo zilitengewa.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to begin discussing the Appropriation Bill when we are on the Finance Bill? From the beginning, you might have heard him talking about the conduct of officers, and now he is saying that money should not be paid to--- I thought that would be in the Appropriation Bill, which we still have to discuss. Is he in order not to restrict himself to the Finance Bill?

The Temporary Deputy Speaker (Mr. Musila): Mr. Ndilinge, that is a very valid point of order and I would like to ask you to stick to the Finance Bill.

Mr. Ndilinge: Ahsante sana, Bw. Naibu Spika wa Muda. Ninakubaliana na maoni ya Mbunge huyo, lakini ningependa kusema kwamba kabla sijaanza kuongea juu ya Mswada wa Sheria ya Fedha afahamu kwamba nikiwa sina usalama kamwe sitapata wakati wa kuongea hapa. Hii ndio sababu ninasema kwamba hata maofisa wa usalama wanapotumia pesa, na ikiwa hao watu hawana usalama kamwe hawatapata wakati wa kupanga mipango ya matumizi ya pesa hizo. Kwa hivyo, Bw. Munyasia, nina hakika kwamba unasema mambo ambayo ni ya ukweli lakini ni lazima kwanza tuwe na usalama ndipo tupate wakati wa kuongea juu ya Mswada huu. Kwa hivyo, ningependa kuhimiza kwamba usalama wetu uangaliwe sana ili tuwe na wakati wa kuja hapa kupitisha pesa hizi. Ninasema hivi kwa sababu tukipoteza Mbunge mmoja, itaifarimu Serikali hii yetu, ambayo tunajua kwamba hali yake ya kifedha si nzuri, zaidi ya shilingi milioni 40. Kwa hivyo, ni afadhali maisha yangu yachungwe badala yadhoo fike na mtumie shilingi milioni 40.

Ningependa wale watu ambao wanapewa mamlaka wajue kwamba hayo mamlaka si ya Kisii au Ukambani, bali ni ya nchi yetu yote.

(Prof. Ongeru looked at Mr. Ndilinge)

Ninapozungumza juu ya jambo hili, siongei kuhusu sehemu yenu. Ninampenda sana Waziri huyu. Mambo yalipotokea Jumapili iliyopita na kuletwa hapa, ilisemekana kwamba hayo ni mambo ya Ukambani. Nimekubali kwamba mambo ya nyumbani tuyamalizie huko nyumbani, lakini ningependa kuwaambia maofisa wa utawala watumie mamlaka yao vyema. Hii ni kwa sababu kama si wao kutuzuia kuenda kule, ingetuchukuwa muda wa dakika tano tu kufika huko na kuwahunu watu. Ni heri watu hao waambiwe kwamba waendele kutumia polisi na maofisa wa utawala kwa sababu wamekwisha kisiasa. Wanatumia polisi na maofisa wa utawala ili watuzuie kuenda huko kwa sababu wanajua kwamba wamekwisha. Kama si hivyo, sioni vile wataweza kutuzuia kwa sababu wananchi waliotuchagua wako na sisi. Wao wanatumia bunduki, polisi na maofisa wa utawala kutuzuia. Waendele kufanya hivyo lakini wafahamu kwamba hawatapata kura.

Ni vibaya sana kuingilia raia. Kama raia wanataka mtu fulani, kwa nini uwalazimishe wampende mtu fulani ambaye hawamtaki? Hii ndio sababu tunasema kwamba watu wakiwa hawana pesa---

Mr. Kalulu: Jambo la nidhamu, Bw. Naibu Spika wa Muda.

Mr. Ndilinge: Bw. Naibu Spika wa Muda, sitaki nidhamu ya "burukenge". Huyu Mbunge ni "burukenge"!

Mr. Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kalulu and Mr. Ndilinge! Mr. Ndilinge, did I hear you calling Mr. Kalulu "burukenge"?

Mr. Ndilinge: Bw. Naibu Spika wa Muda, jina "burukenge" hutumika Ukumbani, na Mbunge aliyetufanya tujue kwamba linatumiwa kwa binadamu ni Bw. Kalulu!

(Laughter)

Mr. Kalulu: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki Mbunge huyu kuniita "burukenge" hapa? Kwa nini haongei juu ya Mswada ulio katika Bunge hili na badala yake anaongea juu ya burukenge? Ni heri aniite "burukenge" kule nje na sio hapa katika Bunge.

The Temporary Deputy Speaker (Mr. Musila): Mr. Ndilinge, I think you have been well advised to stick to the Finance Bill. I think this is the second time the Chair is asking you to be relevant to the Bill.

Mr. Ndilinge: Ahsante sana, Bw. Naibu Spika wa Muda. Nikimjibu Mbunge mwenzangu, ni kweli kwamba hatukuwa tunalijua jina hilo, lakini juzi tulipokuwa katika KANU Parliamentary Group Meeting alisema kwamba kuna majina ambayo yanafaa kuitwa wananchi kama vile "burukenge". Hii ndio sababu nimesema kwamba yeye ni mmoja wa wale "maburukenge" ambao wanastahili kuheshimiwa sana.

Kwa kumalizia kwa sababu sitaki kuchukua wakati wa Bunge hili, ningependa kusema kwamba ukiona kwamba jambo utakalolifanya katika sehemu yako--- Ikiwa pesa zilizotengwa au zitakazotengwa zitaleta ubishi, tafhadali ninakusihii ikiwa uko hapa au nyumbani, uache mambo hayo kabisa.

Bw. Naibu Spika wa Muda, kuna baadhi ya wanasiasa wanaozungumza, ili wawafurahishe viongozi fulani wa Serikali. Hata hivyo, wanawahadaa viongozi hao, kwa vile hawataki kusema ukweli. Ningewaomba wanasiasa wenzangu kusema ukweli kila mara, hata kama ukweli unauma. Wengi wetu hupenda kuzungumza tu, juu ya mambo ambayo yatafurahisha viongozi wetu.

Mwisho, Bw. Naibu Spika wa Muda, ningependa kwamba Serikali kuwapa chakula wananchi Ukumbani, ambapo kuna njaa kubwa. Baa hili la njaa limekuba sehemu nyingi hapa nchini. Wengi wa viongozi sasa wanajua vile njaa inavyouma. Wakamba hawapati njaa kwa sababu ni wazembe. La! Wakamba hujitahidi sana, lakini kuna ukosefu wa maji katika sehemu nyingi za Ukumbani.

Bw. Naibu, Spika wa Muda, kwa hayo machache, ninaunga mkono Mswada huu.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Bill. It is important to put the Kenyan economy within the world economy. Only after we have done that, we can provide in the Finance Bill, measures that will make sure that the economy of this country grows. An economy that will be beneficial to our people. As I speak now, it is very clear that, our shilling is depreciating in the international market. If you look at the value of the Kenyan shilling against the US dollar or the British sterling pound, you will find that it is on decline.

Mr. Temporary Deputy Speaker, Sir, in this country, the only beneficial thing that is declining is birth rate. It is true that, the birth rate has reduced from 3.5 per cent to 2.8 per cent. That is good news. With regard to the management of the economy, it is very important that the Government gives maximum attention to birth control and life expectancy in this country. About 25 years ago, the life expectancy of women was 63 years and for men, it was 58 years. It is a pity that, life expectancy of women and men has been reduced to 53 and 43 years, respectively. It is unfortunate that we have to die early due to the poor management of our economy. If you feed badly and you do not get proper medical attention, you can expect to die early. Therefore, it is incumbent upon the Government to provide good living conditions for 30 million Kenyans. For the last 30 to 35 years, we have gone through a period of economic stagnation, without provision of basic needs. That is why Kenyans' life expectancy has declined.

Mr. Temporary Deputy Speaker, Sir, the previous budgets have created imbalances across the country. If you look at the life of Kenyans across the rural areas; from Lunga Lunga all the way to Lokitang', there are imbalances. The other day, I was in Isebania as well as Mandera, and there is a lot of imbalance. We know that about 75 per cent of Kenyans live in the rural areas. Life is bad in those areas. However, people in rural areas think that, if they come to urban areas like Nairobi, Mombasa, Kisumu or Nakuru, life would be better. People are migrating from the rural to urban areas, in search of good life. It is important for the Government today, particularly in the Finance Bill to think seriously about the people who live in rural areas.

Mr. Temporary Deputy Speaker, Sir, it is true that, even electricity has been rationed in the urban areas. For example, in South C, you find that power disappears every day at 8.00 a.m. People in rural areas think that, if they come to Nairobi, they will have electricity throughout the year. It is unfortunate that, this Government continues to fail to provide electricity after 35 years of Independence. The best electricity they can provide is hydro-electric power driven. We should not rely on imported fuel, but we should go for generative energy. That is what is important to our people.

Mr. Temporary Deputy Speaker, Sir, what has happened to some extent is that, we are using imported fuel to generate power. The tariffs levied on imported fuel is high. Accordingly, you will find that, the tariffs have gone up to such an extent today that, the electricity has become unaffordable to most Kenyans. If I take myself as an example, I

live in South C alone because my family is in exile, but they will come to this country, at one particular time. However, it is sad that, I pay an electricity bill of Kshs2,000 every month. Very few Kenyans can afford a bill of Kshs2,000 every month in this country. What I am saying is that, the Government has a duty to explore on alternative sources of energy in this country. That is generative, hydro-electric and geothermo-driven. Unfortunately, this Government never listens to us.

Mr. Michuki: They are arrogant!

Mr. Kihoro: It is true, they do not want to listen to new ideas that drive the world today. We should adopt them and incorporate them into the running of this Government. If you want to rule tomorrow, you must incorporate the new ideas. But if you have come to the end of the line, then there is no way that you can listen.

Mr. Temporary Deputy Speaker, Sir, I want to talk about industrialisation in this country. We must think how we will be industrialised in a very viable way. We need to come together, so that we achieve our dream of being industrialised by the year 2020. It is important that we have cheap transport in this country. That is how other countries were able to develop.

Mr. Temporary Deputy Speaker, sir, if you look at our railways infrastructure, we have not built a single inch of railway line in the 20th Century. The railway line from Mombasa to Kisumu was built in 1899. It took three years to build it. The people of this country, with the assistance of the Colonial settlers, were able to pay for the construction of the railway in 25 years. Today, it is a pity that after 35 years of Independence, we have not laid a single inch of railway line in this country. If we will not have cheap transport network in this country for people and goods, then we shall never be industrialised by the year 2020. Some people think that the year 2020 will have any advantage to us. What we need is cheap railway transport for goods. For example, the USA built the Great Pacific Railway, transcending from the Eastern Seaboard to the Western Seaboard. That is what helped America to be industrialised. That was a development of 19th century. If you look at Canada, the same thing happened; they built the Great Pacific Railway. Even in Britain, Europe and Russia, cheap railway transport was instrumental towards industrialisation.

Look at the state of the railway lines in this country; it is a shame. You travel in second or third class in total darkness from Nairobi to Mombasa. That is how the state of railways transport is in this country.

Mr. Temporary Deputy Speaker, Sir, may I also say something on technical education. Back in 1970s, we talked about establishing institutes of technology in this country, to prepare our people for industrialisation in a most viable way. Look at every province; you can only see the remnants of the great efforts that were made to have those institutes of technology, where our people would have been trained in technical skills? What is left of them. Maybe, a secretarial college, a school of cooking, needle work and typewriting.

However, I have not seen a single technical person who can man an industry in this country 25 years after we had the first Institute of Technology in 1970/1971, and even I remember Ukai. It was with great fanfare that, that effort was made. Let us not talk about industrialisation in the world in 1999 as if it is a new phenomenon. Our people thought about it 25 years ago. Where did it lead us to? It led us into needle work, metal work, or wood work. It has not taken us anywhere. Today you have to blame the Government because of not having that vision of industrialising and supplementing the country and having a viable processing industry in agriculture. Both of them go together. There is no way you will build a car before you are able to put your iron and steel industry together. Produce iron and steel first and, then, you will know how to produce a car after that. That is very important.

Mr. Temporary Deputy Speaker, Sir, the third component is the one which I have talked about; cheap power. For cheap power, we have Olkaria Geothermal Power Station. God has blessed us, at least, in that respect. We can be able to exploit geothermal, or hydro-electric power that we have. Unfortunately, we also find that we are still importing power from other countries. It is not bad to import power from Uganda. There is no Act barring the importation of power from Uganda. If Ugandans have got something that they can sell to us at a reduced cost, I would be the first person to welcome that. But it is very important to note that we have got enough geothermal power in this country. We are able to generate our own power which we can export maybe, to Ethiopia, or Sudan.

Mr. Temporary Deputy Speaker, Sir, today, Sudan has got petrol. Only about two months ago, we heard about the first export of petrol from Sudan being taken to the Red Sea. If that oil was actually being drained from Sudan and taken down to Lokitang', or Eldoret--- I do not mind where in Eldoret, but let us have a petroleum depot in this country and go down to the Coast. How come that this Government is not thinking about how we can be able to exploit resources from our own neighbours? We can be able to buy cheap power from them. For instance, we can buy oil from Sudan, or even electrical power from the Democratic Republic of Congo (DRC). Those are the resources that exist in our neighbouring countries, but apparently, it looks to me as if we might have to wait for the US and Britain to supply us with some bit of funds here and there and show us the way. However, it is important that we start applying our own intelligence, put two and two together. Our neighbours have got valuable things that we can use in this country to benefit our people. We want raw materials - iron and steel - which I have already talked about. We want to have local entrepreneurs in this country. Nobody said that an African is so stupid that he cannot be able to be an

entrepreneur of value and be at the core of industrialisation in this country.

Mr. Temporary Deputy Speaker, Sir, our people kill one another as they operate their kiosks and matatus. But how come that there has been no vision about how local entrepreneurship could be encouraged so that the local people who own industries are able to generate profit and that profit is ploughed back into this country? That is how we will be able to assist ourselves and our posterity. The manifestations of a good industrial base driven by the locals are better houses that we can be able to live in and buildings of agricultural capital. I am thinking about a tractor when talking about agricultural capital. It is important that we start thinking about how we can stop our farmers from just using a panga, hoe and fork jembe. We must think about how we can use modern methods of agriculture in this country; how we can use tractors and reduce tax on them. Maybe it is okay to use the beasts of burden armed with a plough to cultivate our farms. Agriculture in this country is practised by 75 per cent of Kenyans. But can it be practised like the way my father and grandfather did using a digging stick, hoe and panga? There is no way. We have not been able to mechanise our agriculture and industrialise.

Mr. Temporary Deputy Speaker, Sir, we cannot mention a single industry in this country which we are proud of. If you just look around, you will see Rivatex, and if you go to Nanyuki, you will find Mountex, and down to the Coast, but all of them have been closed down, because they have folded up. It is important that we start thinking about agriculture in the way we can be able to mechanise it and irrigate more land. God did not create Kenya and the world and declared that we cannot convert even one hectare of dry arable land and put water there. The Israelis, Egyptians, Nigerians and Ghanians have done it. And there are very many more who have done it.

Mr. Temporary Deputy Speaker, Sir, how come in this country there is no way we have been able to live outside 100 kilometres of the Railway Line on both sides? That is where you find 80 per cent of Kenyans living. From Mombasa to Kisumu, you will find that the Railway Line is dire, short and miserable. It is incumbent on the Government to start thinking about the easiest way to generate wealth in this country. We have got a market next door in the Middle East; they have got a lot of oil. We have the land and hard working people from Ukambani up to Western Kenya who can be able to produce a lot of food and export the surplus to Saudi Arabian Peninsula and be able to import oil and other industrial goods that we need. Industrialisation is important. So the question of introducing enough amount of capital into the agricultural sector is very important in terms of increasing production and making our people less tired when they go into agriculture. It cannot be just an issue of using a panga, hoe, fork jembe and a digging stick.

Mr. Temporary Deputy Speaker, Sir, we can be able to do better than that. The market is there; of over 30 million Kenyans. If you look at the population of Kenya in 1948, when the first census was conducted, there were 4.8 million Africans. I suppose that you must have been counted during that census. I was not there to be counted. If you look at the population of Kenyans at the turn of the century, maybe, we were only two million Kenyans. But how come that when we are now about 30 million we have not been able to build a single inch of a railway line? I have already talked about how two million Kenyans could be able to finance building a railway line at the end of the last century. Maybe, if we continue the way we are, in another about 35 years, when we will actually be in old age--- People born in 1963 when Kenya became independent are already in the middle age. How come that when they are 70-year-old they will not be proud of having done anything? Their fathers and grandfathers would not have done anything and the country would have become poorer and poorer as we go along. The market I am talking about is the Kenyan market of 30 million consumers. That is good enough for the Government to set up industries. The GDP of Britain and Denmark which have 55 million and 5 million people respectively, is high. They are able to control the world with what they are generating. The Finance Bill is the instrument of turning around the economy.

Mr. Temporary Deputy Speaker, Sir, agriculture is very important in this country. It was a viable industry 70 years ago. Nearly 40,000 Europeans came to this country and lived a good life based on agriculture. How come that it is no longer possible? I am suggesting to the Government, that it is important to control our land resources. There is land that is being held by people as a status symbol. I am suggesting that any Kenyan who is going to have more than 300 acres pays a tax above what he holds above the 100 acres. Land must be for production not for status.

The Assistant Minister for Human Resource Development (Mr. Maizis): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that all Kenyans who have over 100 acres of land should pay tax, when he knows that some people in North Eastern Province have thousands of acres which produce very little income?

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, my suggestion is not intended to harass anybody. Neither is it intended to take away property from anybody. It is not out of any malice. I am thinking of how we can make our country a viable economy, whereby we are not going to keep wasting resources. If land an individual's land does not have sufficient carrying capacity and he or she can only do with one goat on 100 acres of land, I am not saying that, that goat should be taken away from them. This should be done from an economic point of view. That is what I am urging this Government to do; to bring about better life for the majority of Kenyans.

Mr. Temporary Deputy Speaker, Sir, many Kenyans are living in poverty. A thorough objective analysis of how Kenyans are living today will reveal that 50 per cent to 60 per cent are living below the poverty line. Are they going to live that way until the end of their lives? We must do something about it. That is what I am talking about. People who are holding land in this country for status; so that they can be "Mr. Big", must pay for it. I am suggesting that they should pay land tax on that land, so that it has certain benefits to the people of this country. If that person realises that he cannot keep holding to that land, then he should surrender part of it to Kenyans.

Mr. Temporary Deputy Speaker, Sir, all local financial institutions have collapsed if they are not in the hands of a receiver. People have looted from these institutions and disappeared. The two major banks in this country, that is Barclays and Standard Chartered are all foreign incorporated banks. Six months ago - I do not know where the management of these banks met - decided that the minimum bank balance must be Kshs10,000. This is tragic. People have been forced to keep money in their houses. Depositing Kshs10,000 in a bank today means that you are giving free credit to a bank. Because, if you keep in a bank Kshs10,000, at the end of the year, at an interest rate of 14 per cent an individual earns Kshs1,400. There is no bank that lends commercially at an interest rate of 14 per cent. They do so at between 20 per cent to 30 per cent. Even shylocks are charging interest at the rate of 40 per cent.

Mr. Temporary Deputy Speaker, Sir, local financial institutions must be encouraged. There is no way we are going to develop without them. We allowed Barclays and Standard Chartered banks to thrive in this country, and yet we have no local financial institutions. This is a situation that makes somebody who thinks about a good country reel with anger. How come 35 years after Independence, we do not have a viable banking industry that is locally based? If he had that, then we could talk about industrializing, building good houses and investing in certain infrastructure. At the moment, we are forced to go for loans from Barclays and Standard Chartered banks, we do not get them. They think about their people first. It is important that local banking industry be encouraged in this country to make a difference.

Mr. Temporary Deputy Speaker, Sir, there is an outcry in the agricultural sector in this country. In Nyeri, we have had a "coffee war" for the nearly eight years and the "hot coffee war" for the last eight months. I am happy to note that farmers want a more transparent and accountable system of running the coffee tea, sugar and commercial maize farming sectors. People are hungry in Ukambani, and I do not see why this country should import maize from Mozambique and not get it from Kitale. We do not want to see anybody dying. Farmers in this country are up in arms against the Government. For example, the cotton farmers in Nyanza or Mpeketoni are all crying. The other day, cotton farmers in Mpeketoni were complaining because their cotton was being bought at Kshs23 per kilo and yet there was no market for it. They thought it should be fetching twice as much, but they could not get it. If we talk about a viable textile industry, we must encourage cotton farming in this country. I can see the hon. Member for Bura nodding his head in appreciation since Mpeketoni is in his area.

Mr. Temporary Deputy Speaker, Sir, I understand that by the year 2015 the Government intends to have eradicated poverty among 60 per cent of the Kenyan population who are presently living below the poverty line. That is a dream. It is not going to happen because today, we are past 10 per cent of the stipulated time, but poverty in 10 per cent of the population has not been eradicated. If we carried out statistics would we say that about 10 per cent of the Kenyan population who were living below the poverty line are now above it? The Government's Poverty Eradication Programme has to be based on what our people do everyday. If it is not going to be based on improving their living standards through what they do everyday, there is no way it is going to succeed. In Kenya 75 per cent of Kenyans depend on agriculture. It is, therefore, important that when we talk about poverty eradication, we should be talking about reform in the agricultural sector. If we take that seriously we are going to succeed. All economies in the world have always subsidised agriculture.

I beg to support.

Mr. Nyachae: Thank you, Mr. Temporary Deputy Speaker, Sir. This House has become a talking shop which achieves nothing. I will talk for less than ten minutes. We are discussing the Finance Bill when at the same time, we are faced with the kind of life that is so miserable to Kenyans, and we are talking in generality. If we continue this way, we will be heading for hopelessness in this country. One would have expected that the Budget and the Finance Bill this year would have targeted basic problems that the ordinary person.

With regard to problems like unemployment, we should create activities that can create jobs. If, for instance, we started construction of dams in Maasai, Samburu, Turkana, North Eastern and Ukambani areas, we would employ a lot of people. We are not doing that, but we are only talking in general terms here while our people are suffering. In this country, right now, as I am talking, there is no recognised abattoir. So, when there is drought and animals cannot get grass to feed on, the pastoralists who want to get rid of their animals before they die, as they do not have market. We should be targeting that kind of problem.

Mr. Temporary Deputy Speaker, Sir, this is the second week that we are discussing the Finance Bill, but I have not heard anybody telling us what exactly we are doing to produce food. You should not talk about famine relief

food distribution. You are talking about distribution of imported food and the little food that is harvested here, yet, God has given us land and rivers, but we are doing nothing about irrigation. Even where the rain is available, for example, in the west of the Rift Valley, can we be told how much money has gone into food production in those areas? There is no money which has gone there.

Mr. Temporary Deputy Speaker, Sir, you have been a Provincial Administrator and you know most parts of Kenya. If you go to the west of the Rift Valley now, you will find that it has dried up. If you went all the way from the escarpment here up to Kisumu, then to Kakamega and looked at the size of the crop, you would not get even the minimum harvest that can cover your cost of production because farmers cannot afford the cost of fertilizers. They cannot also afford to buy hybrid seeds. So, they are buying the ordinary maize seeds which they produce in their shambas.

With regard to cash crops, right now you are playing around with the dollar. You are saying that its rate has come down by one shilling. This is because a bit of tea has been sold and a bit of coffee has been auctioned and the dollar has just come in. When the production of tea and coffee continues going down, the Government will run short of hard currency. If you run short of hard currency, you will have a problem of even meeting your external obligations. Right now, you are meeting your external obligations by carrying out a vicious circle. You borrow money from the local banks through the Treasury Bills and Bonds, then you go to Central Bank and buy the dollar which the farmer has brought in. It is us, the farmers who produce tea, horticultural crops and coffee that bring in that dollar to the Central Bank. When will stop doing that, I am afraid, you will become a defaulter externally. Even if you borrowed the money from the local banks, you will not be able to purchase the dollar from the Central Bank because it will not be there.

Mr. Temporary Deputy Speaker, Sir, when we started this debate, I listened very carefully and there was a serious statement made by the Chairman of the Finance and Planning Committee of this Parliament, that they had failed to obtain a discussion with the Minister for Finance. How serious do you consider this matter to be? How do we come and debate a matter here which has been brought to us before the Finance and Planning Committee has discussed it with the Minister for Finance? This same Parliament has set up a Committee which should express our views and tell us exactly what it has discussed with the Minister for Finance. This matter has not been discussed. So, we find ourselves stuck and that is why every speaker is just talking in general terms. Our Committee has not discussed this matter with the Minister for Finance.

This Parliament must change its style of managing the economy of this country because the Government is not changing. We will continue making statements here and receiving promises from the Government as the House continues "gossiping"; I call it "gossiping" because that is what it is, and in between, the ordinary person is under fire. All of us who are seated in here, when we make an appearance, our allowances continue accumulating. Every one of us here gets a salary at the end of the month. Our children who have graduated from the universities are in the streets earning nothing and we are unconcerned about that. Our people out there cannot make ends meet. They do not even know what they will eat tonight, yet, here we are unbothered and just generalising the discussion.

It is high time that we stopped blaming one another, sat down and looked for solutions. On this side, we are looking at the Government while on the opposite side we are looking at the Opposition. The hon. Members from the both sides of this House are all Kenyans who are seeing the suffering of our people. My friends here on the Front Bench are also seeing miseries in their constituencies and yet they are pretending that they are managing a country. Even you, yourself, Sir, as an elected hon. Member of Parliament, I know that when you get to your constituency, the sort of people you see suffering make you want to run back to Nairobi.

This is because you do not want to see their misery! This is the problem that we are all seeing. But when we say that we have a problem in this nation, and that our people are suffering, people say that, we are rebels! They say that we are this and that! Why are we seated here, if we cannot speak on behalf of our people? Why can we not say the truth; that our people are suffering? My friend from Nyeri Town, who has just spoken, has said that 50 per cent of Kenyans being below poverty line. He should actually have said that, as things stand at the moment, the lives of 50 per cent of Kenyans are threatened! It is not just simply poverty! Their lives are threatened! I listened to a Minister issuing a statement about famine relief. I simply want to say this: I sympathise with him! This is because when somebody is ignorant and he does not know what he is doing, there is nothing you can say to tell him to do it! This is because he will not do it! It is a very serious matter that, people are dying in Turkana due to lack of food, and we are standing here, feeling as if we can explain one another here, and feel contented that there is a problem being solved! There is no such thing! He talked of about 265,000 bags. If my own workers in one farm are eating 200 bags a month, how do you expect Kenyans to survive, when you talk of 265,000 bags? I was listening very carefully, hoping that he is going to say: "We have three million bags and the problem is the distribution!" Then, we can say: "How do we distribute that food?" We get scared when we are told that, even in the stores, there is no food!

(Applause)

Mr. Temporary Deputy Speaker, Sir, today, we must decide on two things. Our people must survive and eat. The money that we pay as taxes should be given priority in buying food for our people. How can you feel comfortable moving in a Mercedes Benz out here - because the money we vote in here is actually meant to give comfort to certain people - when other people are miserable? We have reached a point where we are looking for scape-goats all the time!

Mr. Temporary Deputy Speaker, Sir, even this House is being misused. For example, the House approves expenditure here. Some of the expenditures that the House approves are unconstitutional! There was a time when wages of the judicial officers were approved at the Executive level. The Constitution and the laws of this country require that salaries of certain specific constitutional offices must be determined by Parliament! That has never been done for three years now! The salaries are still being "eaten!" Then, when it comes to retirement, pension is calculated on the illegal salaries. When the Director of Pensions refuses to pay such pensions, she is told: "You are going to be jailed!" This is because of saying: "I want approval of Parliament so that I can know this is a constitutional salary, and I can calculate the pension on the basis of the laws of this country!" Here is an officer being threatened to be imprisoned for observing the laws of this country! She is being threatened with imprisonment because this Parliament has not followed up this matter! So, here we are, calling ourselves legislators and lawmakers and, yet, when we make the law, we do not insist that the law should be followed. This is not fair to those public officers. How then, do you expect a public officer not to spend the money anyhowly, because he knows he will be mistreated, disciplined without any protection, even if he is trying to comply with the regulations of this country on financial management? This is because Parliament does not protect those officers who want to follow the law. That is why money is being misappropriated because public officers are scared that nobody will protect them.

(Applause)

Mr. Temporary Deputy Speaker, Sir, all that I am saying is this: Can we think on the basis of priorities that concern our people, who are suffering? That is number one. Number two is: Can we agree that in financial management, we become serious enough? This House must have teeth to punish people!

An hon. Member: Number three?

Mr. Nyachae: Mr. Temporary Deputy Speaker, an hon. Member is asking me to name number three! I do not know how far he would like me to go! We have no quarrel with anybody, whether on this side, or on that side of the House, who is concerned and acting in the interest of this nation, and its people. We have no quarrel with those kind of people. But, we definitely are elected leaders who must quarrel with anybody who is not serving the interests of this country.

Mr. Temporary Deputy Speaker, Sir, today, I am not going to use the word "thief", because I was warned the other time. But the other day, I was in the United Kingdom (UK) and went to the House of Commons. I saw that, in the House of Commons, or the British Parliament, they tell each other: "The way you are acting is like stealing! You are behaving like a thief!" The Lady Speaker does not say that is out of order. In this House, we have been told that this is against the Standing Orders. The Standing Orders have been worked in such a way that they protect even thieves!

(Applause)

We cannot be quite straight! I am saying this because I do not want to be taken to what is being called Kisii politics, Ukambani politics and what have you. But the point that I would like to put across is this! In this Parliament here, where we discuss public affairs, if somebody that we have given responsibility as Kenyans uses that office to go and disturb the people in Ukambani, Kisii or anywhere else, and when we bring it here, how does that problem become a Ukambani problem, and yet, it is somebody who is a national figure, and he has been given a national position, who causing problems? Then, we are being told: "That is local politics!" The man is not local!

I think we need to understand what we mean by the term "local". If somebody drowns in Budalangi and the swimmers there disagree on how to save him, we cannot say it is a local matter. He is a Kenyan. If two Turkanas quarrel and injure one another, we should be concerned because they are our brothers. We should discuss it here. We cannot be told that is a matter for Turkanas. I may sound as if I am digressing, but what I am saying is that, if we are going to spend the resources that are voting under the Finance Bill, I think it is high time we got quarterly reports circulated here, not only on how revenue has been collected, but on how the money has been spent per district, so that we know that the money has actually been spent.

We vote the money here and then keep quiet until another year comes. When the other year comes, we vote for money while discussing what was mismanaged three years ago. We want to know how the money is being spent every quarter yearly. My friend who is in the Treasury knows I had introduced that system. Let that system work. Let

this Parliament know where the money we are paying is going.

Let us not cheat ourselves that we are going to get the revenue that we are voting for. We are not going to reach the target we have set here, considering the state of the economy in the country and the countryside. We are in a vicious circle. The person who is in business is losing. This is the person you are targeting to pay you tax. How does he pay you tax when his business is collapsing? You have introduced Presumptive Tax. Where are you going to get it? You are not going to get that money because there is no crop to sell. Where is that revenue you are targeting? If you were getting the revenue that you are asking for, then why are the interest rates on Treasury Bills and banking going up? It is because the Government is not getting the revenue that it has been expecting. Therefore, it is turning to the banks to borrow to meet the wages bill and to pay the foreign debts. The revenue is not coming in.

As we continue, the revenue will keep on going down because the economy is also going down. How do we now turn round and say the economy must come up? There is one way only. The Government must be prepared to sit down with the Opposition parties, the civil society and anybody who has an opinion to offer on how we can help our economy open the door for us. If we criticise, do not say that we are bad people. We want to offer ideas. When you start calling us rebels just because we are offering ideas, how are we going to sort out these problems? If I see you are misusing the money and we need it for other purposes, I have to tell you that. Let us share ideas.

There is no side which is going to survive in this crisis. Whether you are in the Government or the Opposition, we are all faced with the crisis. I do not want to threaten you, but let me tell you this. We leaders are no longer friends of people in this country. I do not know how you feel when for example, there is a graduation ceremony, I see a lot of Members of Parliament going there and you look at these young people who graduate at an average rate of 10,000 per year. Do you ever sit down as leaders and ask yourselves: "Where do these boys and girls go to? Why did we educate them?" These are the people who are going to kick you left and right because their frustration is reaching the top.

I do not want to say more than that. I think I have conveyed my message. Let us work together and be honest. Those people who have "eaten" money, please return it.

(Applause)

Mr. Shidiye: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that we have discussed this Bill exhaustively, I beg to move that the Mover be now called upon to reply.

Hon. Members: Mr. Minister, move the Motion!

(Mr. Kariuki stood up to contribute)

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki! Mr. Shidiye has stood on a point of order and asked that in view of the fact that this Bill has been debated sufficiently, that the Mover be called upon to reply. I think I will have to put the question. In my opinion, I think that this matter has been sufficiently debated.

Hon. Members: No!

The Temporary Deputy Speaker (Mr. Musila): I have no reason to cut it short, but if you feel that you want to continue, you can do so.

An hon. Member: Put the Question!

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki! I want to make it clear that Mr. Shidiye has suggested that, and there is nobody who is in a hurry. You just need to say something about that so that I can decide whether in my view it has been debated enough. Whoever is standing now should only respond to Mr. Shidiye's point of order.

Dr. Ochuodho: Mr. Temporary Deputy Speaker, Sir, I think we are discussing a very important Bill and I propose that we should continue to discuss it.

(Applause)

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, the issues which are contained in this Bill are very important. This is a nation which is bleeding because everybody else has deserted Kenya. Unless we exhaust the discussion on this Bill, then we do not know where we are going! The people of this country are required to know the state of our economy. Hon. Nyachae has raised pertinent issues and we must continue to discuss this Bill.

The Temporary Deputy Speaker (Mr. Musila): Very well, Mr. Gatabaki, you may sit down. Mr. Kariuki,

continue.

Mr. Kariuki: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to comment on the Finance Bill. I was impressed by hon. Nyachae's contribution. I thought he should cross over to this side and support us in our deliberations; to show that the Government has failed to deliver and also to meet its objectives.

Mr. Temporary Deputy Speaker, Sir, it is unfortunate that we are not getting foreign aid. The question which we have been asking ourselves is why we have not been getting foreign aid? Why are we not in good books with the World Bank and the International Monetary Fund (IMF)? Where have we gone wrong? Are we responding to the wishes of the World Bank and the IMF? The answer is: No! We have continued to be corrupt and to mismanage our economy and as a result we are not being supported by friendly countries and donor countries. Why is it that when the PAC comes up with a Report and says that Kshs550 billion has been misappropriated, this Government does not take action on it? Why is it that people who were mentioned in the PAC reports have not been taken to court?

(Loud consultations)

The Temporary Deputy Speaker (Mr. Musila): Will hon. Members sit down and consult quietly?

Mr. Kariuki: Why is it that the Attorney-General has dragged his feet in prosecuting the likes of Mr. Pattni and ensure that they are put in?

Mr. Muihia: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we are in the middle of a very important debate. Could you please, protect us because there is a lot of noise coming from the Government side?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Muihia! I think that is a very unfair statement to make. I have been watching and noticed that there is a lot of noise on that side of the House. So, it is only fair to say that there has been a lot of noise on both sides of the House. Could hon. Members, please, consult quietly? Proceed, Mr. Kariuki!

Mr. Kariuki: I was saying that we have ourselves to blame for the mess which is prevailing in this country. We are not serious enough in managing the resources of this country. We have corrupted our systems as a result, and they have fallen apart and nobody seems to be responsible. Things are not working in the Government Ministries because Government officers have become corrupt right from the top to the bottom. We are in a very worrying situation. We have given the Minister for Finance the responsibility of collecting revenue and spending the same. But he is spending about one-third of the revenue collected on projects in the country. The rest of it is being misappropriated. This is a very bad scenario. We should ask ourselves where we have gone wrong so that we can rectify the situation.

Mr. Temporary Deputy Speaker, Sir, I was very surprised to hear hon. Nyachae attack the very system which he was in. He told us in Mombasa that excess Government vehicles were to be impounded, but we have never seen those vehicles because they have never been impounded, auctioned or sold. Silly statements like those ones should be condemned. This Government is known for making statements which do not hold water. We cannot be talking about the eradication of poverty by the year 2015 while engaging ourselves in things like these ones. How can we address the issue of poverty while we are not addressing the very factors that count towards the reduction of poverty? I think those types of statements and programmes should be done away with because they are nonsensical and do not hold any water. It is similar to the statement this Government was making about providing piped water to every homestead by the year 2000.

The year 2000 is only two months away and there is no water in every Kenyan home! These are the type of cliches which do not make sense at all and we continue to make the same mistakes endlessly, without caution or thought. It is horrible for the Government to ask for more money when even the little money we have cannot be spent in the right way.

Mr. Temporary Deputy Speaker, Sir, revenue collection has been a problem. The Ministry of Lands and Settlement is supposed to collect land rent, but it does not do it. The City Council does not collect rates and yet the Ministry of Local Government is asking for more funds. There are so many types of revenue sources that are not being addressed. It is only the Kenya Revenue Authority which is beginning to act. We also seem to have a problem with our indigenous business community in this Bill. I do not know why the Minister hates the indigenous people. The Minister was a former classmate of mine in the University of Nairobi, but I do not agree with him when he talks about increasing the minimum capital requirements for building societies from what it is to Kshs150 million. He also increased the minimum capital requirements from what it is to Kshs200 million this year and in the year 2002, it will be Kshs500 million. Who is expected to have this kind of capital? You are killing the indigenous people! You do not want your own people to engage in trade and yet, you are protecting multinationals like the Barclays Bank, the Standard Chartered Bank and the Stanbic Bank? This is worrying. We are supposed to protect our own business

community. Indigenous banks have already collapsed. I do not see the reason why we should not be proud of our own institutions. If anything, it is not the minimum amount of capital that matters; it is the integrity of the bank directors and management. After all, you can pump in Kshs500 million and then take from NSSF Kshs2 billion and the next day say that your bank has gone bankrupt. A good example is of course, the Government banks like the National Bank of Kenya which is collapsing. So, the issue of increasing the minimum capital does not make sense at all. I think we should be proud of our own indigenous community and we should help them as much as possible to make them rich so that they can be able to sustain this economy - because most of the money they make will remain here - except for those looters who do not have anything in this country because of their own insecurity for the messes they have done in this country.

Mr. Temporary Deputy Speaker, Sir, we are wrong as far as our priorities are concerned. We are addressing the wrong end of the issue. We should be addressing the issue of increasing productivity in this country so that we can be able to increase our job creation capacity. We must look at the strategic areas like agriculture. I do not think we have put enough in agricultural productivity. We have a limping agricultural sector, where the rice, coffee, tea and the dairy industries have collapsed due to interference by this Government. I am wondering why we are not taking matters seriously, especially in agriculture to ensure that the agricultural farmer is encouraged. I do not know why agriculture is not enhanced by addressing the issues which have not been effectively addressed? Semi-arid districts like Kitui or Machakos should be enhanced in terms of productivity by ensuring there is enough water by way of dams and boreholes. Those are the types of challenges that this Government ought to be taking into consideration.

Mr. Temporary Deputy Speaker, Sir, in the Ministry there is this problem of pre-shipment inspection. This was brought about some years back in order to ensure that importers pay the rightful duty. However, I am wondering why we have to have the likes of Contempna, Swipco and CGS being the ones who are appointed by the Government in a monopolistic set-up as pre-shipment inspectors? We have the Kenya Bureau of Standards (KBS) and engineers in this country who could be trained to do that pre-shipment inspection and save ourselves a lot of foreign currency. However, because some of the Ministers here and others are also involved as directors of these pre-shipment inspection companies, then they will remain in these companies, looting this country. It is wrong and I think, we should, as a matter of urgency, remove these pre-shipment companies and give KBS that responsibility. That will save you billions of shillings that are being siphoned out of the country by these "sharks" who should not be doing that. After all, we want to develop our own engineers and there are very many of them. There are very competent valuers who can do a very competent job. It would be much, much cheaper than these huge multi-national companies.

Mr. Temporary Deputy Speaker, Sir, it is also important while we are looking at the Finance Bill to also look at the internal security of this country. It is worrying when we hear of people being killed down at Mombasa in Kisauni or in Marakwet District. It is worrying because we have a Government that is in place. We are worried as to why the Government is not taking firm action to contain these atrocities among our own brothers. We have a responsibility of ensuring that lives in this country are protected. It does not matter who is involved and we should not protect people whether they are Ministers or whoever, if they are involved in inciting people to kill one another. What we should be doing is to ensure that every Kenyan wherever he is, is protected. We do not want to say that two Kikuyus were killed in Kisauni and, therefore, they should prepare to kill Miji Kenda. No! That would be nonsensical. However, I think we are getting to a level where we are feeling hurt when certain communities like Luos and Kikuyus are being told by the Miji Kenda tribes that they are going to be sent out of Coast Province. If we did that then we have also got ways of telling our own people to hit back. I think we better tell people from the Miji Kenda community: "Watch out" because the moment you set upon our people down there, we are also going to set upon you here and we can tell our people to defend themselves and revenge. However, I do not think we have reached that level yet. But all this is happening because we have a Government that has abdicated its responsibility by letting people kill one another without taking action.

We are challenging the Government to take action. We do not want to provoke people to take the law into their own hands. It happened in 1992/93 and we would not want to have a repeat of the same. If at all we want to have a peaceful transition beyond the year 2002, I think it is always good and proper for the Government to take upon itself to ensure that they do not send the wrong signals by letting people kill one another.

Mr. Temporary Deputy Speaker, Sir, there has been a bit of misuse of liberalisation programmes. Liberalisation is supposed to ensure that the local industries compete favourably with the imported commodities. I think it is also important to ensure that local industries are protected. Certainly a lot of cheap goods are being dumped into this country without necessarily paying rightful duties. I think time has come when the Government has to protect its own industries. It has to be able to ensure that there is employment. A lot of Kenyan people are losing employment due to the fact that goods from elsewhere like South Africa, Dubai, and South East Asia are being dumped into this country without rightful duties being paid. It is important that local industries are given priority so that they can produce goods that not only compete favourably with other imported goods, but are able also to create jobs for our

own people.

Mr. Temporary Deputy Speaker, Sir, the other issue which is also important as far as liberalisation is concerned, is that there have been sectors within the industrial community, the Kenya Association of Manufacturers (KAM) in particular, condemning mitumba clothes or motor vehicles. Kenyan people are so poor that they cannot afford to buy new things. Kenyan people have been so impoverished that the best they can now afford is to buy second hand clothes and motor vehicles. It does not make sense at all when KAM comes up and condemns mitumba. There is no way at all that an ordinary Kenyan can afford to buy a new Mercedes Benz car. If anything, even a mitumba car from Dubai is not within his reach. Therefore, I think we should not be condemning mitumba but rather ensuring that rightful duty is paid on those mitumbas when they are imported into this country.

Mr. Temporary Deputy Speaker, Sir, perhaps, this country requires us to address the issues that are more important and economic in nature so that we can bail ourselves from the current downturn there is. We have taken so much time politicking in this country. We have taken so much time talking about the Constitutional Review process. If you look at the other economies like the US, UK, Japan and others, you will notice that they have no time to politic.

The Assistant Minister for Tourism, Trade and Industry (Mr. Sankori): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Bill has been discussed exhaustively and I would like to move that the Mover be now called upon to reply.

Mr. Murathe: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have just ruled that this debate is so important and that if there is any business that goes on in this House that affects the lives of Kenyans, it is the Finance Bill. You have just ruled barely two minutes ago. I believe the hon. Member is being mischievous and if they continue like this, we are going to mobilise our people to come and defeat this Bill right now, if that is what they want.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Murathe! Order, Mr. Muihia! I did say at that time that the debate may be continued because of the mood that was prevailing in the House at that time. However, the hon. Member is entitled to raise a point of order on that matter under Standing Order No.80. Accordingly, I wish to now put the question.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Kariuki. If you look at Standing Order No.80 (1), it is perfectly in order. So, for any hon. Member to stand on a point of order on that matter is wrong. It does not matter even if you were on the Floor. However, it is now upon the Chair to decide. I, therefore, will put the question that the Mover be called upon to reply.

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

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Murathe! There is no debate. If you look at Standing Order No. 81 (1), you will notice that there is no debate on that matter. Therefore, I will put the Question.

(Question that the Mover be now called upon to reply put and agreed to)

The Minister for Finance (Mr. Okemo): Mr. Temporary Deputy Speaker, I beg to reply. I will go very rapidly because I have very short period of time within which to reply.

I have noted the useful contributions the hon. Members have made during the debate on the Finance Bill. I would also like to record my appreciation for the frank, constructive deliberations, suggestions which the Members of the Departmental Committee on Finance, Planning and Trade have made on this Bill.

Mr. Temporary Deputy Speaker, Sir, it is not possible for us to agree on all matters of public policy. However, we all agree on the need to find ways and means of re-starting economic growth and sustaining it at a level which is consistent with our national objectives, of reducing poverty and unemployment. In my view, this is an important achievement which should form the basis of the way forward.

I would like to assure the hon. Members that, their concerns, contributions and suggestions will be taken into consideration when evaluating possible amendments to the Finance Bill. However, I must be frank with this House that, we have very little room for manoeuvre and, as such, we may have to be forced to take very hard choices.

Mr. Temporary Deputy Speaker, Sir, I do not intend to respond to all issues raised during the debate on the Bill. I will only comment on some of them. However, all contributions have been noted for full evaluation and consideration. Hon. Members expressed the need to continue protecting the agricultural sector, and I fully agree with them. Our farmers need reasonable protection in order to help them produce adequate food to feed our people. Unfortunately, of late the weather has not been so good and, therefore, agricultural output has declined substantially.

In addition, since 1997, the sector has suffered from additional vagaries of high interest rates, poor

infrastructure and a strong shilling. With the recent depreciation of the shilling, the balance has tilted against imports. However, the Government will continue with measures to ensure that there is no dumping of undesirable and inappropriate agricultural imports.

Mr. Temporary Deputy Speaker, Sir, with regard to poor infrastructure, the Government will continue to enhance the current rehabilitation efforts. Hon. Members will have noted the *El-Nino* projects which are now operational. Besides, the Government has initiated action to weed off those who have been involved in corruption and mismanagement of Road Maintenance Levy and these efforts will continue. We appeal to courts to process cases already before them expeditiously in order to send very clear signals to the effect that there will be zero tolerance on corruption. As we have indicated on several occasions, no effort will be spared in our fight against dishonesty in the management of public funds. In this connection, I would like to inform hon. Members that new contracting rules have been published and will be enforced to ensure that the public gets value for money.

Mr. Temporary Deputy Speaker, Sir, hon. Members have expressed concern over the re-introduction of the Presumptive Income Tax that is charged on designated number of agricultural products. This tax has been re-introduced to save farmers unnecessary costs and problems. As will be recalled, the Presumptive Income Tax was suspended under the 1998/99 Finance Bill with the suspension being effective on 1st January, 1999. Within three months of its removal, representatives of commercial farmers, in their letter to the Ministry, complained of their inability to comply with the Income Tax Act provisions which spelt quarterly out submission of returns and payment of quarterly income tax.

The farmers have indicated that their business has to be treated differently from other businesses. They complain of a backlog of appeals and bad relations with the Kenya Revenue Authority (KRA) as a result of current provisions on taxation of agricultural products.

Their letter states as follows:

"Many farmers do not have the means of quick accounting. The added burden of obtaining professional help to make tax computations, to lodge appeals and estimate profit or loss ahead of time is in most cases too costly and should be unnecessary."

This is a letter coming from the farmers and that is the reason why we have re-introduced Presumptive Income Tax because the farmers have requested for it.

Mr. Temporary Deputy Speaker, Sir, these are the problems the Presumptive Income Tax seeks to avoid. Otherwise, farmers will be spending much more money to pay accountants and tax consultants, just to prove that they have only a small tax or no tax to pay. At two per cent of Presumptive Income Tax, a farmer who earns Kshs1 million will pay a tax of Kshs20,000, yet without Presumptive Income Tax, he would have to spend Kshs50,000, if not more, to have accounts prepared and to get his tax returns filed with KRA.

The other problems experienced by the farmers include inadequate record keeping, which means in majority cases, they cannot provide and justify proof of expenditure. In addition, most of the small or medium scale farmers use their own and family labour which is not arms-length employment and, therefore, not tax deductible. As result, farmers end up paying more taxes than they should otherwise pay. It is for this reason that the Government decided to assist the farmers by bringing back the Presumptive Income Tax. This decision was based on express need by the farming community themselves. It was not re-introduced to penalise the farmers, as has been suggested. The Presumptive Income Tax will also lower the cost of tax administration and, therefore, reducing the cost to the economy.

Mr. Temporary Deputy Speaker, Sir, I have noted the sentiments of the hon. Members with regard to increased paid-up share capital required for banks. The increase was prompted by the following factors; which no doubt hon. Members will appreciate.

Firstly, the level of non-performing assets has more than doubled since 1995. When the value of these assets is deducted from the paid-up share capital and unimpaired reserves, the core capital, which forms the basis for lending, gets reduced. In most cases, this means that the banks affected should not take on additional deposits or they should not lend more money.

Secondly, as it is clear to all, since 1995, the Kenya Shilling has depreciated by close to 70 per cent. Consequently, the capital base in relation to external dealings has declined proportionately. It is, therefore, necessary to restore the balance, otherwise, the banks will be overexposed on external commitments or be forced to reduce their external operations.

Thirdly, arising from the on-going globalisation, local banks must be prepared to compete with external banks through electronic banking. Hon. Members, unfortunately, it is not---

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do appreciate that there is really not much time.

Mr. Temporary Deputy Speaker, Sir, however, is the Minister really in order to promise the banks that he is going to look into that and amend the Finance Bill when he comes and refuses to amend the same, which is going to

put the banks into a very serious situation?

The Minister for Finance (Mr. Okemo): Mr. Temporary Deputy Speaker, Sir, the amendments will come at the Committee Stage. The Leader of the Official Opposition raised an important matter regarding the role of savings societies (SACCOs), which are important vehicles of mobilizing savings.

Mr. Temporary Deputy Speaker, Sir, I would like to put on record that, I have attended all the Finance Committee meetings and the assertion by hon. Nyachae that I have never attended any of the meetings, is actually a lie. Sorry, it is dishonest.

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

(Applause)

(Question put and agreed to)

*(The Bill was read a Second Time and committed
to a Committee of the whole House tomorrow)*

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Musila): Hon. Members, it is now time to interrupt the business of the House. Therefore, the House stands adjourned until tomorrow, Wednesday, 10th November, 1999, at 9.00 a.m.

The House rose at 6.30 p.m.